

MINUTES OF MEETING HELD MAY 8, 2000

The Common Council of the City of Somerset, Kentucky, met in regular session on Monday, May 8, 2000 at 7:00 p.m. with the following present: Mayor JP Wiles, Council Members Joann Norfleet, Clarence Floyd, G. Paul Wilson, Jerry Wheeldon, James R. Daughetee, Charles New, Richard Denham, John R. Minton, William Earl Owens, James P. Bourne, Geraldine Muse and Peggy Dugger, City Attorney Joe Travis and Deputy City Clerk Ann Muse. Absent: City Clerk David Godsey.

Mr. Daughetee moved all departmental bills for the month of April be approved. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Wheeldon moved the minutes of the last regular meeting held April 24, 2000 and the reports be approved as delivered. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

First reading was given the following Ordinance:

ORDINANCE NO. 2000-11

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000, ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET (ORDINANCE NO. 99-11) HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY;

WHEREAS, THE COMMON COUNCIL HAS REVIEWED THE PROPOSED CHANGES LISTED IN THIS AMENDING ORDINANCE;

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

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000 BE AMENDED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$ 7,160,999.00	\$ 7,160,999.00
	\$ 9,660,999.00	\$ 9,660,000.00
GAS SERVICE	\$ 5,541,950.00	\$ 5,541,950.00
	\$ 7,541,950.00	\$ 7,541,950.00
WATER SERVICE	\$ 4,129,500.00	\$ 4,129,500.00
	\$ 7,129,500.00	\$ 7,129,500.00
WASTE WATER	\$ 2,235,500.00	\$ 2,235,500.00
PARKS AND REC	\$ 422,400.00	\$ 422,400.00
EMS	\$ 1,970,764.00	\$ 1,970,764.00
TOTAL ALL FUND	\$21,461,113.00	\$21,461,113.00
	\$28,961,113.00	\$28,961,13.00

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

FIRST READING MAY 8 ,2000

Mr. Floyd moved the above Ordinance be approved on its first reading. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Daughetee moved to approve 1999-2000 budget line item adjustments as presented. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

The following Resolution was read:

RESOLUTION

RESOLUTION OF THE CITY OF SOMERSET AUTHORIZING THE FILING OF A U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT APPLICATION.

WHEREAS, it is necessary and in the public interest that the City of Somerset avail itself of the financial assistance provided by the U. S. Environmental Protection Agency, and

WHEREAS, it is recognized that Federal/State contract for such financial assistance pursuant to said U.S. Environmental Protection Agency regulations will impose certain obligations and responsibilities upon the City of Somerset and will require among other things:

- (1) approval of a satisfactory application transmitted to the Kentucky Division of Water;
- (2) certification by the City of Somerset relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies and accounting practices; and
- (3) other local obligations responsibilities in connection with the undertaking and carrying out of the U.S. Environmental Protection Agency Grant Program; and

WHEREAS, in those areas where acquisition and clearance is proposed, the objectives of the program cannot be achieved through more extensive rehabilitation and a displacement strategy has been formulated;

NOW, THEREFORE, be it RESOLVED by the City of Somerset;

- (1) that the United State of America and the Commonwealth of Kentucky, be and hereby are, assured of full compliance by the City of Somerset with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy Act of 1968.
- (2) that the City of Somerset is hereby authorized and directed to prepare such certification and to assure full compliance with all certifications as outlines in (1) above, and all other pertinent regulations.
- (3) that an application on behalf of the City of Somerset for grant up to \$1,333,350.00 of said U. S. Environmental Protection Agency grant funds us hereby approved and the Mayor is authorized to execute and file such application with U. S. Environmental Protection Agency, to provide such additional information and to furnish such documents as may be required, and to act as the authorized correspondent of the City of Somerset relating to the U. S. Environmental Protection Agency Grant Program.

JP Wiles, Mayor

Mr. New moved the above Resolution be approved. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheelton.

Mr. Minton moved to approve the advertising of bids for blacktop, cold mix and concrete. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheelton.

The following zone change request was submitted to the P & Z Board:

Application For Zoning Amendment/Development Plan Approval To The
Somerset Planning Commission
Application No. 00-02

The undersigned owner(s) of the following legally described property hereby requests the consideration of change in zoning district classification approval of development plan as specified :

1. Name of Applicant: J W Grabeel, 118 N Richardson Dr., Location Description: Behind Southside Church of God of Prophecy, 1.33 acres; Existing use R-2, Proposed Use B-2, Present Zone R-2, Proposed Zone B-2.

Date: 4/5/2000

Applicant/Owner J. W. Grabeel, II

First reading was given the following ordinance:

ORDINANCE NO. 2000-12

AN ORDINANCE AMENDING ORDINANCE NO. 80-13, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2

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

That Ordinance no. 80-13, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned R-2 to B-2:

TRACT #1: A certain boundary or parcel of land lying on the west side of Monticello Road, a short distance from the City of Somerset, Pulaski County, Kentucky, and being more particularly bounded and described as follows:

Beginning at an iron pipe in the west right of way line of Monticello Street (old U>S> 27) and corner of Flynn property, and running North 78 deg. 09 min. west 432.5 feet to a corner post; thence North 12 deg. 20 min. East 118 feet to a corner post and Neikirk's corner; thence with Neikirk's line, South 78 deg. 00 min. East 427.7 feet to an iron pin in the west right of way of said street, South 10 deg. West 117 feet to the point of beginning, as shown by survey of J. H. Sturgill, Engineer, dated August 15, 1966.

