

FEBRUARY 19, 2013

ROLL CALL: MARY BRADLEY, CARL ELLIS, KEN KERKHOFF, ANN MILLER, OWEN ROBERTS AND BRIAN TRAUGOTT WERE PRESENT. ALSO PRESENT WERE MAYOR FRED SIEGELMAN AND CITY ATTORNEY BILL MOORE.

DEPT. HEADS: BART MILLER, FRANKIE SHUCK, JOHN WILHOIT AND ALLISON WHITE WERE PRESENT REPRESENTING THEIR RESPECTIVE DEPARTMENTS.

MOTION BY ELLIS, SECONDED BY BRADLEY TO MAKE A CORRECTION TO FEBRUARY 19, 2013 MINUTES BY REMOVING NAME OF NEWLY HIRED WASTEWATER TREATMENT PLANT OPERATOR'S NAME FROM MINUTES AND TO APPROVE AND ADOPT AS CORRECTED.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-1 Water and Sewer Revenue and Revenue Refunding Bonds, Series 2013 as follows:

An Ordinance of the City of Versailles, Kentucky, Providing for the Issuance of City of Versailles Water and Sewer Refunding Revenue Bonds, Series of 2013 (The "Refunding Revenue Bonds") in the Principal Amount of \$7,820,000 (Which May Be Increased or Decreased by the Amount of \$780,000) for the Purpose of Providing Funds for Refunding at or Prior to Their Stated Maturities All of the Outstanding City of Versailles Water and Sewer Revenue Bonds of 2005, Dated August 1, 2005 (The "2005 Bonds or "Prior Issue") Through the Deposit and Investment in Escrow of a Portion of the Net Proceeds of the Refunding Revenue Bonds; Providing for the Payment of the Principal and Interest Requirements of Said Prior Issue as Same Mature or in Advance of Maturity; Setting Forth the Terms and Conditions Upon Which Said Refunding Revenue Bonds and Additional Bonds Ranking on a Parity therewith Are To Be and May Be Issued and Outstanding; Providing For the Payment of Said Refunding Revenue Bonds and the Interest Thereon; Providing for the Rights of the Registered Owners of Said Refunding Revenue Bonds and the Enforcement Thereof; and Providing for the Collection and Application of the Revenues Derived from the Operation of the Combined and Consolidated Water and Sewer System of the City.

MOTION BY KERKHOFF, SECONDED BY TRAUGOTT TO APPROVE AND ADOPT ORDINANCE NO. 2013-1 CITY OF VERSAILLES WATER AND SEWER REVENUE AND REVENUE REFUNDING BONDS, SERIES 2013.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

City Council member Bruce Southworth was present to solicit the Council input and thoughts on both the City of Versailles and City of Midway possibly meeting twice a year to discuss City government concerns and/or issues and share ideas. Mr. Southworth suggested that the City of Versailles host one of the meetings and Midway would host the second one. With the Council members in agreement to participate, it was suggested that both legislative bodies come up with three (3) topics for each meeting to discuss and that a date would be determined and announced in the future.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-2 Amending Section 50.20 of the Versailles Code of Ordinances as follows:

**CITY OF VERSAILLES
ORDINANCE NO. 2013-2**

TITLE: AN ORDINANCE AMENDING § 50.20 OF THE VERSAILLES CODE OF ORDINANCES.

WHEREAS, the Versailles City Council has reviewed the language of § 50.20 of the Code of Ordinances and determined that it is necessary and appropriate to amend said Section;

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 50.20(A) of the Code of Ordinances is hereby amended as follows:

If any user of the city's water and sewer system and/or garbage collection service shall fail to pay the bill for ~~utility~~ such services by the 25th of the month, the officers or employees of the city designated thereby to operate and manage the water and sewer system shall be authorized to pursue all rights and remedies of the city with respect to termination or discontinuation of water services to the premises involved; and in the event such termination or discontinuation ensues, service shall not be restored to such property until payment in full of any and all overdue utility bills in connection therewith, including penalties, if any, and including a reconnection and/or processing fee charge of thirty dollars (\$30.00) for restoration and/or continuance of water services.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY MILLER, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2013-2 AMENDING SECTION 50.20 OF THE VERSAILLES CODE OF ORDINANCES.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-3 Amending Section 93.06 of the Versailles Code of Ordinances as follows:

**CITY OF VERSAILLES
ORDINANCE NO. 2013-3**

**TITLE: AN ORDINANCE AMENDING § 93.06 OF THE
VERSAILLES CODE OF ORDINANCES**

WHEREAS, the Versailles City Council has reviewed the language of § 93.06 of the Code of Ordinances and determined that it is necessary and appropriate to amend said Section;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 93.06 of the Code of Ordinances of the City of Versailles are hereby amended as follows:

- (A) There shall not be deposited for collection as trash any liquid waste, sewage, human waste, rocks, dirt, tree stumps, fencing wire or demolition products or tires of any kind.
- (B) Trash collection shall not include the maintenance of private areas, or handling unmanageable wet garbage, or removing materials and objects that are beyond the physical safety limitations of the garbage collection franchisee's employees.
- (C) Refuse left over from building construction or demolition shall be removed by the builder, contractor, or property owner and shall not be collected by the city or its garbage collection franchisee.

- (D) Each subscriber household shall be allowed one (1) bulk item, such as a piece of furniture, an appliance, or similar item, per month to be picked up on Fridays only included in the monthly subscriber charge. Any additional bulk items per subscriber household during the same month shall be scheduled for pick up through the City's garbage franchisee and shall be paid for in advance directly to the franchisee. All large items, including, but not limited to, hot water heaters, tree stumps and fencing wire, shall be disposed of by the trash subscriber and shall not be the responsibility of the city or its garbage franchisee.
- (E) Garbage collection services provided by the city under this chapter shall be limited to that garbage, refuse or rubbish generated by a subscriber household. It shall be unlawful for any person to deposit garbage; refuse or rubbish not generated by a subscriber household for city collection, or permit same to be deposited for city collection. Any garbage, refuse or rubbish deposited by a non-resident of the city in an area where the city's garbage franchisee generally collects garbage, refuse or rubbish shall be presumed garbage, refuse or rubbish generated by a subscriber household. The penalty for violating this chapter shall be as prescribed in § 10.99.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY MILLER, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2013-3 AMENDING SECTION 93.06 OF THE VERSAILLES CODE OF ORDINANCES.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-4 Amending Section 93.25 of the Versailles Code of Ordinances as follows:

**CITY OF VERSAILLES
ORDINANCE NO. 2013-4**

**TITLE: AN ORDINANCE AMENDING § 93.25 OF THE VERSAILLES
CODE OF ORDINANCES.**

WHEREAS, the Versailles City Council has reviewed the language of § 93.25 of the Code of Ordinances and determined that it is necessary and appropriate to amend said Section;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 93.25 of the Code of Ordinances of the City of Versailles are hereby amended as follows:

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- (A) For administrative purposes, to facilitate the collection of charges for garbage collection service, the City Clerk shall itemize the garbage franchisee fee and the charge for garbage collection service ~~Charge~~ as a separate items on the applicable water bill of the recipient of the garbage collection service unless the city elects to require its garbage franchisee to be responsible for garbage billing.
- (B) If more than one dwelling unit is contained in any given house, ~~or apartment house,~~ or structure, such dwelling unit shall be considered a separate entity for garbage collection service and shall be billed separately for such service.
- (C) If more than one dwelling unit is served by the same water meter, the charge for the garbage franchise fee on each monthly utility bill shall be equal to the number of dwelling units multiplied times the garbage franchise fee per subscriber household.
- ~~(D)~~ The charge for garbage collection services shall be as set forth in § 93.26.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

**MOTION BY MILLER, SECONDED BY BRADLEY TO APPROVE AND ADOPT
ORDINANCE NO. 2013-4 AMENDING SECTION 93.25 OF THE VERSAILLES CODE OF
ORDINANCES.**

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller and Roberts voting aye. Council member Traugott voted opposed.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-5 Amending Section 93.04(A) of the Versailles Code of Ordinances as follows:

CITY OF VERSAILLES
ORDINANCE NO. 2013-5

**TITLE: AN ORDINANCE AMENDING § 93.04(A) OF THE VERSAILLES
CODE OF ORDINANCES**

WHEREAS, the Versailles City Council has determined that it is appropriate to amend § 93.04(A) of the Code of Ordinances to specify that garbage collection services will be provided by the City's franchisee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 93.04(A) of the Code of Ordinances is hereby amended as follows:

(A) Trash pickup will be carried out by the city, or its franchisee, once weekly and shall apply only to trash placed in front of the subscriber's residence.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

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Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY MILLER, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2013-5 AMENDING SECTION 93.04(A) OF THE VERSAILLES CODE OF ORDINANCES.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-6 Amending Section 93.16(A) of the Versailles Code of Ordinances as follows:

