

**CITY OF BARDSTOWN**  
**REGULAR COUNCIL MEETING MINUTES**  
**2-24-09**  
**7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor J. Richard Heaton and the following Councilmen:

Councilman Reed  
Councilman Williams  
Councilman Lydian  
Councilman Sheckles  
Councilman Royalty  
Councilman Simpson

Others present were: Police Chief Marksbury, Fire Chief Mattingly, Assistant City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, City Attorney Donan, City Clerk Blincoe, Historical Review Board Administrator Bogert, The Kentucky Standard reporter Jenny Blandford, WYSB reporter Tom Redmon, WBRT-WOKH reporter Fred Hagan, PLG-TV reporter Tom Isaac, Kentucky Bourbon Festival Director Milt Spalding, Nelson County Community Clinic Secretary Luke Barlow and Kevin Brumley.

Mayor Heaton called the meeting to order.

**2009 KENTUCKY BOURBON FESTIVAL**

The street closings and City Hall lawn layout for the 2009 Kentucky Bourbon Festival were discussed and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

**RUN FOR THE HEALTH OF IT - 5K RACE**

Luke Barlow, Nelson County Community Clinic Secretary, asked for support and police assistance with traffic for the second "Run for the Health of It" race to be held on Saturday, June 20, 2009. Last year, over \$6,000.00 was raised to help Nelson County residents who do not have health insurance coverage. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST WAS APPROVED.**

**BID TAB - MOWING SERVICE**

Councilman Simpson presented the bid tab as follows:

**BID TAB**  
**2009/2010 Mowing Services**  
**Wednesday, February 4, 2009 - 10:00 a.m.**

<u>Contractor</u>	<u>Bid Price</u>
Mama's Touch Nursery	\$ 945.00
G & T Lawn Service	\$ 950.00
Murphy's Lawn Mowing Service	\$1,065.00
Robertson Mowing Service, LLC	\$5,732.50

**Recommend: G & T Lawn Service (due to incomplete bid documents) \$ 950.00**

Sympson reported that the Cemetery Committee recommended approval of the bid from G & T Lawn Service in the amount of \$950.00 per complete mowing and explained that the low bid received from Mama's Touch Nursery did not meet the bid specifications and was an incomplete bid. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE BID FROM G & T LAWN SERVICE WAS APPROVED.**

**BID TABS - CHEMICALS**

City Civil Engineer Greenwell presented the bid tabs for chemicals for the Water Treatment Plant and Wastewater Treatment Plant (see attached). The low bids were recommended for approval. The chemicals are ordered as needed during the year for both plants. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE LOW BIDS WERE APPROVED.**

**BID TAB - APPARATUS-MOUNTED VEHICLE EXHAUST REMOVAL SYSTEMS**

Fire Chief Mattingly answered questions concerning the vehicle exhaust removal systems and then requested that the matter be tabled in order to further review the bids received. The Council concurred.

**HISTORICAL REVIEW BOARD RECOMMENDATIONS**

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-04 [RECOMMENDED]

Don Coyle, 301 W. Stephen Foster Ave., has erected two flush-mounted signs: a 2 1/2' x 4 1/2' sign on the front and a 2' x 3' sign on the east side. Both signs read "DX 2 Go Medical Diagnosis Center" with address and phone number. The colors are light blue and navy blue. Neither sign includes the company logo. NOTE: The HRB affirmed staff approval of these signs at the January 12 meeting with the condition that the logo not be included in the sign.

Recommendation: To recommend approval of two flush-mounted signs ("DX To Go") on the front and east sides of the building at 301 W. Stephen Foster Ave., as specified in this application.

2. COA #09-05 [RECOMMENDED]

Thomas M. Brackett, 301 S. Fifth St., appeared before the HRB on January 12 to discuss ways to improve his property at 111 E. John Fitch Ave. The HRB requested that Mr. Brackett submit a COA application for the repair of his foundation, to be reviewed at the February 9 meeting, and to complete this work by July 1. Mr. Brackett agreed, and has submitted this COA application to repair the foundation of the main part of the house.

