

MINUTES OF MEETING HELD MAY 8, 2017

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday May 8, 2017, at 7:00 p.m. with the following present: Council Members; Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, John Adams, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon and Jimmy Eastham and Mayor Eddie Girdler, City Attorney Carrie Weise and City Clerk Nick Bradley.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on April 24, 2017 along with reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

Mr. Wheeldon moved to approve a letter of intent be prepared and sent to the Pulaski County Farm Bureau pledging \$2,500 toward the construction of a weather station by Kentucky Mesonet. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

First reading was given the following Ordinance No. 17-08:

ORDINANCE NUMBER 17-08	
AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY HAVING A LEGAL ADDRESS OF 2520 SOUTH HIGHWAY 27, SOMERSET, KY, AND AS DESCRIBED BELOW AND IN THE ATTACHMENTS TO THIS ORDINANCE, SAID ATTACHMENTS INCORPORATED IN FULL HEREIN BY REFERENCE, AND	
WHEREAS, ANNEXATION REQUEST FORM(S) 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 60 DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM SIGNED BY AN AUTHORIZED AGENT OF THE OWNER(S), SAID FORM ATTACHED HERETO AND INCORPORATED IN FULL HEREIN BY REFERENCE; AND	
WHEREAS, ANY OTHER DOCUMENTS AND/OR RECORDS NEEDED TO PROCEED WITH CONSENT ANNEXATION OF THE SUBJECT PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET HAVE BEEN PROVIDED TO THE CITY; AND	
WHEREAS, THE PROPERTY MEETS 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:	
SECTION 1.	THAT THE PROPERTY, HAVING A LEGAL ADDRESS OF 2520 SOUTH HIGHWAY 27, SOMERSET, KY, MORE FULLY DESCRIBED IN THE ATTACHMENTS TO THIS ORDINANCE, HAVING A LEGAL OWNER KNOWN AS DANNY & BARBARA PROPERTIES, INC., A KENTUCKY CORPORATION REGISTERED WITH THE KENTUCKY SECRETARY OF STATE, IS FOUND BY THE CITY COUNCIL TO MEET ALL REQUIREMENTS OF ANNEXATION SET FORTH IN KRS, AND ALL OTHER APPLICABLE LAW, AND THEREFORE IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.
SECTION 2.	THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.
	FIRST READING: <u>MAY 8, 2017</u>
	SECOND READING: _____
	APPROVED: _____
	EDWARD R. GIRDLER, MAYOR
ATTEST:	NICK BRADLEY, CITY CLERK

Mr. Mitchell moved to approve the following Municipal Order No. 17-01: Authorizing the filing of a 2017 Kentucky Community Development Block Grant (CDBG) Public Service Application. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

MUNICIPAL ORDER: 17-04...

A MUNICIPAL ORDER OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING THE FILING OF A 2017 KENTUCKY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICES APPLICATION;

WHEREAS, it is necessary and in the public interest that the City avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, and the 1981 Amendments permitting the Kentucky Department for Local Government, Division of Community Development, to commence a Community Development Program within the community; and

WHEREAS, it is recognized that the Federal State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City and will require among other things:

- (1) Approval of a satisfactory application transmitted to the Kentucky Department for Local Government, Office of Federal Grants;
- (2) Certification by the City Council 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 and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block 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 ORDERED by the common council of the City of Somerset

- (1) That the United States of America and the Commonwealth of Kentucky be, and surely are, assured of full compliance by the City Council 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 Mayor, on behalf of the City of Somerset, is authorized and directed to prepare such certification and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations;
- (3) That an application on behalf of the City of Somerset for a grant of up to \$300,000 for a Public Services application of said Title I funds is hereby approved and that the Mayor is hereby authorized to execute and file such application with the State Department for Local Government, to provide such additional information and to furnish such documentation as may be required, and to act as the authorized correspondent and Executive Authority of the City of Somerset relating to the Kentucky Community Development Block Grant Program.

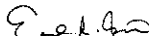
This Municipal Order shall be effective immediately upon passage by the Somerset City Council.