CITY OF VERSAILLES
ORDINANCE NO. 2013-6

**TITLE: AN ORDINANCE AMENDING § 93.16(A) OF THE
VERSAILLES CODE OF ORDINANCES.**

WHEREAS, the Versailles City Council has determined that it is appropriate to amend § 93.16(A) of the Code of Ordinances to delete the reference to official city dumps;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 93.16(A) of the Code of Ordinances is hereby amended as follows:

(A) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, ~~or in official city dumps.~~

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

THE CITY OF VERSAILLES

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

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MOTION BY MILLER, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2013-6 AMENDING SECTION 93.16(A) OF THE VERSAILLES CODE OF ORDINANCES.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2013-7 Amending Section 92.26 of the Versailles Code of Ordinances as follows:

**CITY OF VERSAILLES
ORDINANCE NO. 2013-7**

**TITLE: AN ORDINANCE AMENDING § 93.26 OF THE
VERSAILLES CODE OF ORDINANCES**

WHEREAS, the Versailles City Council has reviewed the language of § 93.26 of the Code of Ordinances and determined that it is necessary and appropriate to amend said Section;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: § 93.26 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

(A) Every person receiving city garbage collection service shall pay such service charge as is established by ~~the city's garbage franchisee and approved by the City Council.~~

(B)(1) The charge for ~~residences garbage collection service~~ shall be \$ 9.65 per ~~residence subscriber household~~ or \$ 9.65 per dwelling unit per month. In addition to the charge for garbage collection service, each ~~residence subscriber household~~ or dwelling unit shall pay a garbage franchise fee of \$ 3.00 per month. ~~The city's franchisee shall be responsible for billing garbage customers and collecting payment for services.~~

(2) The garbage collection service charge for each commercial enterprise shall be established by the city's public works director based on volume and shall also include a garbage franchise fee established by the City Council.

(C)A fine in the amount of \$ 100.00 shall be levied upon each subscriber who fails to pay ~~the a~~ garbage bill lawfully generated by the city's garbage franchisee within fifteen (15) days after receipt of notice of nonpayment from the City's enforcement officer. Each unpaid bill shall be subject to a separate fine.

(D) Failure to pay a bill for garbage franchisee fees and garbage collection services billed through the city's utility service shall result in termination of city utility services for nonpayment pursuant to § 50.20 of the Code of Ordinances and require the reconnection/processing fee described in said section for resumption of services.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of February, 2013, and fully adopted after the second reading at a meeting of said council held on the 19th day of February, 2013.

FRED SIEGELMAN, MAYOR

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ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY MILLER, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2013-7 AMENDING SECTION 92.26 OF THE VERSAILLES CODE OF ORDINANCES.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller and Roberts voting aye. Council member Traugott voting opposed.

MOTION BY ELLIS, SECONDED BY MILLER TO AMEND MOTION TO CORRECT TYPO IN ORDINANCE NO. 2013-7 ON PAGE TWO UNDER (D), LAST SENTENCE CHANGE “ARE” TO “AND”.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller and Roberts voting aye. Council member Traugott voting opposed.

At the request of Council member Bradley, City Attorney Moore gave first reading of Ordinance No. 2013-8 A Zoning Ordinance Amendment to Article II, Definitions Sections 259A, 266A, 306A, 306B.

At the request of Council member Bradley, City Attorney Moore gave first reading of Ordinance No. 2013-9 A Zoning Ordinance Amendment to Article VII, Sections 701.2, 701.4, 719.2 and 719.4.

At the request of Council member Bradley, City Attorney Moore gave first reading of Ordinance No. 2013-10 An Ordinance Amending the City of Versailles, Kentucky Annual General Fund Budget for Fiscal Year July 1, 2012 Through June 30, 2013 By Estimating Revenues and Appropriations for the Operation of City Government Services.

At the request of Council member Bradley, City Attorney Moore gave first reading of Ordinance No. 2013-11 An Ordinance Amending the City of Versailles, Kentucky Annual Enterprise Fund Budget for Fiscal Year July 1, 2012 Through June 30, 2013 By Estimating Revenues and Appropriations for the Operation of the Enterprise Fund.

At the request of Council member Bradley, City Attorney Moore gave first reading of Ordinance No. 2013-12 An Ordinance Amending the City of Versailles, Kentucky Annual Municipal Aid Road Fund Budget for the Fiscal Year July 1, 2012 Through June 30, 2013 By Estimating Revenues and Appropriations for the Municipal Aid Road Fund.

