

August 9, 2005

The City of Cynthiana Board of Commissioners met in regular session on August 9, 2005. Present were Mayor Wells, Attorney Lair, Commissioners Clayton, Doan, Martin, and New.

Mayor Wells called the meeting to order at 7:07 P.M. Mayor Wells advised our area is under a severe drought. We have had no rain and extremely hot temperatures. Water is no longer running over Terry Dam.

MEETING CALLED
TO ORDER

Mayor Wells recognized Joe Lewis of Quest Engineers Inc.

Mr. Lewis stated that the City should be able to advertise for bids in the Lexington Herald-Leader by August 14, 15, or 16 for the construction of the new WWTP. It has been a long process, but the construction of this new plant will be well worth the wait.

UPDATE ON WWTP

Mr. Lewis advised the bids on the loop line at Business Park II have been reviewed. Three bids were received:

BIDS ON LOOP LINE
@ BUSINESS PARK II

D-3 Underground, Inc.	\$72,493.49
SJ Cox Enterprises, Inc.	95,820.00
Teresa Howard Excavating	Rejected (Insufficient Bid Bond)

Joe Lewis stated the low bid was considerably less than the second bid, as well as, Quest's cost estimate. Quest Engineers contacted the references given by D-3 Underground, Inc. (City of Georgetown and City of Bardstown), and found them to be satisfied with the quality of work completed by D-3 Underground, Inc. They indicated D-3 would be welcomed back on future construction projects. Based on this information, Quest Engineers, Inc. recommended the bid be awarded to D-3 Underground, Inc.

Commissioner Clayton made a motion to accept the bid from D-3 Underground, Inc. in the amount of \$72,493.49 to construct the Industrial Park Loop Line. Commissioner Martin seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

MOTION TO ACCEPT
BID FROM D-3
UNDERGROUND
INC.

Mayor Wells advised Quest Engineers, Inc. has submitted a work order in the amount of \$20,120.00 for the design, bidding, contract administration, and resident representative services in connection with the extension of the Industrial Park's water main and connection with the Harrison County Water Association's main along US 62. This shall become a part of the Continuing Engineering Services Agreement dated 7/10/2001.

Commissioner Clayton made a motion to authorize the Mayor to sign the work order for the Industrial Park Loop Line in the amount of \$20,120.00. Commissioner Martin seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

MOTION
AUTHORIZING
MAYOR TO SIGN
WORK ORDER FOR
QUEST ENGS. INC.

Mr. Lewis advised the City still had remaining funds from the Tobacco Allotment Settlement since the Industrial Park Loop Line came in under the estimate. The City needs to decide what project they want to do with the remaining funds. The Board should make a decision within the next 30 days. The project must have a profile and a BGADD committee project number assigned.

FUNDS FROM
TOBACCO
ALLOTMENT
SETTLEMENT

Mayor Wells recognized Alice Allen. Ms. Allen advised she was before the Board to express her concern for the racial tension between two minorities in Cynthiana. She requested the City Police Department receive more diversity training in an effort to relieve some of the tension. Mayor Wells advised all City employees have received diversity training. She stated she had requested Agnes

DIVERSITY
TRAINING
REQUESTED

Santiago speak to the City departments, but as of yet has not been able to accomplish this. Chief Steve Muntz advised he had met with the Commonwealth of Kentucky attorney this day, and Agnes Santiago was recommended. Hopefully, the City will be able to have Ms. Santiago speak without any cost to the City.

Mayor Wells acknowledged Mrs. Yvonne Lemons Hatterick. Mrs. Hatterick advised she was a visit nurse in Cynthiana, and she was before the Board to encourage the enforcement of zoning laws. She advised there are two properties on Oddville Avenue where junk vehicles and debris are thrown in the backyard. Both properties are empty, but the yards are full. Her mother-in-law's house on E. Pike Street will have to be sold, but the family feels this will be an almost impossible task since the surrounding property is in such disgrace. She would like to see the zoning laws enforced. She stated she grew up in Cynthiana, but she does not remember property being in such deplorable condition. She also expressed concern for the living conditions of people on Elm Street.

REQUEST FOR
ENFORCEMENT OF P
& Z LAWS

Mayor Wells stated she was aware of the areas and the problems. She suggested Mrs. Hatterick give this information to Terry Stinson, Code Enforcement Director.