DATE ADOPTED: May 8, 2017

MOTION: Councilman Tom Mitchell

SECONDED: Councilman Jerry Wheeler

VOTE:	YES	NO
Councilman Donna Husley:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman John Minson:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Jim Mitchell:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman John Adams:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Amanda Bullock:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Tom Eastham:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman David Burdine:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Brian Dalton:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Jerry Wheeler:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Jimmy Eastham:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Jerry Girdler:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Mike New:	<input checked="" type="checkbox"/>	<input type="checkbox"/>


Edward R. Girdler, Mayor

ATTEST:

Nick Bradley, City Clerk

First reading was given the following Ordinance No. 17-09:

ORDINANCE NO. 17-09

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE 586, SPECIFICALLY PROVISIONS REGARDING "TAPPING FEES AND CONNECTION FEES INCIDENT TO THE USE AND SERVICES RENDERED BY THE CITY'S SANITARY SEWER SYSTEM" FOR THE CITY OF SOMERSET;

WHEREAS, ORDINANCE 586 HAS BEEN AMENDED TO ALLOW CHANGES TO FEES AND CHARGES FOR ALL OTHER ASPECTS OF SEWER SERVICE, SPECIFICALLY IN ORDINANCES 85-8, 87-11, 91-26, 98-9, 00-04, 06-07, AND 09-13, AS WELL AS UPDATED ANNUAL RATE SCHEDULES ADOPTED WITH THE CITY'S ANNUAL BUDGET ORDINANCES; AND

WHEREAS, OTHER TYPES OF FEES/RATES HAVE BEEN ADJUSTED OVER THE DECADES FOR THE SANITARY SEWER SYSTEM, FEES AND CHARGES FOR INITIAL TAPPING/CONNECTION FEES FOR SEWER SERVICE HAVE NOT BEEN UPDATED OR AMENDED SINCE SAID FEES WERE SET IN ORDINANCE 586, SPECIFICALLY SECTION 3, WHICH WAS ORIGINALLY ENACTED IN MAY 1976; AND

WHEREAS, THE CITY HAS DETERMINED THAT SAID SERVICES CAN NO LONGER BE PROVIDED FOR THE RATES ORIGINALLY SET IN ORDINANCE 586, SECTION 3, AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;

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

- (1) Ordinance 586, Section 3, adopted on May 17, 1976, is hereby repealed and replaced in full with the following:

Effective July 1, 2017, a schedule of tapping/connection fees for each tap/connection to the Sanitary Sewer System of the City of Somerset, Kentucky is hereby established, and from and after said date, payment pursuant to said schedule of tapping/connection fees shall be paid to the City within ninety (90) days of notice given to the owner or occupant of any premises where sanitary sewer service is made available by the City*. Said notice shall include a statement that the City of Somerset, and/or any other governmental agency required to approve said tap/connection, has approved, or has provided written confirmation of any such needed approval(s). Said schedule of tapping/connection fees is set as follows:

Residential	\$600.00
Apartment/Lowhouse	\$500.00 per unit
Storage Buildings	\$500.00, plus \$.10 per sq ft
Commercial Facility	\$.20 per sq ft, with a minimum charge of \$500.00**

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Industrial Facility \$4.10 per sq ft, with a minimum charge of \$1,000.00**

* This schedule is intended to cover any and all tap/connections that are considered new to the City's Sanitary Sewer System as determined by the City of Somerset, and shall not apply to "re-connects" as defined by the City.

** This fee may be adjusted by the City of Somerset for commercial, industrial and manufacturing development in order to promote the growth of Economic Development, so long as the fee charged is not less than the actual costs incurred by the City of Somerset.

(II) If any part of this ordinance amending Section 3 of Ordinance 586 is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this amending ordinance shall continue in full force and effect.

(III) Any Ordinance in conflict with this Amending Ordinance, or any policies in conflict with the ones enacted herein, are hereby repealed and replaced with the Amendments contained herein in so far as the same are in conflict herewith.

(IV) This ordinance shall be in full force and effect upon passage, approval, and publication according to law. The new rates adopted in this Ordinance shall be applied beginning July 1, 2017.

FIRST READING: May 8, 2017

SECOND READING: _____

ATTEST: _____ Approved: _____
City Clerk Mayor, Eddie Girdler

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First reading was given the following Ordinance No. 17-10:

ORDINANCE NO. 17-10

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE 01-15 AND 10-03, SPECIFICALLY PROVISIONS IN SAID ORDINANCES REGARDING TAP ON FEES AND CONNECT FEES INCIDENT TO THE USE, SERVICES AND FACILITIES OF THE CITY'S WATER DEPARTMENT FOR THE CITY OF SOMERSET.