City Attorney Moore presented Resolution 2013-2 A Resolution Authorizing and Directing the Mayor to Execute a Promissory Note to Kentucky Bank For, and on Behalf of the City of Versailles in the Amount of \$600,000.00 at an Interest Rate of 2.36% Per Annum Amortized Over Ten (10) Years to Satisfy the City’s Debt Service to the Allie Hawkins Elmore Trust for the City’s Purchase of the Property Known as Grassy Springs Farm as follows:

**CITY OF VERSAILLES, KENTUCKY
RESOLUTION NO. 2013-2**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE CITY OF VERSAILLES, KENTUCKY TO EXECUTIVE A TAX-FREE LOAN IN THE AMOUNT OF \$600,000.00, AT AN INTEREST RATE OF 2.36% THROUGH THE KENTUCKY BANK TO FINANCE AND SATISFY THE ALLIE HAWKINS ELMORE TRUST DEBT SERVICE, C/O VERSAILLES PRESBYTERIAN CHURCH FOR THE CITY’S PROPERTY PURCHASE KNOWN AS GRASSY SPRINGS FARM

WHEREAS, the City of Versailles, Kentucky has determined it is in the best interest of the City of Versailles, Kentucky to enter into a Tax-Free Loan with Kentucky Bank in the amount of \$600,000.00 for the purpose of satisfying the City’s debt service to the Allie Hawkins Elmore Trust (c/o Versailles Presbyterian Church) loan at a more desirable financial arrangement.

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WHEREAS, this Resolution will provide for immediate payment of funds to the Allie Hawkins Elmore Trust, c/o Versailles Presbyterian Church, in the amount of \$694,136.56, with \$600,000.00 being provided through execution of this “Note” with Kentucky, and the remainder of \$94,136.56 being provided by appropriations of the City’s Fiscal Year 2012-13 amended budgeted funds.

WHEREAS, this Resolution will allow for the Tax-Free loan in the amount of \$600,000.00 for a period of thirty-six (36) months, amortized over a Ten (10) Year term, with quarterly principal and interest payments to begin _____, 2013 at an interest rate of 2.36% with a \$250.00 origination fee.

NOW, THEREFORE, BE IT RESOLVED by the City of Versailles, Kentucky, that the City of Versailles, Kentucky will enter into a “Tax-Free” status loan as stated above.

Introduced and fully adopted at a meeting of the City Council of Versailles, Kentucky held on February 19, 2013.

APPROVED:

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY KERKHOFF, SECONDED BY TRAUGOTT TO APPROVE AND ADOPT RESOLUTION NO. 2013-2 AS PRESENTED.

Discussion

Council members Kerkhoff and Miller expressed their desire to have such future loan needs to be put out for public bid and/or to solicit Request for Proposals in the future. Council member Ellis inquired as to whether or not the loan contained an early payoff penalty and Mr. Moore noted that it did not. City Attorney Moore noted that a type of service such as a loan of this nature, is routinely considered to be of a professional and technical services and therefore does not require bids, only council authorization to proceed.

The vote was as follows: Bradley, Ellis, Kerkhoff, Roberts and Traugott voting aye. Council member Miller abstained from voting.

City Attorney Moore presented Resolution 2013-3 A Resolution Supporting the Expansion of the City Tax Base In Order to Relieve Tax Burdens on Versailles Citizens as follows:

**CITY OF VERSAILLES, KENTUCKY
RESOLUTION NO. 2013-3**

WHEREAS the City of Versailles has a compelling interest in expanding the tax base in order to relieve the tax burden on working citizens of Versailles.

WHEREAS jobs created by new retail and dining establishments would provide employment opportunities to citizens of all ages and skill levels.

WHEREAS our neighboring counties have drawn Versailles residents to spend money at their retail establishments.

WHEREAS providing added large-scale shopping opportunities for our citizens would give them greater incentive to patronize our existing local shopping and dining establishments.

WHEREAS the commercial options for youth in Versailles are few and far between, and the citizens would benefit for a safe and affordable place for them to be entertained.

WHEREAS every county in central Kentucky other than Woodford has a Wal-Mart.

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WHEREAS a large number of our citizens have expressed their frustrations at traveling to neighboring communities to spend consumer dollars, particularly when gas prices rise.

WHEREAS driving to neighboring counties for shopping and entertainment causes significant air pollution.

WHEREAS the citizen taxpayers of Versailles would benefit from the addition of high-tech commercial jobs, manufacturing firms, and professional offices.