TRACT #2: A certain lot of land lying and being on the west side of Monticello Street in the City of Somerset, Pulaski, County, Kentucky, and more particularly described as follows:

Beginning in the right of way of Monticello Street 20 feet south of Kraft's corner; thence 10 deg. W 100 feet to a corner of Grabeel lot; thence N 78 deg. W 267.7 feet; thence N 12 deg. 20 E 100 feet to a stake which is 20 feet from the Kraft line; thence S 78 deg. E 264.5 feet parallel with the Kraft line and 20 feet south thereof to the point of beginning.

Property known as : 417 Monticello Street, Somerset, Kentucky 42501

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

First reading May 8, 2000

Mr. Bourne moved the above Ordinance be approved on its first reading. Mr. Denham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughette, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

The following letter was present:

April 28, 2000
Joe Travis, Somerset City Attorney
P O Box 30
Somerset KY 42502

Dear Joe:

The mayor and I recently discussed a downtown property matter and decided it might be best for you to do some research prior to the May 8 Council meeting in order to answer some inevitable questions that will be raised.

I have a business interested in purchasing the building at 102/104 S Vine St. (northwest corner of Vine and Market Streets commonly referred to as the Holloway or Cardinal Printing building). Deeds to that property call for it to extend back...to a point on the east side of 14 foot public alley which is to be opened and remain open for the use and benefit of the parties hereto. The undeveloped alley appears to exist between the building in question and the next building west on Market Street.

The prospective building purchaser needs to develop a short section of this alley in order to utilize a rear overhead door for freight. He wants to pave at least the portion he needs to utilize and to leave the alley open for the use of other properties along the apparent alley. It might also prove to be beneficial to the business owner if he could travel the length of the apparent alley, connecting to another alley that leads back onto Vine Street.

I have attached a drawing showing the relative location of the various buildings along the alley and highlighted what I perceive to be the alley via a dotted line. The City has both natural gas and water services buried along portions of these alleys.

The potential problem lies with a nearby landowner who claims title to a portion of that alley and the one that connects back to Vine Street. C.K. Cundiff has filed a series of deeds, apparently annexing portions of the two alleys to his ownership. I fear this might interfere with the purchase of the building, the location of the new business and the partial or complete development of the alley. Mr. Cundiff's deed (611-384) apparently seizes ownership of portions of the two alleys along with possibly some of the body shop (Don Bryant's) property. While Mr. Cundiff's deed calls for his ownership of the disputed property, it does not cite a source of conveyance. (Mr. Cundiff has amended his deed description several times, adding property each time: DB 465-29, DB 466-470, DB 608-470 and DB 611-384).

I will be asking City Council on May 8 to determine if the alleys are truly public and, if so, if the property owner can proceed with paving the needed portion. It would also be useful in the future to know if the public has a right to use these two connecting alleys.

Time is very important in this process and the Mayor and I agree it would save a couple of weeks delay if you can determine prior to the Council meeting if these are public alleys and what steps will be necessary for the prospective purchaser to proceed with his intentions.

As a matter of reference Mr. Cundiff's original deed calling for an adjoining alley is DB 299

-556; the Vine Street building's deed noting the public alley is DB 265-246; Mr. Bryant's deed noting the existence of a 14-foot east-west alley is DB 494-477; and Mr. Cundiff's claim to portions of the alleys appear on DB 611-384, dated 1-17-98.

Thanking you,
Gib Gosser, Executive Director

Upon the opinion of the City Attorney, Mrs. Dugger moved the above mentioned alley running in a L shape from S. Vine Street to Market Street be declared an open alley way and give the City Attorney power to do whatever is necessary to keep alley open as a city alley. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Second reading was given the following Ordinance:

ORDINANCE NO. 2000-10

AN ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY AMENDING ORDINANCES 90-11, 92-07 AND 99-14 ESTABLISHING RATES AND CHARGES FOR USE OF SERVICES AND FACILITIES OF THE MUNICIPAL GAS COMPANY AND CONNECTION THERETO.

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

1. The basic gas rates within the City limits shall be as follows:
Residential and Commercial use:
Facilities Charge (applicable to any gas customer) \$5.00 per month
Gas Rate \$3.13 per DTH
2. The rates for all industrial use, within and outside the City limits, shall be as follows:
~~Each 1,000 cu. ft. used per month~~ ^{FACILITIES CHG. 5.00} ^{GAS RATE} \$2.99 per DTH
3. The rates for gas consumption for all non-industrial customers outside the City limits shall be as follows:
Facilities Charge \$5.00 per month
^{OK} ~~All Volumes~~ ^{GAS RATE} \$4.30 per DTH
4. ^{OK} The following charges will also apply inside and outside the City limits:
 - A. Connect Fee (Non-Refundable):
 - a) Residential \$ 30.00
 - b) Commercial \$100.00
 - B. Returned Checks: \$ 15.00
 - C. Tap on Fees:
 - a) Residential \$150.00
 - b) Commercial \$150.00
 - c) Industrial \$150.00
5. Any ordinance in conflict herewith is hereby repealed.
6. This Ordinance shall be in full force and effect upon passage, approval and publication according to law.