WHEREAS, ORDINANCE 01-15 HAS BEEN AMENDED TO ALLOW CHANGES TO FEES AND CHARGES FOR ALL OTHER ASPECTS OF WATER SERVICE, INCLUDING, BUT NOT LIMITED TO, ORDINANCE 10-03, AS WELL AS UPDATED ANNUAL RATE SCHEDULES ADOPTED WITH THE CITY'S ANNUAL BUDGET ORDINANCES; AND

WHEREAS, OTHER TYPES OF FEES/RATES HAVE BEEN ADJUSTED OVER THE DECADES FOR THE WATER SYSTEM, FEES AND CHARGES FOR INITIAL TAP ON FEES FOR WATER SERVICE HAVE NOT BEEN UPDATED OR AMENDED SINCE THE ENACTMENT OF ORDINANCE 01-15, SPECIFICALLY SECTION 3 (D), WHICH WAS ORIGINALLY ENACTED IN JUNE 2001; AND

WHEREAS, THE CITY HAS DETERMINED THAT SAID SERVICES CAN NO LONGER BE PROVIDED FOR THE RATES SET IN ORDINANCE 01-15, SECTION 3(D), AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW; AND

WHEREAS, THE CITY HAS ALSO DETERMINED THAT THE CHARGES FOR OTHER TYPES OF CONNECTIONS TO THE CITY'S WATER SYSTEM AS SET FORTH IN ORDINANCE 10-03, SPECIFICALLY SECTION 3(B), SUBSECTIONS (A) AND (B), NEED TO BE ADJUSTED, AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;

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

(I) Ordinance 01-15, Section 3(D), adopted on June 11, 2001, is hereby repealed and replaced in full with the following:

Effective July 1, 2017, a schedule of tap on fees for each tap on to the Water System of the City of Somerset, Kentucky is hereby established, and from and after said date, payment pursuant to said schedule of tap on fees shall be paid in the City within ninety (90) days of notice given to the owner or occupant of any premises where water service is made available by the City*. Said notice shall include a statement that the adjacent water facility is capable of providing service to the meter(s) in the volume and manner requested. Said notice shall also include a statement that the City of Somerset, and/or any other governmental agency

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required to approve said tap on, has approved, or has been provided written confirmation of any such needed approval(s). Said schedule of tap on fees is set as follows:

5/8 Meter	\$600.00
1 in Meter	\$1,000.00
1 1/2 in Meter	\$3,000.00**
Above 2 inches	Fee will be determined by the City of Somerset's Water Department, and shall be based on factors including, but not limited to, the size, the location and the estimated cost(s). At no time shall the fee be less than the actual cost(s) incurred by the City of Somerset.**

**This schedule is intended to cover any and all tap on connections that are considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "connect or re-connect" as defined by the City and as amended below.*

***This fee may be adjusted by the City of Somerset for industrial and manufacturing developments in order to promote the growth of Economic Development, so long as the tap on fee charged is not less than the actual cost(s) incurred by the City of Somerset.*

(II) Ordinance 10-03, Section 3(B), Subsections (a) and (b), adopted on April 12, 2010, is hereby repealed and replaced in full with the following:

B. Connect Fees:

(a) Effective July 1, 2017, a schedule of non-refundable connect fees* for the Water System of the City of Somerset, Kentucky is hereby established. Said schedule of non-refundable connect fees shall apply regardless of whether the location is inside, or outside, the City's corporate limits. The schedule of non-refundable connect fees is set as follows:

Residential	\$30.00
Commercial	\$30.00-\$100.00 depending on size of meter

**This schedule is intended to cover any and all connections that are not considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "tap on fees" as defined by the City and as amended above in Section 1 of this Amending Ordinance, nor "residential re-connect after failure to pay" which are set forth in Ordinance 10-03.*

(III) If any part of this ordinance amending Section 3(B) of Ordinance 01-15, or any part of this ordinance amending Section 3(B), Subsections (a) and (b) of Ordinance 10-03, is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this amending ordinance shall continue in full force and effect.

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(IV) Any Ordinance in conflict with this Amending Ordinance, or any policies in conflict with the ones enacted herein, are hereby repealed and replaced with the Amendments contained herein 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. The new rates adopted in this Ordinance shall be applied beginning July 1, 2017.

FIRST READING May 8, 2017

SECOND READING _____

ATTEST: _____ Approved: _____
 City Clerk Mayor, Eddie Gardner

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There being no further business the meeting adjourned.

APPROVED: 
 MAYOR

ATTEST: 
 CITY CLERK