WHEREAS many have noted a perception exists that Versailles is unwelcoming to business.

WHEREAS there is abundant land that is properly zoned for commercial enterprises.

NOW, THEREFORE BE IT RESOLVED BY THE VERSAILLES CITY COUNCIL that the City expresses its support for a large commercial retailer locating within the limits of Versailles; and that the city expresses its support for additional professional service and advanced manufacturing firms; and that the city expresses its support for more family-friendly locations to patronize, such as a bowling alley, movie theater, arcade, etc.

This Resolution shall become effective on the date of its passage. Adopted this the 19th day of February, 2013.

**FRED SIEGELMAN, MAYOR
CITY OF VERSAILLES, KENTUCKY**

ATTEST:

**ALLISON B. WHITE, CITY CLERK
CITY OF VERSAILLES, KENTUCKY**

MOTION BY TRAUOGOTT, SECONDED BY BRADLEY TO APPROVE AND ADOPT RESOLUTION NO. 2013-3 A RESOLUTION SUPPORTING THE EXPANSION OF THE CITY'S TAX BASE IN ORDER TO RELIEVE TAX BURDENS ON VERSAILLES CITIZENS.

The vote was as follows: Bradley, Ellis, Kerkhoff, Roberts and Traugott voting aye. Council member Miller voting opposed.

Discussion

Councilman Ellis questioned whether or not that the Resolution should address a specific business, referencing "Wal-mart" in particular. Mr. Moore noted that the Council could amend the language anyway they wanted by making a motion.

MOTION BY ELLIS TO AMEND LANGUAGE OF SENTENCE REFERENCING "WAL-MART" TO READ "WHEREAS EVERY COUNTY IN CENTRAL KENTUCKY OTHER THAN WOODFORD HAS MUCH BETTER SHOPPING OPPORTUNITIES".

Mr. Ellis' motion died for a lack of a second to his motion.

MOTION BY KERKHOFF TO AMEND LANGUAGE OF SENTENCE REFERENCING "WAL-MART" TO READ "WHEREAS EVERY COUNTY IN CENTRAL KENTUCKY OTHER THAN WOODFORD HAS SOME FORM OF BIG BOX STORE".

Mr. Kerkhoff's motion died for a lack of a second to his motion.

MOTION BY MILLER, SECONDED BY ELLIS TO AMEND LANGUAGE OF SENTENCE REFERENCING "WAL-MART" TO READ "WHEREAS EVERY COUNTY IN CENTRAL KENTUCKY HAS A WIDER VARIETY OF SHOPPING OPPORTUNITIES THAN VERSAILLES AND WOODFORD COUNTY".

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The vote was as follows: Ellis, Kerkhoff and Miller voting aye. Council members Bradley, Roberts and Traugott voting opposed. Mayor Siegelman issued a tie-breaking vote by voting opposed. The motion fails.

MOTION BY ELLIS, SECONDED BY MILLER TO AMEND RESOLUTION NO. 2013-3 BY REMOVING THE ENTIRE SENTENCE READING “WHEREAS EVERY COUNTY IN CENTRAL KENTUCKY OTHER THAN WOODFORD HAS A WAL-MART”.

The vote was as follows: Ellis, Kerkhoff and Miller voting aye. Council members Bradley, Roberts and Traugott voting opposed. Mayor Siegelman issued a tie-breaking vote by voting opposed. The motion fails.

Original motion, second and vote made to Resolution No. 2013-3 will stand as presented.

For Council consideration, City Attorney Bill Moore presented Resolution No. 2013-4 Supporting Reforms to the County Employees Retirement System (CERS) to Make the Plan Sustainable, Sound and Secure for Current and Future Employees as follows:

**CITY OF VERSAILLES, KENTUCKY
RESOLUTION NO. 2013-4**

A RESOLUTION SUPPORTING REFORMS TO THE COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS) TO MAKE THE PLAN SUSTAINABLE, SOUND, AND SECURE FOR CURRENT AND FUTURE EMPLOYEES.