First reading April 24, 2000

Second reading May 8, 2000

Mr. Bourne moved the above Ordinance be adopted on its second reading. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mrs. Norfleet moved to remove from the table a motion on April 28, 2000 in reference to a Resolution adopting the Lake Cumberland Area Development District's CEDS update. Mr. Wilson seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

The following Resolution was presented:

RESOLUTION

WHEREAS, the Lake Cumberland Area Development District has prepared a Comprehensive Economic Development strategy; and

WHEREAS, the Comprehensive Economic Development Strategy update was completed in September, 1999, an

WHEREAS, the Somerset City Council has reviewed and concurs with the recommendations contained in the CEDS;

BE IT HEREBY RESOLVED THAT; The Somerset City Council adopts the Lake Cumberland Area Development District's CEDS update as the official Economic Development Strategy of the City of Somerset.

Signed this 8th day of MAY, 2000

Mrs. Norfleet moved the above Resolution be adopted. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Daughetee, as previously requested, reported on the total cost of extending the parking lot at the Parks and Recreation building in Rocky Hollow. This would cost, with dense grade, a total of \$31,204.60 plus in house labor. Mr. Daughetee then moved to approve this being done. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Minton moved to authorize Kentucky Utilities to install one (1) 9500 high pressure sodium street light at the intersection of Grove and Pulaski Streets and one (1) street light on the west side of 112 Burdine Street. Mr. Owens seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Daughetee moved to allow the Somerset High School to use the Rocky Hollow Recreational Building from 12:00 midnight until 4:00 a.m. for an after prom gathering. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Bourne moved to appoint Larry Troxtell to a vacancy on the Planning & Zoning Commission. Mr. Owens seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

The following bids were opened pursuant to the above Notice:

MUNICIPAL EQUIPMENT, INC.

5/5/00

City of Somerset
Somerset Kentucky

Gentlemen:

We herewith submit our bid in the amount of \$19,900.00 for one 1991 GMC/Leach Packer.

Warranty on cylinders 30 days after delivery. Unit will be available in June, 2000. Picture enclosed.

Municipal Equipment, Inc.
By: Robert Blakeman

Unit may be inspected at Kenton Co. Ky Airport. We sold this unit to them new.

APPLE VALLEY SANITATION, INC

May 4, 2000

Jim Fisher
 City of Somerset
 P O Box 989
 Somerset, KY 42502

Re: 1994 International with a 20 Leach Packer

Dear Mr. Fisher:

I would like to bid our used 1994 International truck with a 20 cubic yard Leach packer. We are asking \$25,000 for the truck "as is".

Very truly yours,
 David Lusk

Manning Equipment
 4/2/2000

City of Somerset
 400 E Mt Vernon St
 Somerset, KY 42502

Attn: David Godsey

We are pleased to quote the following used garbage packer and chassis:

1988 Peterbuilt 320 101,623 miles	44,000# Rear Axle	
240 HP Cummins Diesel	Air Brakes	
Allison HT740 Transmission	31 yd EX PACK Goliath high compaction rear loading packer	
18,000# Front Axle		
Price FOB Louisville KY		\$26,400.00

Manning Equipment, Inc.
 Michael Stich

Mr. Minton moved to award the bid for a 1991 used GMC/Leach Packer in the amount of \$19,900.00. Mr. Denham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. new moved to authorize the Mayor to enter into a contract with Lake Cumberland Area Development District for administration of a \$21,000 Community Development Block Grant for the purchase of property at 209 S Maple Street (former YMCA). Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

Mr. Wheeldon moved to adopt a series of resolutions required for compliance with provisions of a Community Development Block Grant and authorize the Mayor to sign all the necessary paper work. The adopted resolutions are as follows: Procurement Code; Section 3 Plan; Fair Housing Resolution; Resolution Concerning Access to Public Records; Affirmative Action Plan with Goals and Timetables; Drug Free Workplace Policy; Drug Free Workplace Certification; Grievance Procedure; Title VI Implementation Plan; Guide form Residential Anti-displacement and Relocation Assistance Plan and Contract for Community Development Services. Copies of said Resolutions are on file in the City Clerk's Office and made a part of these minutes by reference. Mr. Wilson seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. New, Mr. Denham, Mr. Minton, Mr. Owens, Mr. Bourne, Mrs. Muse, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wilson and Mr. Wheeldon.

There being no further business the meeting adjourned.

APPROVED: _____

J. P. Miller
 MAYOR

ATTEST: _____

David Godsey
 CITY CLERK