

MINUTES FROM REGULAR COUNCIL MEETING

CITY OF SHEPHERDSVILLE,

MONDAY, June 27, 2011

Bonnie Enlow gave the invocation

Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:31 p.m.

In attendance were Council members Bernie Brown, Don Cundiff, Bonnie Enlow, Faith Portman and Alan Wetzel. Larry Hatfield was absent.

Carryn Lee with Lee Utility Consulting explained the results of the sewer rate study and recommended at least setting the new sewer rate between the budgeted rate and the EPA mandated rate.

Faith Portman made a motion to dispense with reading of the minutes from the Special Council Meeting on June 09, 2011. Bonnie 2nd. Motion carried 5-(1) absent. Don Cundiff made a motion to dispense with the reading of minutes from the June 13, 2011 Regular Council Meeting. Alan Wetzel 2nd. Motion carried 5-(1) absent. Bonnie Enlow 2nd. Motion carried 5-(1) absent. Bernie Brown made a motion to dispense with reading of the minutes from the Special Council Meeting on June 14, 2011. Don Cundiff 2nd. Motion carried 5-(1) absent.

Faith Portman made a motion to approve the minutes from June 6th, 2011 Special Meeting. Bonnie Enlow 2nd. Motion carried 5-(1) absent. Alan Wetzel made a motion to approve minutes from the June 13th, 2011 Regular Council Meeting. Bonnie Enlow 2nd. Motion carried 5-(1) absent. Bernie Brown made a motion to approve the minutes from the June 6th, 2011 Special Meeting. Don Cundiff 2nd. Motion carried 5-(1) absent.

Mayor Ellis asked that everyone keep some people in their thoughts and prayers, Bonnie Enlows husband Jim Enlow because his sister passed away as well as part-time firefighter Scott Adkins, who lost his young son in a tragic drowning accident the previous Saturday. He stated that Scott is a very important part of our team on the fire department and asked that everyone keep them in their prayers. And last but not least, Larry Hatfield's wife who is currently in the hospital due to complications from a recent surgery.

OLD BUSINESS:

Carryn Lee gave the council each a copy of the final report from the Sewer Rate Study. She stated that she discovered Louisville Water did not cut of services when the sewer portions of the bills were not paid. They discussed the delinquents and the reports the City of Shepherdsville received concerning such. She then suggested that the council raise it somewhere between what they had budgeted and the EPA mandated rate. She explained the report findings and results further with the council. Bernie Brown inquired about the delinquent customers; a discussion ensued over what could be done to collect on those accounts and changing the billing process with mobile home parks as well as other customers to increase revenue. Bernie Brown stated that they needed to change the sewer budget once they have decided about the sewer rate increase.

Mayor Ellis, City Attorney Joe Wantland and the City Council discussed which budget lines would have to be changed once the new sewer rate increase ordinance was passed.

Marty Brown with Public-Finance.com reported that the Series A & B notes were closed and several bills and lines of credit had been paid. He stated that KIA needed to be paid immediately as well as KY Rural Water. He further discussed which debt services needed to be paid again in 6 months and said the council needed to act on the recommendations by Ms. Lee and raise the sewer rates significantly or the debt services would not be able to be paid when they came due. He stated that the longer they wait on the rate increase, the worse it will get. He produced a time-lined chart showing which bills were due on what dates so the council was aware of where they stood financially without the increase. The council discussed other cities that had been forced to raise their rates 100% as well. Bernie Brown said the sewer plant was going bankrupt and they had to do something. Marty Brown stated that even if they raised the sewer rates now, they would still need to use lines of credit to pay their debt services at least through July.

City Attorney Joe Wantland stated the Mayor instructed him to get an Ordinance together quickly for the council to review and he did so. He told the council they could get out their red pens and feel free to suggest changes. Mrs. Enlow asked if the only things that had changed were the things marked through with lines. Mr. Wantland stated that it was, but he needed to know if they wanted to make any further changes. Mrs. Enlow stated that that was enough for now. Don Cundiff thanked Marty Brown for his time-line chart stating they had never had anything laid out for them like that. Marty Brown stated once again that whatever they did with rates, they needed to do it now. He said he couldn't reiterate it strongly enough.

Bernie Brown made a motion to perform the first reading of the Ordinance increasing sewer rates. He then stated he would like to set a meeting for a second reading. Faith Portman said she disagreed with doing it so quickly. She said she thinks the public needs a chance to read it and to know what is going on in the city.

Don Cundiff 2nd Bernie Brown's motion to perform the first reading of the Ordinance increasing the sewer rates. Motion carried 4-1 (1) absent. Faith voted against it, she felt the rate increase was too high because they had talked about only doing a 30% increase. The council agreed to have a special meeting June 29th at 6:30 p.m.

New Business:

City Attorney Mr. Joe Wantland performed the first reading of Ordinance No. 011-____ (Number to be assigned) Establishing All Fees For Usage Of The City of Shepherdsville's Wastewater Treatment Facilities Amending Prior Ordinance Concerning The Same.