WHEREAS, to honor their service now and in years to come, current and future non-hazardous duty and hazardous duty city employees deserve a defined benefit pension plan that is sound, secure, and sustainable;

WHEREAS, cities in Kentucky that want to offer a defined benefit pension plan are required by the Kentucky law to participate in CERS, which is administered by the Kentucky Retirement Systems (KRS) Board of Trustees and their employees;

WHEREAS, the Kentucky General Assembly and the Kentucky Retirement Systems have imposed significant unfunded mandates on cities in Kentucky by guaranteeing minimum pension benefit levels and mandating the use of city revenues to fund pension plan costs;

WHEREAS, in Fiscal Year 2003, the City of Versailles paid approximately \$325,000 into CERS for retirement benefits for city employees;

WHEREAS, in Fiscal Year 2013, 10 years later, the City of Versailles will pay approximately \$1,240,000 into CERS for retirement benefits for city employees;

WHEREAS, without significant reform to CERS, employer contribution rates are projected to continue their upward trend for decades;

WHEREAS, the pension liability for CERS has increased \$7.131 billion since 2000, despite that cities and other employers in CERS always paid what was required, which indicates systemic problems in CERS;

WHEREAS, the Kentucky General Assembly has created a pension plan system for city employees that is unstable, unsustainable, and unreliable for current and future city employees;

WHEREAS, recognizing this problem, the Kentucky General Assembly created the Task Force on Kentucky Public Pensions in 2012 to study and develop consensus recommendations concerning the benefits, investments, and funding of the state-administered retirement systems, and any other measures that would lead to the improved financial stability of the state-administered retirement systems;

WHEREAS, the Task Force on Kentucky Public Pensions approved a comprehensive set of recommendations by an 11-1 vote on November 20, 2012;

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WHEREAS, the recommendations approved by the Task Force on Kentucky Public Pensions take a balanced approach and consider the need for long-term financial stability in the retirement system and short-term affordability for cities that pay the bills for these benefits;

WHEREAS, the lack of any action during the 2013 Regular Session may worsen the situation and jeopardize the fiscal solvency of Kentucky cities;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Versailles supports the recommendations of the Task Force on Kentucky Public Pensions.

BE IT FURTHER RESOLVED that the City Council of the City of Versailles strongly supports the following specific components of the recommendations of the Task Force on Kentucky Public Pensions:

1. Adopt a hybrid cash balance plan for new employees in CERS;
2. Appoint an additional member to the Kentucky Retirement Systems Board of Trustees selected by the Governor from a list submitted by the Kentucky League of Cities.

BE IT FURTHER RESOLVED that the City Council of the City of Versailles strongly encourages the Kentucky General Assembly to enact these reforms during the 2013 Regular Session.

This resolution was approved and adopted by the City Council of the City of Versailles, Kentucky on this the 19th day of February, 2013.

APPROVED:

**FRED SIEGELMAN, MAYOR
CITY OF VERSAILLES, KENTUCKY**

ATTEST:

ALLISON B. WHITE, CITY CLERK

MOTION BY ELLIS, SECONDED BY MILLER TO APPROVE AND ADOPT RESOLUTION NO. 2013-4 SUPPORTING REFORMS TO THE COUNCIL EMPLOYEES RETIREMENT SYSTEM (CERS) TO MAKE THE PLAN SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE EMPLOYEES.

Discussion

There was brief discussion among Council members that Senate Bill 2, which the Resolution supports, was in the process of being revised and/or “tweaked” and Council member Traugott discussed his concerns with supporting #2 and #3 of the specific components of the resolution itself.

MOTION BY TRAUGOTT, SECONDED BY BRADLEY TO REMOVE #2 AND #3 (SPECIFIC COMPONENTS) OF RESOLUTION #2013-4.

The vote was as follows: Bradley, Roberts and Traugott voting aye. Council members Ellis, Kerkhoff, Miller voting opposed. Mayor Siegelman issued the tie-breaking vote by voting aye (to remove #2 and #3 of resolution). The motion carried.

Public Works Director Bart Miller presented the following quotes for the purchase of a safety disconnect for the aeration basin/ditches:

Service Specialties, LLC	\$1,787.10
REXEL	\$2,520.13
Graybar	\$3,511.50

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MOTION BY ELLIS, SECONDED BY ROBERTS TO ACCEPT AND APPROVE THE QUOTE AS PRESENTED BY SERVICE SPECIALTIES IN THE AMOUNT OF \$1,787.10 FOR THE PURCHASE OF A SAFETY DISCONNECT FOR THE AERATION BASINS/DITCHES AT THE WASTEWATER TREATMENT PLANT.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

The following quotes were presented for the purchase of an XMIC water leak detector:

CI Thornburg	\$4,875.79
Fluid Conservation Systems	\$5,000.00

MOTION BY BRADLEY, SECONDED BY ELLIS TO ACCEPT AND APPROVE THE QUOTE AS PRESENTED BY CI THORNBURG IN THE AMOUNT OF \$4,875.79 FOR THE PURCHASE OF AN XMIC WATER LEAK DETECTOR.