Mayor Wells recognized Boy Scouts, Jamison Brooks and Jason Walker, and Assistant Scout Leader David Walker. The Scouts are working on a Communications badge and were in attendance to see the City Commission in action.

BOY SCOUTS

Mayor Wells advised the minutes of July 26, 2005 have been presented. Commissioner Doan made a motion to approve the minutes of July 26, 2005 as printed. Commissioner New seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

MINUTES OF
7/26/2005 APPROVED

Mayor Wells made the following report:

MAYOR'S REPORT

Announcements:

- Report all street light outages to Anita Gann @ 234-7157. Be sure to give the house number near the light.
- Visit the City of Cynthiana's website at www.cynthianaky.com. Virgie Burns does a great job of updating this site.
- The Battle of Cynthiana will be reenacted at the Elk's Lodge grounds on August 19 – 21, 2005.
- The Consumer Confidence Report is available in the City Clerk's office for review.

Letters written:

- Letter of thanks to David Pearce of Mt. Sterling for the RBCs to repair our WWTP.
- Letter to John Wallace regarding street lights at the Industrial Park.
- Letter to Kelli Rice concerning the grant agreement on the A. Keller Dam.
- Letter to Nancy Whitaker at Cedar Ridge Health Center.
- Letter of thanks to Cheryl Case for the Extension Homemaker's gift of \$500.00 to the flower project.
- Letter of thanks to Cathy Gannoe of the Ombudsman for the breakfast invitation.
- Letter to Mr. & Mrs. Tom Wannamaker concerning the procedures required having a Cynthiana Raggedy Ann and Andy doll made.
- Memo to Police Dept. referencing instances in the downtown area.
- Memo to Code Enforcement regarding property on N. Main Street being filled with debris.

Letters received:

- Letter from Brian Lovin of the Bluegrass Water Supply Commission requesting certain information about Cynthiana.
- E-mail from Melissa Manning of KLC concerning events in Cynthiana on August 4, 2005. Mayor responded with e-mail about the Licking Valley Center of the Maysville Community College.
- Invitation to the public from Pat Walker for the Day in the Park with Jesus scheduled for August 21, 2005.
- Response on A. Keller Dam from Kentucky Emergency Management.

Mayor Wells noted that Judge Peak had indicated the Corp of Engineers has apprentice engineers that could possibly do some of the work on the A. Keller Dam.

Mayor Wells attended the following activities in July 2005:

- July 2, 2005 - Car Show at Bridge Street Plaza – Guest of Tony Gasser and Ray Johnson
- July 6, 2005 - P & Z meeting at the Courthouse
- July 11, 2005 – Comprehensive Family Service @ Bianckes
- July 12, 2005 – City Commission
- July 13, 2005 – Bluegrass Water Supply Commission in Georgetown
- July 14, 2005 – Recreation Board meeting
- July 15, 2005 – 409 Council in Lexington
- July 18, 2005 – Housing Authority at noon
- July 19, 2005 – Groundbreaking @ Hospice
- July 20, 2005 – P & Z meeting at Courthouse
- July 21, 2005 – Community Action Advisory Council
- July 21, 2005 – GOLD Conference in Frankfort/HMH Board meeting
- July 22, 2005 - Meeting with Darwin Root, CEO HMH per Dr. Frazier’s request.
- July 26, 2005 – City Commission
- July 27, 2005 – Cedar Ridge Advisory Board
- July 28, 2005 – Bid Opening for Water Loop @ Business Park II
- July 31, 2005 – Reception for Ted Olin in the E-911 area

Mayor Wells noted that in response to the article in The Cynthiana Democrat concerning the bypass the Cynthiana Commission voted against the bypass in 1994 by way of a Resolution 1994-#5.

BYPASS

Mayor Wells advised the work in the P & Z Comprehensive Plan is progressing very nicely.

P & Z
COMPREHENSIVE
PLAN

Mayor Wells stated the Board took action on July 12, 2005 to install 16 lights at Business Park II contingent upon the Fiscal Court sharing the cost of the monthly bill. Mayor Wells received a letter from Judge Peak stating the Fiscal Court would not fund the lighting. His letter listed various projects that the Fiscal Court feels the City does not contribute their part, such as, the ambulance service, the cost of elections, and transportation for prisoners. Mayor Wells asked the Board for comments.

LIGHTS @ BUSINESS
PARK II

Commissioner Clayton advised he had been approached by several citizens about the City of Cynthiana still being involved in the Business Park II. Commissioner Clayton stated the City of Cynthiana had entered into the agreement with the County and the Economic Development Authority to develop this park, and the park is still in the development stage. Commissioner Clayton stated he feels the Economic Development Authority should install the lights.

Commissioner Doan stated he was turned off by Judge Peak’s letter. He has requested a legal opinion from Attorney Lair regarding the contents of the letter, and he would like to table this action until Attorney Lair has time to review. Commissioner Doan also stated that the sign at the entrance to the park clearly states Cynthiana-Harrison County Business Park.

Commissioner Doan advised that it is important for City and County government to work together, and we will continue to pursue joint projects with the Fiscal Court. We must remember, however, that City residents pay County taxes too, and they are entitled to see some return on that investment. We must also remember that the County has tripled its net profits tax in the last few years, raising it from .5% to 1%, and then to 1.5%. The consequence of this tax increase by the County government is that persons working inside the City pay 3% in local taxes while persons outside the City pay only 1.5%. If the City and County governments contribute equally to a joint project, the City taxpayers are actually paying twice for the same project. They have paid tax to the County government and those tax dollars are going toward the project. If the City government then contributes equally, the City taxpayers are paying again for the same project. The City taxpayers have already paid County taxes.

At one time, the City's budget was larger than the County budget. That has changed. City taxpayers have been forced to contribute mightily to the dramatic increase in the County budget. It is only fair that the county government, which now has a much larger budget than the City, carry a proportionately larger share of the cost of joint projects.

Commissioner Doan requested Mayor Wells go back to Judge Peak and express the Board's views.

Mayor Wells stated that when Carol Higdon of Blue Grass Energy came to her and asked for lights to protect their investment, she did not feel that it was a problem since the City pays for streetlights. Mayor Wells felt this was the precedent.

Mayor Wells stated she was distressed because Ms. Higdon had requested these lights, and she felt this was the City's responsibility. If the City cannot follow through on the promise the Mayor made, then she feels that this sends a message that her word is not good or backed by the Board. Commissioner Clayton felt the City had made good on a promise the Mayor made to the Economic Development Authority when they authorized the payment of \$20,000.00. Mayor Wells commented that she voted "no" on that action.

Commissioner Clayton then suggested the City pay for the original 16 lights and the County pay for the next 16 lights. Commissioner Clayton stated that he thought City regulation requires a developer to install lights at his own expense in a subdivision and then City pays the electric bill. Commissioner Clayton and Commissioner Martin both felt that if that is City policy then it would fall to the Economic Development Authority to install the lights.

Commissioner Doan stated he was anxious to get a legal opinion of Judge Peak's letter and requested this action be tabled until that could be accomplished.

Mayor Wells stated that she will call a special meeting and let the Board explain to Ms. Higdon why the City is not willing to protect their interest in the Business Park.

Mayor Wells requested answers from memorandums that she had written, but had never received a response:

RESPONSE
REQUESTED

1. Memo dated 7/12/2005 to Commissioner New/Leroy Conner concerning the driveway at 114 Fairway Drive. This has been an ongoing complaint for several months and nothing has been done to resolve it.
2. Memo dated 7/25/2005 to Board and Attorney Lair concerning drain on S. Church Street at Tackett property.

Commissioner New referenced a memo concerning Owen Alley and questioned if this was a City alley. He stated that all indications were that this was a private

OWEN ALLEY

alley. Mayor Wells advised that this alley is so unkempt and overgrown that crime in that area has increased. The citizens living in that area have had a problem all summer and if this alley was cleaned up and City lights installed there, it would eliminate a hiding place for this individuals.

Mayor Wells recognized Attorney Lair.

Attorney Lair read Ordinance #1402 authorizing the use of City property, streets, and alleys for the installation of sanitary sewers and force mains relative to the wastewater system improvements as described in the United States Department of Agriculture Rural Development Application. Commissioner Clayton made a motion to accept the first reading of Ordinance #1402. Commissioner Martin seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

Attorney Lair advised the second reading of Ordinance #1402 will be held at 4:00 P.M. on August 10, 2005 in the Commissioner's Room.

Mayor Wells recognized Commissioner of Public Utilities Thomas L. Clayton.

Commissioner Clayton thanked the City of Mt. Sterling for supplying us with three used RBCs. The repairs still cost around \$52,000.00, but it could have been much more.

Commissioner Clayton advised water is no longer running over the dam, but the City has plans to open up the basket dam at Lair. Hopefully, rain will solve our problems.

Commissioner Clayton advised that when the City of Cynthiana experiences a water main break, there will be a boil water advisory for the area affected. This is a precautionary measure that is required by state regulations. Commissioner Clayton thanked the personnel who handled these matters.

Mayor Wells recognized Commissioner of Public Works James R. New.

Commissioner New made a motion to change the classification of Ralph Lee Rivera from a temporary to a regular full-time Maintenance Worker I in the Public Works Dept. effective August 6, 2005. Commissioner Clayton seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

Commissioner New made a motion to accept the resignation of John R. Aubrey III effective August 3, 2005 due to the acceptance of other employment. Commissioner Clayton seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

Commissioner Martin made a motion to extend the maintenance agreement for the backhoe with Holt Equipment Co. for a period of one year. Commissioner Clayton seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

Mayor Wells recognized Wm. C. Doan, Commissioner of Public Finance and Property.

Commissioner Doan read a letter of resignation from Pete Gross. Commissioner Doan made a motion to accept with regret the resignation of Pete Gross effective 9/30/2005. Commissioner Martin seconded. In favor: Commissioner Clayton:

LEGALS

ORDINANCE #1402 –
(1st Reading) –
INSTALLATION OF
SEWERS AND FORCE
MAINS ON CITY
STREETS AND
ALLEYS

SPECIAL MEETING –
8/10/2005 – 4:00 P.M.

PUBLIC UTILITIES
REPORT

PUBLIC WORKS
REPORT

MOTION TO
CHANGE
CLASSIFICATION
FROM TEMP TO
FULL TIME – RALPH
LEE RIVERA

MOTION TO ACCEPT
RESIGNATION OF
JOHN R. AUBREY III
EFFECTIVE 8/3/2005

MOTION TO EXTEND
MAINTENANCE
AGREEMENT ON
BACKHOE – HOLT
EQUIPMENT

PUBLIC FINANCE &
PROPERTY REPORT

MOTION TO ACCEPT
RESIGNATION OF
PETE GROSS –

yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

9/30/2005

Commissioner New commented that he and Pete Gross go back about 50 years. He stated he wished him the very best, but regretted his leaving the City.

Commissioner Doan made a motion to pay the following bills:

BILLS

General Fund	\$ 99,337.86
Water Fund	\$ 88,152.76
Cash-in-Bank General Fund	\$915,347.94
Cash-in-Bank Water Fund	\$194,283.26
Municipal Aid Road Fund	18,215.88

Commissioner Martin seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

Mayor Wells requested a report from Commissioner of Public Safety James H. Martin.

PUBLIC SAFETY
REPORT

Commissioner Martin made a motion to promote Lt. Robert T. Lyons to Assistant Fire Chief effective 8/6/2005. Commissioner Clayton seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Motion carried.

MOTION TO
PROMOTE LT.
ROBERT T. LYONS
TO ASSISTANT FIRE
CHIEF – 8/6/2005

Commissioner Martin advised the City is in the process of filling the position vacated by Ted Olin.

Chief Stinson advised that anyone with a complaint about property should come to the City Clerk's office and fill out a complaint form.

COMPLAIN FORMS
FOR CODE ENFORCE
MENT

There being no further business to discuss, Commissioner Clayton made a motion to adjourn. Commissioner Doan seconded. In favor: Commissioner Clayton: yes; Commissioner Doan: yes; Commissioner Martin: yes; Commissioner New: yes; Mayor Wells: yes; Opposed: none. Meeting adjourned at 8:40 P.M.

ADJOURNMENT

Charleen McIlvain, City Clerk

Virgie Florence Wells, Mayor