Bernie Brown suggested that the wording be changed making the rate increase only apply to customers inside city limits. He then said he thought there was only one customer outside city limits. Bonnie Enlow asked if he wanted the rates to apply to the one outside city limits. Mr. Brown stated that he wanted them excluded. Faith Portman asked what the percentage rate the increase was. The Mayor said it was in between the recommended rate of 66% and the EPA mandated rate of 104%. Faith said it was discussed raising the sewer rates 30% and that she was just now hearing of this larger increase when she walked in tonight. She said she would appreciate knowing things like this in advance.

People spoke from the audience on the delinquent accounts at Louisville Water and their desire to see those collected instead of raising the sewer rates so much. Mr. Marty Brown and Mr. Joe Wantland explained that it was required to pay the debt services. Steve Larimore stated he felt the council should know what amount is due the city from delinquent accounts. Don Cundiff said he felt it was unrealistic to think they could pay their debt services with delinquent account collections alone. Mr. Larimore again said he didn't feel the tax payers should be the ones to have to pay for it when there was money out there that should be collected on delinquent accounts. Bernie Brown asked him when he first heard of the delinquents on sewer payments. Mr. Larimore said he just heard about it tonight. Mr. Brown stated that he too had just learned of it tonight. Mr. Larimore then stated that the council should know these things that they ran for the position and had the responsibility to know this. Glen Fleming then brought up an ad in the local paper

hiring police officers. The Mayor said they had to keep the Civil Service List updated and that was the purpose of the ad.

Attorney Joe Wantland read Resolution 011-016 Authorizing the Mayor, and other City Officers to execute all documents for the purpose of securing "BRAC" reimbursement and financing the sum not to exceed \$3,000,000.00 and its disbursement.

Motion to approve made by Bonnie Enlow. Bernie Brown 2nd. Motion carried 5-(1) absent.

Attorney Joe Wantland performed the first reading of Ordinance No. 001-____ (Number to be assigned) Requiring Electronic Recordkeeping by the Owners and Operators of Pawn Shops and Pawnbrokers doing business in the City of Shepherdsville.

Bonnie Enlow made a motion to approve payment of city bills in blue (Utility Bills) equaling \$57,359.37. Faith Portman 2nd. Motion carried 5-(1) absent.

Bonnie Enlow made a motion to approve pay all sewer utility bills in blue equaling \$43,538.32. Marty Brown said these bills could be paid for out of the note funds if the sewer dept didn't have the funds in their account. He said the funds used have to have very good record keeping so they knew exactly where the money was spent. Don Cundiff 2nd. Motion carried 5-(1) absent.

Sign in speaker Barry Baugh Sr. addressed the council about the lack of handicap accessibility in the City of Shepherdsville. He spoke about the sidewalks down Hwy 44 West, the height of street signs, parking spots, and several other issues. Mr. Baugh stated that they were violating his civil rights and grounds for a civil rights suit. City Attorney Joe Wantland told Mr. Baugh that the sidewalks on State Highways are maintained by the Commonwealth of Kentucky because they are on a state easement not the cities. Mr. Wantland stated that the state may have given money to help build the sidewalks but it is maintained by the state. Mr. Baugh argued that that wasn't true. Mr. Baugh said he fell over in the ditch in his wheelchair and had to have assistance getting out and was pushed home by the people that helped him out of the ditch. Mr. Baugh continued to talk about different portions of the sidewalks and his experiences and what could be done to fix it. The Mayor stated that the City would work with the State to see if they could find a resolution. Bonnie stated that she would help him in seeking out help from businesses if the state was unable to resolve the issue as her husband was in a wheelchair as well. Mrs. Enlow told Mr. Baugh to meet her after the meeting and they would talk about ways to take care of the problem.

Sign in speaker Buddy McCubbins addressed the council about the pay cuts the council made on certain employees based on an Ordinance that he feels was made null and void by Budget Ordinances passed later allowing additional raises and asked that he and another colleague have their pay reinstated. He said he felt they lowered these employees' wages illegally. He said he didn't have a problem with going back to where he was and them taking a little away from everybody. Bonnie Enlow said they had been discussing that. Mr. McCubbins said that while they were looking at it, it was costing him \$150.00 a week in take home pay. He requested that they look at it seriously. Bonnie Enlow said they were looking at it. The Mayor stated he questioned that very thing before because it states clearly in a new Ordinance passed on every new budget that any former Ordinance is repealed and he felt the 2006 Ordinance should be repealed also.

Sign in speaker Jeff Sievers addressed the council concerning vandalism in his Salt River neighborhood. He stated that the police response was very slow when they call over kids vandalizing different properties on his street. He feels the police aren't responding in a serious or timely manner. Mr. Sievers stated that it took over 3 hours to respond to one call. He said it was his understanding that dispatch may be an issue as well. Chief Puckett addressed Mr. Siever and the council on procedures. Chief said the police department was low on officers but unless he gave him dates and times on his calls he couldn't say why the response time was so slow but he could investigate it if he provided that information.

Sign in speaker Gaynell Rummage approached the podium and asked the Mayor and Council if there were any part-time employees receiving benefits or is the city paying any benefits on part time employees. The Mayor stated that yes, two employees were getting retirement benefits due to the fact that they were previously in the state retirement and the state requires you to pay into retirement. Gaynell stated that she had talked to a gentleman at the Kentucky Retirement System and they said you didn't have to pay on "temporary" part-time employees. She said the city wouldn't have to cut the new tax collectors hours because they didn't have to pay retirement on her. She said she was just trying to save the city money. The Mayor thanked her for the information. She also stated that the city may have to go back and pay on any prior part-time employees that were allowed to work over 100 hours a week during their employment. Mrs. Rummage then asked whether the city had collected any delinquent sewer bills since Louisville Water bought Shepherdsville Water. The Mayor said they were going to check into that because he was under the impression that Louisville Water was taking care of collecting delinquent sewer bills for the city. She stated it could be thousands of dollars a month because she used to be the water sewer clerk.

Sign in speakers June Daugherty and Jeremy Galloway addressed the Mayor and Council about the ball fields at the City Park. June stated that they had contacted several contractors to get bathrooms in and do several updates on faulty electric. She asked what type of contract they could get with the city since the YMCA would be incurring the financial burden. The Mayor addressed them both with a few ideas. She asked if they could locate the sewer and water lines to have them run to the press box for bathroom installation. Bonnie Enlow stated that the original plans had been altered on the fields and press box. The Mayor stated that they would try to find the plans and address the issues with the building and for the YMCA and the City to set a plan for the fields and their usage.

Planning & Zoning update- Darryl Lee had nothing to report.

Board of Adjustment update- Duane Price had nothing to report.

Department Head Reports:

Department Head Chuck Keith addressed the council about a pump station that needed major repair because it would always be online. Joe Wantland and the Mayor wanted to know who installed it. Chuck Keith he said he believed it was Dwayne Brumley. Mr. Wantland said he would like to know who did and see some accountability for the problems that exist with some of the issues that have cropped up around the City of Shepherdsville due to developers installing such things or filling in different areas causing the city to have to absorb the costs when something goes wrong. Mr. Wantland said he believed Mr. Brumley had at one time attempted to run his own private sewer business for the apartments he owned and that was the pump station he installed. Mr. Wantland then asked who signed off on it and was it taken over by the city. Chuck Keith said he didn't know who signed off or if it had been taken over. Mr. Keith then explained some of the things he would do to keep the pump running for the time being.

Council Reports:

Faith Portman thanked Officer Mike Miller for the excellent job he has been doing in code enforcement. She stated that every time she's called he's been right on top of it and reported back immediately.

Bonnie Enlow said she noticed there was a very past due bill for Qk4 and she felt they needed to pay some on that because Qk4 has still been working even though they haven't been paid. Mrs. Enlow made a motion to pay \$30,000.00 to Qk4. Bernie Brown also said they overlooked the KIA payments that needed to be paid. Bonnie amended her motion to pay Qk4: \$30,000.00 and the two KIA payments: \$49,471.75 and \$214,780.04. Bernie Brown 2nd. Motion carried 5-(1) absent.

Motion to adjourn to executive session (to discuss personnel and litigation) by Faith Portman. Don Cundiff 2nd. Motion carried 5-(1) absent 9:20 p.m.

Return to Regular Session: 9:58 pm Motion by Bonnie Enlow. Alan Wetzel 2nd. Motion carried 5-(1) absent.

Mr. Wantland said the council gave the Mayor the okay to proceed with personnel and litigation issues.

The Mayor and Council discussed budget issues on both sewer and city side and changes that needed to be made to multiple budget lines. They discussed how to equalize the sewer bills by charging a minimum bill to all customers in apartments and mobile homes as well. The council chose to budget for 2 more sewer technicians at \$10.00 an hour to try to keep up with EPA regulations on man power at the sewer plant. The budgets for utilities were discussed. Bernie Brown asked if the line items could be broke out better so they knew what was being spent where. Tammy Richmond told him they could when the new budget cycle begins.

Chief Layne Troutman addressed vacation and holiday time with the council. The Council wanted to change the guidelines when it came to saving time earned to reduce such large payouts when an employee leaves.

The council discussed training some employees for mosquito spraying so they could start spraying in the city.

Bernie Brown stated that a lot of things in the budget still needed to be changed. Faith Portman and Bonnie Enlow felt they all needed to make a decision and get it done, that they had been working at this for months and if it needed changes they could amend it.

Motion to adjourn: 11:27 pm Faith Portman made the motion. Bonnie Enlow 2nd. Motion carried 5-(1) absent.

R. Scott Ellis III, Mayor

Brenda Taylor, Acting City Clerk