The vote was as follows: Bradley, Ellis, Kerkhoff, Roberts and Traugott voting aye. Council member Miller abstained.

DEPARTMENT HEAD/COMMITTEE REPORTS

Fire Chief Frankie Shuck commended Public Works Foreman Larry Walton for his assistance during a recent paper roll fire at Quad Graphics Plant.

City Attorney Bill noted that given that the City's will resume billing for garbage collection, it would be necessary to revise the current contract/agreement with Legacy Carting. Mr. Moore presented the following contract amendment for Council consideration.

**AMENDMENT TO AGREEMENT RELATING TO
SOLID WASTE/RECYCLING COLLECTION AND
DISPOSAL BETWEEN THE CITY OF VERSAILLES
AND LEGACY CARTING, LLC**

This Amendment to Agreement is entered into on this 19th day of February, 2013, by and between the City of Versailles, Kentucky, whose address is 196 South Main Street, Versailles, Kentucky 40383 and Legacy Carting, LLC, whose address is P.O. Box 410, Pittsburg, Kentucky 40744.

WITNESSETH:

WHEREAS, the City of Versailles and Legacy Carting, LLC entered into a written agreement dated July 16, 2012 whereby the City granted Legacy Carting, LLC the exclusive franchise to collect residential solid waste within the city limits upon the terms and conditions set forth in said Agreement; and

WHEREAS, the parties to the Agreement have determined that it would be in their mutual best interests to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Agreement between the parties dated July 16, 2012 is hereby amended as follows:

1. Billing. The third unnumbered paragraph on page 1 of the Agreement presently reads: It shall be the responsibility of the Contractor to bill and collect for the solid waste services that they render.

The parties have agreed that this provision shall be replaced with the following provision: Beginning with the month of March, 2013, the City shall bill and collect the normal monthly charge for residential and small business solid waste collection services provided by the Contractor. The Contractor will bill its customers directly for the cost of removing bulk items. The funds collected by the City for solid waste collection services provided by the Contractor shall be remitted to the Contractor on the 17th day of the following month. The City shall use its best efforts to collect the sums due the Contractor, but does not guarantee collection of all accounts.

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2. Mandatory collection. Since the City will be undertaking the responsibility of collecting the fees due for residential garbage collection and the parties desire to clarify that all garbage properly placed curbside will be collected by Legacy Carting, LLC, the last paragraph of Section 3.1 of the Agreement is amended as follows:

The Contractor reserves the right to discontinue service to any subscriber who fails to comply with any contract requirements other than nonpayment for garbage collection services. If requested, the Contractor shall report to the Public Works Director, or his designee, the termination or denial of service to any subscriber, and provide information related to termination or denial.

3. Payment and Opting Out of Service. Paragraph 3.16 of the Agreement contains the provisions for payment and lists those garbage customers who may choose to not be included within the services to be provided by Legacy Carting, LLC. The parties have agreed to amend Paragraph 3.16 of the Agreement as follows:

3.16 Payment-Each household located within the City, and each Small Business Unit that does not currently use a City provided dumpster shall be billed for waste collection as long as there is water service. If multiple residential units or small businesses are using one water meter, each residential unit or small business shall be individually billed for solid waste service.

The garbage customers described below may opt out of the city garbage collection service and provide for collection of their garbage by an independent contractor other than the City's garbage collection franchisee:

- A. Residential housing units (i.e. apartments or townhomes) owned by a single person or entity consisting of at least five (5) units sharing one or more common walls or roofs;
- B. Residential housing units (i.e. apartments or townhomes) owned by a single person or entity consisting of at least four (4) units sharing one or more common walls or roofs that were receiving garbage collection services from a private entity other than the City or its garbage collection franchisee as of January 1, 2013; and
- C. Mobile home parks having at least four (4) mobile homes.

4. Franchise fee collection. Paragraph 3.17 of the Agreement requires the Legacy Carting, LLC to collect a franchisee fee from each garbage customer and remit that fee to the City on a quarterly basis. The parties agree that Paragraph 3.17 of the Agreement shall be deleted in its entirety. The City shall be responsible for collecting the appropriate garbage collection franchise fee from the customer along with its billing for garbage collection service.