Recommendation: To recommend approval of the repair of the foundation of a house at 111 E. John Fitch Ave., as specified in the application, with the following conditions: Any weatherboard that is removed to access the sill will be replaced; the separation of any rear addition to facilitate jacking the main building will be temporary; and any rear addition temporarily separated will be re-attached after jacking is completed.

B. Staff Approvals [AFFIRMED]

1. 116 S. Fifth St.

Staff gave approval on February 3 for the removal of two storm-damaged and rotted trees at the front and rear of the residence.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

**UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED.**

MINUTES

The minutes from the 2-3-09 regular Council meeting were then presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

FINANCE DEPARTMENT REPORT

Chief Financial Officer Abell distributed information on the trend on unpaid utility accounts and said that with the exception of the September 2008 figures, none of the months were out of line with the department's prior experience. Less than one-half percent of the final bills were left unpaid.

He further reported that he requested the utility software company to automate a process to write off and send to collections accounts not paid 30 days after the final bill due date.

GLOBAL EXPRESS CONTRACT

The Chief Financial Officer reported on a contract with Global Express, the new vendor handling Kentucky Utilities (KU) and Louisville Gas and Electric (LG&E) payments received at City Hall. Additional information regarding the new contract will be given at the 3/10/09 Council meeting.

MUNICIPAL ORDER NO. 2009-06

Councilman Simpson presented Municipal Order No. 2009-06 recommended by the Bardstown Cemetery Committee regarding monument guidelines and regulations as follows:

**MUNICIPAL ORDER 2009-06**

**THE BARDSTOWN CITY COUNCIL OF BARDSTOWN, KENTUCKY HEREBY ADOPTS THE FOLLOWING MONUMENT REQUIREMENTS AND REGULATIONS FOR THE BARDSTOWN CEMETERY AS RECOMMENDED BY THE BARDSTOWN CEMETERY COMMITTEE AS A MUNICIPAL ORDER:**

**BARDSTOWN CEMETERY  
MONUMENT REGULATIONS AND GUIDELINES**

1. Because of their durability, monuments made of granite, marble or bronze are recommended. Concrete, wood, artificial stone, tin or iron memorials are not permitted.
2. No memorial can be erected on any cemetery lot without the required application and approval and compliance with footing specifications. All foundations shall be wet-poured, 18" to 24" deep, and set in place (no pre-cast foundations or dry mix are allowed). Footstones shall be pinned to a concrete backing.
3. Persons or entities engaged in setting monuments shall be insured and shall maintain current proof of insurance statements on file at City Hall and shall acknowledge responsibility for any damage or injury to cemetery visitors, workers, property and/or structures as a result of their negligence or installation of defective monument in order to receive permission to set monuments in the cemetery.
4. The Bardstown Cemetery Committee shall have the right to exclude or remove any memorial or other structure, which in its sole discretion, it considers to be offensive, improper, injurious or unsightly to the surrounding lots or grounds.

Adopted this 24<sup>th</sup> day of February 2009.

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MUNICIPAL ORDER WAS APPROVED.**

LAND AND WATER CONSERVATION FUND-GRANT APPLICATION

The Mayor presented a resolution/Municipal Order No. 2009-05 needed to apply for grant funds for the Recreation Department to supply irrigation for ball fields at Dean Watts Park. This would be a 50 percent matching grant.

**LAND AND WATER CONSERVATION FUND  
2009 GRANT APPLICATION  
RESOLUTION**

**WHEREAS**, the City of Bardstown proposes to renovate recreational resources to provide for the health and well being of the general public, and

**WHEREAS**, the City of Bardstown intends to make application to the Department for Local Government for assistance under the Land and Water Conservation Fund Act of 1965, and

**WHEREAS**, the Land and Water Conservation Fund is limited to funding a maximum of fifty percent (50%) of the proposed project costs estimated at (\$105,438.00).

**NOW THEREFORE BE IT RESOLVED**, that the City of Bardstown hold in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance, and

**BE IT FURTHER RESOLVED**, that in the event a grant is awarded, the City of Bardstown understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Right Act and Section 504 of the 1973 Rehabilitation Act.

**UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE RESOLUTION/MUNICIPAL ORDER NO. 2009-05 WAS APPROVED.**

**REAPPOINTMENTS/APPOINTMENT**

Mayor Heaton informed the Council that he wanted to reappoint Walter Norton and Jere Roche to the Bardstown-Nelson County Air Board for four-year terms. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENTS WERE APPROVED.**

The Mayor requested that Guthrie McKay be reappointed to the Cable TV Programming Committee for another three-year term. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENT WAS APPROVED.**

The Mayor requested that the appointment of David Hill to replace Steve Hayden on the Wickland Board be tabled in order to receive additional information.

**CEMETERY COMMITTEE REPORT**

Councilman Simpson reported that students from Elgin High School in Elgin, Illinois had assisted with the storm cleanup in the Bardstown Cemetery. The students were part of a 'Pay It Forward' program and helped Bardstown and two other communities with various projects.

The 2009 Spring Cleanup at the cemetery will be held on Saturday, March 7, 2009 and families are requested to remove items on grave spaces that might hinder mowing or pose a safety threat. Items such as shepherd's hooks, eternal flames and glass ornaments will need to be removed.

**CHANGE IN MEETING SCHEDULE**

Mayor Heaton reported that the Planning Commission would hold a Green Infrastructure Training on March 24, 2009 from 5:00 pm to 7:00 pm. He suggested that the Council meeting on that night be held at 7:30 PM instead of 7:00 PM so that the Council and staff could attend. The Council concurred.

**FIRE DEPARTMENT REPORT**

Fire Chief Mattingly reported that there were 51 runs made so far during the month of February that included several structure fires and traffic accidents.

**POLICE DEPARTMENT REPORT**

Police Chief Marksbury reported on a fatality that occurred on KY 245 and arrests that were made in connection with a mobile Meth lab. Another drug bust was made in the Springhill Subdivision.

Marksbury invited anyone interested to stop by the Police Department to observe the Fire Arms Training Simulator provided by the Kentucky League of Cities. The machine will be located at the department through March 9, 2009.

**KENTUCKY RURAL WATER ASSOCIATION MEETING**

City Civil Engineer Greenwell reported that he had attended the meeting held in Bowling Green that pertained to the stimulus plan.

**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009-STIMULUS PACKAGE PROGRAM**

Public Works and Engineering Director Hamilton reported that Assistant City Administrator Green was working on prioritizing the projects to submit to the state by February 27, 2009. The main projects will be the renovation of the Bardstown Water Treatment Plant, the Bloomfield Road force main sewer line, the water line to the Nelson County Industrial Park, and the downtown water line project. The City will be advertising for requests for qualifications from engineering firms for the water and sewer projects. Mayor Heaton stated that the state predicted that there would be 100 times more requests by governments than the amount of money available.

**KENTUCKY UTILITIES (KU) RATE INCREASE**

Hamilton updated the Council on the electric rate case between MEPAK and KU. The new rate will take effect on May 1 for the July 1 billing. The City will need to adopt a rate to cover the proposed increase from KU by July 1<sup>st</sup>, if possible.

**WEBSITE FOR REPORTING SEWER FLOWS**

Assistant City Administrator Green gave an update on the City's website that will assist with matters associated with the state's Agreed Order relative to sanitary sewer overflows. It will be used to supply information to the public and for the public to use to report sewer overflows.

**CEMETERY DEEDS**

Cemetery deeds were presented for Linda Sonne, Doug and Gayle Hutcherson and Arthur and Magdalun Reed and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

**ADJOURNMENT**

Being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:20 PM.**

**ATTEST:**

**CITY OF BARDSTOWN**

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J. Richard Heaton, Mayor

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Bobbe Blincoe, City Clerk