

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

8-11-09
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 Lydian
Councilman Reed
Councilman Royalty
Councilman Sheckles
Councilman Simpson
Councilman Williams

Others present: Asst. City Administrator Green, Police Captain Strunk, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, Chief Financial Officer Abell, City Attorney Donan, Acting City Clerk Bryant, The Kentucky Standard reporter Stephanie Hornback, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, PLG-TV Director Tom Isaac, Citizens Joseph Lucas, Jr. and Fred Hagan.

Mayor Heaton called the meeting to order at 7:00 p.m.

BATTLE REINACTMENT AT BARDSTOWN VILLAGE

Joseph Lucas handed out a flyer announcing the 2nd Annual "Battle for Bardstown Village" requesting the right to hold the event again this year. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE APPLICATION FOR PERMIT TO ALLOW THE FESTIVAL WAS APPROVED WITH THE CONDITIONAL USE OF PYROTECHNICAL EXPLOSIONS SUBJECT TO THE APPROVAL OF FIRE CHIEF ANTHONY MATTINGLY.** City Attorney Donan will review the ordinance §130.02 Use of Firearms and recommend updates.

RAW WATER SOURCE ALTERNATIVE

Former Councilman Fred Hagan, who resides at 3113 Yorkshire Drive, addressed the Council stating that he believed the City should analyze the question and define the requirement for raw water with use of an algorithm on growth and supply. He feels strongly that the study could be performed "in house."

MINUTES

The minutes from the 7-28-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

RECYCLING GRANT BID

Assistant City Administrator Green presented the following Bid Tab:

**2009 Recycling Equipment Bids
August 7, 2009**

	Central KY Fiber	Municipal Equipment	Protainer
One 20 HP Vertical Baler	\$15,000.00	\$10,131.00	No Bid
One 9 bin recycling trailer	No Bid	No Bid	\$17,090.00
One Aluminum Can Crusher	No Bid	No Bid	No Bid
Municipal Equipment Bid a 10 HP Baler.			

Councilmember Royalty would like to see if local welding companies could be approached to manufacture a similar type of trailer at a reduced cost to the City. The Assistant City Administrator will research this request. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE BID BY CENTRAL KY FIBER TO PURCHASE ONE 20HP VERTICAL BALER FOR \$15,000 WAS APPROVED. UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE BID BY PROTAINER TO PURCHASE ONE 9 BIN RECYCLING TRAILER FOR \$17,090 WAS APPROVED WITH THE CONDITION THAT IF A QUALIFIED LOCAL FABRICATOR CAN PROVIDE A TRAILER AT A REDUCED COST OR UP TO \$17,090, AND THE ACTION WILL NOT JEOPORDIZE THE GRANT, THE MAYOR WILL BE AUTHORIZED TO APPROVE THAT PURCHASE.**

FEMA REIUMBURSEMENT FOR 2009 JANUARY ICE STORM

The Mayor commended Risk Manager Michael Forsee for his diligence and exceptional record keeping that brought the reimbursement of \$200,000 by FEMA at such an early date. His expertise in this field is sought by other communities and cities that have experienced their first disasters.

FINANCE DEPARTMENT

Chief Financial Officer Abell highlighted the Combined Utilities' budget expenditures and revenues that were reported in the Pre-Audit Financial Report for the month ending June 2009.

SECOND READING - B2009-16 ELECTRIC RATE ORDINANCE REVISION

The second reading was presented as follows:

ORDINANCE NO. B2009-16

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 50 ELECTRICITY OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES STYLED: "AN ORDINANCE ESTABLISHING AND FIXING A SCHEDULE OF RATES TO BE CHARGED BY THE CITY OF BARDSTOWN FOR ELECTRICAL CURRENT USED BY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL CUSTOMERS OF THE CITY OF BARDSTOWN; PROVIDING AND PRESCRIBING FOR BILLING, DUE DATES AND PENALTY FOR FAILURE TO PAY CHARGES DUE WITHIN THE TIME SO PRESCRIBED; ESTABLISHMENT AND FIXING A POWER COST ADJUSTMENT SURCHARGE FOR ALL CUSTOMERS REGARDLESS OF CLASSIFICATION"

THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY, DOES ORDAIN THE FOLLOWING REVISIONS TO SECTIONS 50.03, 50.11 AND 50.12 AS FOLLOWS:

<u>E-5 Industrial (Customer owned distribution facilities*)</u>		
Minimum.....		\$1000.00
All KW.....	\$6.33	per KW
All KWH.....	\$0.04277	per KWH
All KW.....	\$6.47	per KW
All KWH.....	\$0.04234	per KWH
Power Factor Correction KW.....	\$1.00	per KW adjusted

* - As set out in the Electric Department's Rules and Regulations

SECTION 50.11. EFFECTIVE DATE.

The amendments in this ordinance shall take effect from and after its passage and publication as required by law. Rates contained herein shall be effective for **September 1, 2009** billing.

SECTION 50.12.

Part 1.All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Part 2.The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE

THE MAYOR DECLARED ORDINANCE NO. B2009-16 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

MUNICIPAL ORDER NO. 2009-10 TAX ASSESSMENT MORATORIUM 114 EAST BROADWAY

Municipal Order No. 2009-10 was presented as follows:

MUNICIPAL ORDER NO. 2009-10

RESOLUTION

A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 114 EAST BROADWAY, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY:

SECTION 1

That the "Application for Assessment Moratoriums Certificate" for the property located at 114 East Broadway, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

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UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-10 WAS APPROVED.

MUNICIPAL ORDER NO. 2009-11 TAX ASSESSMENT MORATORIUM 105 EAST STEPHEN FOSTER AVENUE

Municipal Order No. 2009-11 was presented as follows:

MUNICIPAL ORDER NO. 2009-11

RESOLUTION

A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 105 EAST STEPHEN FOSTER AVENUE, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY:

SECTION 1

That the "Application for Assessment Moratoriums Certificate" for the property located at 105 East Stephen Foster Avenue, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

The application was presented one month after work had begun on the renovation. UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-11 WAS DENIED.

MUNICIPAL ORDER NO. 2009-12 TAX ASSESSMENT MORATORIUM 105 NORTH FIRST STREET

Municipal Order No. 2009-12 was presented as follows:

MUNICIPAL ORDER NO. 2009-12

RESOLUTION

A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 105 NORTH FIRST STREET, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY:

SECTION 1

That the "Application for Assessment Moratoriums Certificate" for the property located at 105 North First Street, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-12 WAS APPROVED.

RAW WATER SOURCE ALTERNATIVES

Public Works and Engineering Director Hamilton reported on the proposal for engineering services prepared by Kenvirons, Inc. that would review and update the 1989 and 2002 Raw Water Source Studies. The proposal will also include the alternative of a raw water pipeline to Salt River, evaluate the impact of dredging Sympson Lake and evaluate the reliability of the river flows to the extent of the existing data. The proposed cost is \$20,650. The Mayor remarked that the US Army Corps of Engineers had been granted approximately \$20,000 with the help of Congressman Brett Guthrie to assist in the review. After discussion, and UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE PROPOSAL FOR ENGINEERING SERVICES BY KENVIRONS IN THE AMOUNT OF \$20,650 TO DO A RAW WATER STUDY WAS APPROVED WITH THE CONDITION THAT THE PROPOSAL BE CORRECTED TO IDENTIFY THE LAKE AS "SYMPSON LAKE" INSTEAD OF "LAKE SYMPSON."

NELSON COUNTY INDUSTRIAL PARK 16" WATER MAIN - PROJECTED COSTS

Public Works and Engineering Director Hamilton presented the preliminary estimate of projected costs, in the amount of \$1,611,000, to install the 16" water transmission main to the Nelson County Industrial Park elevated water tank.

OLD BLOOMFIELD ROAD RESURFACING

Public Works and Engineering Director Hamilton stated that he felt he had misinterpreted the question asked by the Kentucky Standard about the project along Old Bloomfield Road. Instead of the sewer line project, the public question was regarding the condition of the roadway. The road has been graded and it will be paved according to the project specifications.

STIMULUS GRANT FUNDS FOR RURAL UTILITY SERVICES - FAIRFIELD

City Electrical Engineer Mills reported that he is working on a grant that will help cover the costs for a build to the City of Fairfield.

FREE CABLE AND INTERNET INSTALLATION FOR BLOOMFIELD AND BLOOMFIELD ROAD

City Electrical Engineer Mills feels strongly that the City should offer free installation, through a 90-day window, to new subscribers who are now available through the new purchase and build to Bloomfield. This area is being hit hard by the competition to sign contracts; they are also offering free installation. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, FREE INSTALLATION DURING A 90-DAY PERIOD FOR ALL NEW CITY OF BLOOMFIELD AND BLOOMFIELD ROAD CUSTOMERS DEFINED BY THE MAY CONSTRUCTION BLOOMFIELD AREA BUILD, INCLUDING THE BLAZER HEIGHTS SUBDIVISION, WAS APPROVED.**

MISCELLANEOUS

City Civil Engineer Greenwell reported that work has begun to widen Highway KY245 to five lanes north of Nazareth Road to Flaget Memorial Hospital.

CITY FIVE-YEAR ANNIVERSARIES

The Mayor announced that Chuck Montgomery would celebrate his ten-year anniversary with the Fire Department.

EXECUTIVE SESSION-KRS 61.810 (1)(F)

Mayor Heaton announced that the Council needed to go into an Executive Session pursuant to KRS 61.810 (1)(F), to discuss the personnel. **UPON MOTION OF COUNCILMEMBER ROYALTY, DULY SECONDED BY COUNCILMEMBER WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO AN EXECUTIVE SESSION AT 9:00 PM.**

UPON MOTION OF COUNCILMEMBER REED, DULY SECONDED BY COUNCILMEMBER WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 9:35 PM.

The minutes will reflect that no action was taken during the Executive Session.

UPON MOTION OF COUNCILMEMBER LYDIAN, DULY SECONDED BY COUNCILMEMBER SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL AUTHORIZED THE MAYOR TO HIRE COUNSEL TO REPRESENT TWO EMPLOYEES REGARDING A COMPLAINT TO THE JOINT ETHICS BOARD ARISING FROM THEIR OFFICIAL CITY DUTIES. THE PAYMENT FOR THIS LEGAL REPRESENTATION IS QUALIFIED TO THE EXTENT THAT IF IT IS PROVEN TO THE SATISFACTION OF THE MAYOR AND CITY COUNCIL THAT THE EMPLOYEES WERE NOT ACTING IN THEIR AUTHORIZED CAPACITY AS EMPLOYEES, BUT WERE ACTING AS PRIVATE INDIVIDUALS, THEN THE COUNCIL RESERVES THE RIGHT TO REQUIRE RE-IMBURSEMENT BY THE EMPLOYEES FOR THE LEGAL COSTS.

CEMETERY COMMITTEE MEETING

Councilman Simpson announced that there would be a Cemetery Committee meeting on August 12, 2009 at 8:30 a.m.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 9:40 PM.**

ATTEST:

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

Barbie Bryant, Acting City Clerk