5. Monthly fee due City. Legacy Carting, LLC shall pay the City the sum of \$ 500.00 each month as compensation for the City's agreement to undertake the responsibility of billing for and collecting the fees due Legacy Carting, LLC for garbage collection services. This fee shall be retained by the City from the monthly payment otherwise due the Legacy Carting, LLC.

6. Additional reimbursement due the City. Legacy Carting, LLC shall reimburse the City its costs incurred in modifying the City's utility customer billing system to collect the charge for garbage services to be provided by Legacy Carting, LLC and the garbage franchise fee.

In all other respects, the Agreement entered into by the parties on July 16, 2012 is hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties have caused this Amendment to Agreement to be executed by their respective representatives on the day and date first above written.

CITY OF VERSAILLES

BY: _____
FRED SIEGELMAN, MAYOR

BY: _____
TODD HOPPER, MEMBER

MOTION BY BRADLEY, SECONDED BY ROBERTS AUTHORIZING THE MAYOR TO EXECUTE THE REVISED/AMENDED CONTRACT WITH LEGACY CARTING AS PRESENTED.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

Street/Road Committee Chair Traugott noted that the committee had met to prioritize state road projects within the Versailles City limits and it was the recommendation of the committee to prioritize the following as the top three projects:

<u>PRIORITY</u>	<u>PROJECT DESCRIPTION</u>
#1	Improve level of service by reducing congestion and considering access management on US 60 from Paynes Mill Road to Laval Heights in Versailles.
#2	Improve safety on US 62 at the intersection with Rose Hill Avenue (KY 1964)
#3	To improve safety on N. Main Street (US60X/US 62) with Elm Street (KY 1659) and Broadway in Versailles.

MOTION BY TRAUOGOTT, SECONDED BY BRADLEY TO APPROVE THE STATE ROAD PROJECTS PRIORITIZATION RECOMMENDATIONS OF THE STREET/ROAD COMMITTEE AS PRESENTED.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

Chairman Traugott also noted that the committee considered a request by “3 Sisters Restaurant” for reserve parking on Court Street and further recommended not approving such request and further noting that “reserved” parking should be limited to handicap, police/sheriff (public safety vehicles). At that point there was brief discussion as to other designated parking spaces current designated as reserved, which did not fall into one of those categories.

MOTION BY TRAUOGOTT, SECONDED BY BRADLEY TO UNDESIGNATE THE PARKING SPACES CURRENTLY MARKED AS RESERVE FOR THE COUNTY JUDGE EXECUTIVE AND THE WOODFORD COUNTY CLERK.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller and Traugott voting aye. Council member Roberts voted opposed.

MOTION BY MILLER, SECONDED BY TRAUOGOTT TO UNDESIGNATE THE RESERVED PARKING SPACES OF THE COUNTY JUDGE EXECUTIVE AND THE WOODFORD COUNTY CLERK EFFECTIVE MARCH 1, 2013 AND AUTHORIZE THE MAYOR TO SEND THEM A LETTER OF NOTIFICATION OF SUCH ACTION.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Traugott voting aye. Council member Roberts voted opposed.

Water/Sewer Chairperson Roberts noted that the Water/Sewer Committee did not take action on a water adjustment request pending further information being requested.

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Cemetery Chairperson Carl Ellis reported that the committee had met regarding the Policies and Procedures of the cemetery and further noted that the committee did not recommend any changes to those policies at this time, however the committee recommended enforcement of the current policies and procedures as relates to extra ornamental placements on graves. Mr. Ellis also noted that the committee recommended making no changes to the currently procedures for billing of opening/closing of graves. Mr. Ellis also reported and reviewed some changes in the hours of operation (i.e. holidays, etc.) that the committee recommended. City Attorney Moore noted that those changes would have to be put in place by amendment to the current cemetery ordinance and he requested that Mr. Ellis meet with him prior to the next meeting in order to amend those ordinances for a first reading at the next meeting.

MOTION BY ELLIS, SECONDED BY BRADLEY TO APPROVE THE GENERAL LEDGER DISTRIBUTION LIST (BILLS) DATED FEBRUARY 19, 2013 AFTER THEY HAVE BEEN PROPERLY REVIEWED AND APPROVED BY THE APPROPRIATE DEPARTMENT HEAD, MAYOR AND CITY TREASURER.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

MOTION BY ELLIS, SECONDED BY TRAUGOTT THAT THE MEETING OF THE COUNCIL ADJOURN.

The vote was as follows: Bradley, Ellis, Kerkhoff, Miller, Roberts and Traugott voting aye.

APPROVED:

FRED SIEGELMAN, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK