

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, March 12, 2012**

Chaplain Troy Golden, Family Worship Center gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:31 p.m. and welcomed everyone.

In attendance were Council members Bernie Brown, Don Cundiff, Robert Flaherty, Larry Hatfield, Corky Miller, Faith Portman.

Faith Portman made motion to dispense with reading of minutes from 2/27/12 Meeting. Don Cundiff 2<sup>nd</sup>. Motion carried 5-0. Faith Portman made motion to approve minutes as written from 2/27/12 meeting. Corky Miller 2<sup>nd</sup>. Larry Hatfield: I don't know if now is the time to do this or if we should do it at the end of the meeting but it's been brought to my attention that we've not taken over the streets in Heritage Hill. Faith Portman. No. We've only taken over the lights. Mayor Ellis: That's all we've done is taken over lights. Larry Hatfield: Okay then I don't know that we should be paying to fix those drains. And I hate to say that. Do we want to talk about it now? Bernie Brown: Well I think we're going to have to talk about it. Mayor Ellis: Yes we are going to have to talk about it. Corky Miller: I thought the sewers and that was the responsibility of the City. Bernie Brown: Sanitary sewer is I think but not the storm. Larry Hatfield: Believe me I was riding down the road and it all the sudden hit me. Bernie Brown: Well actually I think what's recorded here in the minutes is probably accurate but I think we need to revisit that. Corky Miller: That contract has already been let by the City to have them fixed. Bernie Brown: There's a legal issue though that I'm very concerned about. City Attorney Joe Wantland: I'm more concerned about the legal issue of someone being injured by a grate that's missing in a road. Bernie Brown: If that happens who is responsible? If the City hasn't taken that road over. City Attorney Wantland: It's still a public right of way and it's still the idea that we're here. Bernie Brown: If the City pays for replacing those storm manholes then the City has agreed for some responsibility. City Attorney Wantland: I think the City has some responsibility at this juncture anyway. Corky Miller: I don't know what responsibility it is but I know this. It sounds like we're doing a little nitpicking here to me and I just don't understand when we talking about this never has this been brought up before. Bernie Brown: You know why Corky? I was under the impression that the City had taken all that over. And I just found out the other day that isn't the case. And when I found that out I was concerned. That's why. Larry Hatfield: I was under the impression we had taken over Section 1. Faith Portman: I'm not real sure because I was gone for those two years. Did you all take it over then? Mayor Ellis: I remember taking over street lights but I can't remember if we ever took over the roads. Do you remember Don? Corky Miller: What does it say about in order to take over Section 1? What do you have to have? They've got 46 houses there right now. Larry Hatfield: Corky everybody else puts a final coat of blacktop on it. And then they bring it to the Council and they ask for the Council to take the road over. Mayor Ellis: Eighty percent complete is City Ordinance. Larry Hatfield: It's not that I don't want to do it and I'm sorry you're getting upset over it. But I don't want them coming back and suing Larry Hatfield personally. Don Cundiff: I think we've got some responsibility from a public safety standpoint. Corky Miller: That's right. Faith Portman: I agree. Larry Hatfield: I would say we probably do and I'd like some guidance on that is what I'm asking for. City Attorney Wantland: My first blush is we should have thought about they were not in the City as far as the maintenance of it, but we have a theft, we have vandalism, and it exposes our people to a severe risk of injury and I think the Council took the proper measures to try to protect people from injury. Now why the streets have not been completed or brought up to snuff I think we can address that but I remember the statements made to the Council and why the Council acted is just to prevent injury to people. Bernie Brown: I don't think the issue is that we don't want to do it. The concern I have is if the City pays for it; one question, is it even legal for the City to spend taxpayer's money doing that when the developer is really responsible and the City has never taken that over. City Attorney Wantland: I think that's a good point. But

I'm also saying we can't let, I know we've taken over sidewalks where the developer hasn't put those in and put those in. I know we've taken over streets and put those in even though it was not the City's responsibility and at some point I think the Council made a decision to balance public necessity over the idea of whose street it belongs to. Larry Hatfield: Well it hit me and it's dawned on me and that's why I brought it up. City Attorney Wantland: The City has had a past of correcting, if you will, developer's failures in the past. Faith Portman: Many times. I think for public safety we need to go forth with it. That's my opinion. Bernie Brown: I would like a legal opinion from you as to what liability does that put the City in if we pay for it? City Attorney Wantland: I don't think the City has a liability if they pay for it. Mayor Ellis: I think it's a greater liability if we don't do it and somebody falls in there. City Attorney Wantland: We've got City taxpayers out there. We've taken over the lights. I'm questioning and I think Councilman Hatfield brings it up, just the idea we all passed this with the idea that we all assumed that it was already in the City limits. That the City had taken it over. Mayor called on Jamie Weck for comment: How many dollars are we talking about? Larry Hatfield: It's not the dollars Jamie. It's not the dollars. I want to do it. We've got issues in this City. We're going to have a lady here in a minute that's got an issue too. I don't know what it costs. City Attorney Wantland: I know the City bought a skid loader in the past to put in sidewalks in subdivisions that the developers didn't finish. I know the City developed and completed Shawnee Acres when those streets weren't finished. We've got a history of it but it's the pleasure of the Council. I think the Council can go either way. I just think that there is a tremendous liability to have an open hole in a street. Bernie Brown: And my concern is it legal to be spending taxpayer's money to take care of a responsibility that the developer has. Speaker from audience: I'm Brandon Wilkerson and I live in Heritage Hill. I want to ask you guys, you all brought it up last time I was here at the last Council meeting when you addressed that and there were police reports filed for the theft of those. Is there an insurance policy on the books for that? We're talking about a deductible versus the full cost correct? Mayor Ellis stated yes. Larry Hatfield: I think we were supposed to check on that. Mayor Ellis: It's covered under insurance we've got the police reports yes. Mr. Wilkerson: So the amount of money we're talking about is a small amount of money in comparison to the actual cost. Larry Hatfield: How much deductible is it? Mayor Ellis: \$500.00. Don Cundiff: I think there is a question too if we have not taken over the streets would the policy cover that or not. Mayor Ellis: You know that's something that we didn't check into so we need to now. Larry Hatfield: I think we need to check in to that. Mayor Ellis: That could make a total difference. Bringing that up now if it not being in the City. Larry Hatfield: I'm sorry I brought it up in one way in another way I'm not because it's my behind as well as it is the rest or your all's. Don Cundiff: I personally feel like we have more liability if we don't do something that we know exists than if we say we're not going to spend the money because it's not in the City or it's not been taken over by the City. Larry Hatfield: That may be very well true but I'd like to have the insurance company opinion. Question from audience: Can't hear. Larry Hatfield answered it's supposed to be but it didn't happen. Corky Miller: That's the craziest thing in this County and this City I don't understand that. It just like when you look at people that owe money out in this City and we don't put liens on their property and I look here where one house is already sold. We will that \$2500 because we didn't put a lien on the property. It's just like Bernie you got up here one night when somebody wanted some lights taken over and you said they're not completed yet and your answer was they're taxpayers and it passed. Don Cundiff: Well a bond wouldn't cover the fact that those got stolen anyway would it. It's not that they didn't do it they put them out there they were just stolen. Mayor Ellis: We have a motion for the minutes. Do we want to strike that section from the minutes? Table approving the minutes. Bernie Brown: I think what the minutes say is what happened. The only think I would suggest is that we get this issue, we got a motion and a second, I suggest we go on and do that and we come back and revisit this later. Mayor Ellis: I have a motion and a second, all in favor of approving the minutes as written. Motion carried 5-0.

Mayor Ellis stated the next item of business is City Council to nominate and vote for new Council member to fill the seat vacated by Councilman Alan Wetzel. At this time we'll open up the floor for nominations. Bernie Brown nominated Rob Flaherty. Faith Portman nominated Kenneth Newton. Mayor Ellis asked for any other nominations. He stated everyone should have a piece of paper to go ahead a write out who you

vote for. Mayor Ellis asked for a motion for nominations to be closed. Don Cundiff made motion. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0. Mayor Ellis asked for ballots. City Attorney Wantland: I have 5 ballots. Rob Flaherty: 1-1-1-1; Kenneth Newton: 1. Mayor Ellis: We have 4 in favor of Rob Flaherty and 1 in favor of Kenneth Newton. By virtue of the vote, Rob Flaherty come on up sir. City Attorney Wantland administered the oath to Mr. Flaherty and he took his seat at the podium.

Mayor Ellis: Our Agenda shows a little different here. We should be doing the old business first not the new business so we're going to start at the bottom and work up. Old Business on the Agenda is vote to accept the Fiscal Year Audit ending June 30, 2011. Before we open the floor for a motion I'll open the floor for any questions or comments from the Council. Larry Hatfield: How did we accept the 2010? What was the wording? Mayor Ellis: We accepted it we didn't approve it. Bernie Brown: I think the Auditor has done what we've asked him to do. Does anybody feel like that he did not do everything he was asked to do? Mayor Ellis: I think he did everything he was supposed to. Larry Hatfield: I think he done with what he had well he done well. Bernie Brown: In fact I think he did not realize beforehand what a big task it was going to be. Larry Hatfield made motion to accept Fiscal Year End June 30, 2011 Audit. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1 abstention (Robert Flaherty).

City Attorney Wantland had second reading and public hearing of Ordinance 012-(number to be assigned) a request by Roy N. and Zella M. Ray to rezone Lots 16, 17, 18, 19, 20 & 21 of Masden Acres located on the west side of W. Shannon Lane. 1.7 acres, more or less, from R-1 Residential to R-3 Residential. Copy of recommendation is attached and recommendation is that it be approved. Mayor Ellis: Is there anyone here to speak in favor of or in opposition to this rezoning? At this time I'll call for a motion to accept or deny? Larry Hatfield: Was there any opposition at the zoning board? Daryl Lee stated there was no opposition. Faith Portman made motion to accept. Larry Hatfield 2<sup>nd</sup>. Larry asked what the intention was to do with the property. The applicant (Zella Ray) stated she would like to have an apartment building right there. Larry: If you decide that you want to do that I would urge you all to sit down with our engineer because we are doing some design work in that area for the one's in behind you. I just want to make sure that we can service you with, what did you have 4 or 5 lots? I just don't know if you can come in to Shannon Lane so if you decide you want to do that just make sure you get with her before. Mrs. Ray: The water and the sewer are being run on most of the whole land. Larry Hatfield: Oh is it. Okay. Mrs. Ray: But here's one of the developers does he still talk to the engineer? Larry Hatfield: Yes most definitely. I think you're going to be tying in to the Shannon Lane line. Your property is right past the hair doers (Professional Tan). Mrs. Ray: The water and the sewer are already out there in the field. City Attorney Wantland: Mrs. Ray, can you identify the person to your right that was speaking. Daniel Greenwell stated his name. Mrs. Ray: Would you like a picture I can show you where the fire hydrant is and all that. Larry Hatfield: No. I know where you're at now. City Attorney Wantland: I just want to make sure that everybody understands its Mrs. Ray talking. Chuck Keith: The field by the school does it go back that far? Mrs. Ray: All the way back to the school. Chuck Keith: I think the sewers only go about 50 or 60 foot next to that manhole. I'll have to look. Daniel Greenwell: They were extended ... (can't make out rest of what gentleman is saying). City Attorney Wantland asked everyone talking to stand so we could hear them. Chuck Keith: The City extended it one time to the two houses he's talking about but it actually stops there it doesn't go on. The sewer line actually stops I'm just guessing, 50, 60, maybe 100 feet past the last manhole. They don't actually go all the way through the field. I don't know how far the water goes. Larry Hatfield: I'm just concerned if that Shannon Lane line is going to hold your flow. So Angi can help you with that. Mayor Ellis: I have a motion and a second. All in favor. Motion carried 5-0-1 abstention (Robert Flaherty).

City Attorney Wantland had second reading and public hearing on Ordinance 012-(number to be assigned) a request by Stanley Albert Tinnell and Linda Joyce Tinnell to rezone 2.3 acres, more or less, located at 745 S. Preston Highway from B-2 Central Business to B-1 Highway Business. Copy of the recommendation is attached and the recommendation is that it be approved. Mayor Ellis asked if anyone would like to speak in

favor of or in opposition of. There was no public comment. With that Mayor Ellis called for a motion to accept or deny. Corky Miller: Is that building under construction now before you get to Beech Grove Road. Mayor Ellis answered yes. Don Cundiff made motion to approve. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1 abstention (Robert Flaherty).

**New Business:**

Mayor Ellis stated he was not quite sure why this one is on our Agenda. A public hearing concerning the proposed issuance by Louisville/Jefferson County Metro Government of Revenue Bonds (Catholic Health Initiatives) Series 2012A in an aggregate principal amount not to exceed \$392,570,000 for the use and benefit of Catholic Health Initiatives, a Colorado non-profit corporation, an affiliate of Jewish Hospital & St. Mary's HealthCare Inc. pursuant to an Ordinance of the Issuer. Mayor Ellis asked if anyone was here for that. City Attorney Wantland stated it was a certificate of need for Bullitt County Kentucky and probably required all legislative bodies to enact legislation to get that approval. Bernie Brown: The statement is made is that it's in the incorporated area of the City. And I don't think the Jewish Hospital South is in the City. Mayor Ellis: No they are not. Larry Hatfield: Who put it on here? Mayor Ellis: Tammy did but like Joe was saying though I'm not sure if we have to have all the municipalities do some kind of a reading and a vote on it for a certificate of need. Rob Flaherty: Does Jewish have any other facilities in the City though. I thought they had a doctor's office. Mayor Ellis: Right. They have a doctor's office and they have an immediate care center also. Rob Flaherty: Again I don't know. City Attorney Wantland: We're not issuing the bond so the expression I say is no harm no foul. I'll be happy to read it and you all can consider it. Bernie Brown: I'm just wondering why the statement is made that a portion of the project related to Jewish Hospital Medical Center South is located in the incorporated City limits of the City. Faith Portman: It could be the doctor's office. Mayor Ellis: Yes since they are Jewish owned and this is a merger between St. Mary's and Jewish. That could be why it was asked to be put on there. Bernie Brown: Is that even necessary for that statement to be there? City Attorney Wantland: They are asking for a reading. Rob Flaherty: It wouldn't require a vote tonight anyway would it? Before our next meeting maybe get a little more information so that way if there's an issue then we can just handle it then. City Attorney Wantland: I would like to show the record for our minutes that we did have a public hearing and approval considered by applicable elected representatives of the City of Shepherdsville, Kentucky and it's for Louisville, Jefferson County, Kentucky metro government revenue bonds (Catholic Health Initiatives) Series 2012A. A public hearing was convened on March 9, 2012, 6:30 p.m. local time at the Shepherdsville Government Center, 634 Conestoga Parkway, Shepherdsville, Kentucky, 40165 following a duly published notice thereof concerning proposed issuance of Louisville, Jefferson County Metro Bonds (Catholic Health Initiatives) Series 2012A in the aggregate sum of \$392,570,000 for the use and benefit of Catholic Health Initiatives, a Colorado nonprofit corporation, an affiliate of Jewish Hospital & St. Mary's HealthCare Inc. pursuant to an Ordinance of the Issuer. Honorable R. Scott Ellis, Mayor of the City of Shepherdsville and Chief Executive Officer at presiding hearing called the meeting for comment. There being none the hearing was closed. The undersigned hereby certifies the foregoing is true and completed copy of record of the public hearing conducted on March 12, 2012. Mayor Ellis: Again we can do a second reading and vote on this at the next meeting.

City Attorney Wantland to have first reading of Ordinance 012-(number to be assigned) confirming annexation of unincorporated territory of 2.179 acres by written consent of all property owners of record of this property into the City of Shepherdsville. May it please members of the Council with your consideration of this Ordinance you will find executed all property owners have consented to the annexation and it includes a survey prepared by Brad Armstrong with description which will be referenced hereto. Mayor Ellis stated we will have the second reading on March 26<sup>th</sup>.

City Attorney Wantland: Members of the Council we have Resolutions and we will try to make this as quickly as possible. The City Council has passed by Ordinance annexation of property, the Secretary of State's Office has issued some requirements to have this done. Recently the City Council has passed a

Resolution adopting this annexation. It's along the Highway 480 corridor. The Secretary of State would like to have a Resolution as to each individual tract. We did tracts A, B, C, D and E. The Secretary of State wants to have one Resolution for each tract. So I think for purposes of brevity the Resolutions will be the same with different descriptions and I will refer to the descriptions but have it in our minutes and I will prepare the documentation for A, B, C, D and E since we've already done that once; in a summary fashion all five at one time so if the Council will bear with me. City Attorney Wantland read in summary five Resolutions pertaining to annexations. Faith Portman made motion to adopt 5 separate Resolutions for each tract for purposes of documentation of this annexation description. Don Cundiff 2<sup>nd</sup>. Motion carried 6-0.

Discussion followed on equipment list provided by Angi Johnston to be surplus. Mayor Ellis asked for a motion to declare this equipment surplus: Caterpillar 330CL Excavator; Stanley Hoe Ram; 24x8 trench box; 24x6 trench box; 30 inch Cat Hoe Bucket; Rock Box; 2004 Caterpillar D4G-XL Crawler Tractor. Bernie Brown: Didn't you get an appraisal on all of this equipment last year? Mayor Ellis: Yes we did last year but of course that could change to now. I think this trench boxes we do have people interested but as soon as we surplus it we're going to have to put it out for bid; auction to sell it or something. Bernie Brown: None of this equipment is any use to the City right now? Mayor Ellis: No. I think a lot of this stuff was purchased when we did the Salt River Interceptor ourselves. But since that's not going to happen we don't need this stuff. Larry Hatfield: That Caterpillar is the dozer. Correct Chuck? Chuck Keith: Yes. Larry Hatfield made motion to surplus this equipment. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0.

**Daryl Lee:** The only thing we have is a meeting on the Heritage Hill rezoning on the 22<sup>nd</sup>.

Mayor Ellis stated that Duane Price called him today and the only thing they have is a conditional use permit for a garage in Shepherds Glen.

### **Sign in Speakers:**

**Kristy McMillon:** What I'm asking is for you to help with a drainage issue that I have at my home. I live in The Pointe subdivision which is a beautiful place. I chose to live there. I'm not from this area. I chose this community because I love the community. Ten or eleven years ago when we built the house we found out that the creek that runs through our property is one strip. We were told not to alter it. When we had it checked out at the time of building our house we were told everything was fine and it was ready to build on. We are now having some major issues with erosion of our lot due to excessive water from the upper part of the hill and downstream. And as you can see in the pictures we have some major erosion. I'm asking for help to save my property. At this point in time we're looking at possible structural damage to the corner of our house. If you look at the second picture you can see how high the water comes up. This was taken on Friday right before I talked with Ms. Johnston. In the first picture you can see how much erosion has happened. I think this is called a detention basin. The land actually came up to the detention basin and has slowly eroded. We have trees that, as Mr. Hatfield saw, probably 150 years old, that we're afraid of root exposure. We're afraid of trees falling on our house. We're afraid of the land, if you look at the second picture on the back, its grey mucky mud that my children can no longer go in our back yard and just play and enjoy the beautiful environment, the beautiful neighborhood that we have. We've been asking passively for about 5 years for help. In 2006 there was major change to the area. The trees behind us were torn down. Growth happened which I'm excited for because that helps my position at my school. When you have growth that means you have job security. So I was happy for that. Except that now my land is eroding because of choices that were made. Again the stream is a blue line stream. It's not a drainage ditch. I need to know what the City can do to help me to save my property. To save my house and where I live. Again I love this community and I really love my home and I want to keep my home safe. I invite each and every one of you all to come and see. Walk through our yard; we have a little dog but we can put him up. Does anyone have any questions? Bernie Brown: Has Angi Johnston, the engineer, been out to look at this? Mrs. McMillon: Yes. When I spoke to here on Friday she apparently came sometime during the summer because she knew that this was an issue.

She shared with me that I needed to do something very soon or there will be structural damage to the end of my house. And she said to come and speak with you all and bring it to your attention. When it was first brought to the attention, in fact, shortly after the trees were torn down in 2006; it was like December or January of 2007, but it was very quietly. Can you help us with the drainage? That was the biggest thing because all the sudden water wasn't moving. Mr. Hatfield came out yesterday to our property and I was under the impression that the tile had been moved that are downstream because we have a lot of problems with blockage there and as he had the privilege of seeing, they were there and they were blocked. As Mr. Ellis had said we're getting flow from that blue line stream all the way from the other side of Preston Highway. Mayor Ellis: Angi and I have looked at maps and looked at Google Earth. When that stream goes into those woods there's no where it goes. It just sits there. So therefore it forces it back up. There are places that we've seen looking back there that that water is 6-8-10 inches deep in the woods. I don't know what you do when you get into the woods to allow it to continue to flow. Because once it gets back there there is nowhere to go it just runs back out. Larry Hatfield: Did you by any chance (Comment from Brad Armstrong in audience I can't hear.) Mrs. McMillon: I've got messages in to Todd and Leanne Devine at the Division of Water. They were both out today. I had someone else return a call saying they were passing on the message and let me know they would get in touch with me within the week. Larry Hatfield: Your bottom line is would you be able to re-route a section of that. If you can't surely they would let you do that. If you haven't been down there, Council, I urge you to go down there and look because it's not pretty. I'm talking about the way the creek where it empties in down at Blue Lick just like don't go nowhere. But I think if you could move that over I think you could save your house. I was hoping Angi could be here but she got sick because I was going to ask her. Mrs. McMillon: Like I shared with you. She had mentioned retaining walls as a possibility of protecting the property. Don Cundiff: Does Division of Water need to come out and take a look at it? Is that what we need to do? Larry Hatfield: Yes. Mrs. McMillon: If there is any way my husband or I can be there we would appreciate it. Like I said we have a zealous dog and we want to make sure that he's not jumping all over you. Larry Hatfield: 99% of the time Division of Water won't let you move that stream. It's a blue stream. Mrs. McMillon: Now granted this is my memory trying to remember from 11 years ago. We were told not to when we built the house. The surveyor it was good where we were. Then no one came out it was good where we put the house. We didn't have any issue until after 2006 and honestly the big issue started about 4 years ago and that's about the time they put those 2 tiles/culverts whatever to grate the rock over. Again not wanting to point blame or anything I just want to protect my property. Mayor Ellis stated we could contact the Corp of Engineers and the Division of Water but as far as what they're going to allow us to do would be entirely up to them.

**Matt Krull:** I come to you today as a taxpayer. I've been in this County for 7 years now. I not only support obviously local businesses but obviously my taxes go to use for the City. I want to talk to you about an event that occurred on 2/12/2012 that is very concerning to me as a citizen and the frivolities of tax payer's money. Essentially what happened was my wife was out and I was watching the kids and was essentially pulled over by the local police department. In turn they decided to send 12 police officers to my house to arrest me. Do you want to know why they arrested me? For a speeding ticket. For a speeding ticket that wasn't paid, 12 police officers showed up at my house to arrest me in front of everybody. Mayor Ellis asked what event he was talking about 2/12? Mr. Krull: They arrested me at my house. Mayor Ellis: Where was the speeding ticket at? Mr. Krull: The speeding ticket was actually in Hillview. Mayor Ellis: Who showed up? Was it Shepherdsville, Hillview or Bullitt County? Mr. Krull: Shepherdsville yeah. Hillview, it was 12 different police officers showed up at my house again for an unpaid speeding ticket. If that's the way we're going to actually spend our money as a County that's ridiculous. Larry Hatfield: Where do you live at? Mr. Krull: I live in The Pointe subdivision. The reality of it is we should be doing the same thing that Jefferson County does no different. Send something to somebody's house, a little piece of paper, you show up, you pay the doggone ticket but you don't send 12 cops to my house to arrest and harass a citizen that pays taxes within this County because you know what you've done to me, I want to leave. I want out of here and I want out of here now. I'm willing to short pay my house or whatever I've got to do to get out of here because of this

event. And I want these other people to know as well and I'm not going to let it be hidden that that's what happened. I didn't do nothing wrong except I'm a law abiding citizen. I forgot to pay a stupid speeding ticket so you're going to send 12 cops to my house to arrest me when I've got 2 little toddlers in my hand. Yeah that's real brave. Real brave. Just let me tell you this. This shouldn't go on any longer and as Mayor I'd be addressing it. I'd be addressing my police team. Mayor Ellis: Well when it's just being brought to my attention it's kind of difficult and we will be addressing it now. Mr. Krull: Right and that's exactly right. I would be doing that. I'd be on top of that and as City Council members I wouldn't be letting this happen to the rest of your citizens. All you're going to be is just drive the rest of the people out. You're going to go arrest people for a speeding ticket. Come on. Last I checked this City has a lot more problems than worrying about a speeding ticket. Mayor Ellis: When you don't pay a speeding ticket that's a bench warrant sir. And if you get pulled over you will go to jail for a bench warrant. Mr. Krull: I wasn't pulled over and all you had to do was send something. That's all you had to do. That would have been more cost effective for the County. City Attorney Wantland: Mr. Krull, a judge sent out the warrant. Mr. Krull: But I never received any warrant. City Attorney Wantland: I understand. Mayor Ellis: You won't. They'll serve it on you when they get it. Mr. Krull: I'm telling you the process needs to change. Mayor Ellis: We can't control the process. The process starts in Frankfort, Kentucky. Mr. Krull: You can change the process. You just send somebody with a piece of paper like Jefferson County does. It's a lot more efficient and it works out a whole lot better.

**Christine Durall:** I am a volunteer for New Hope Pregnancy Resource Center and what I'm giving you now is just a copy of a permit for a 5K walk/run that we would like to have in Shepherdsville starting at City Park. My purpose in coming tonight is to see if there's any way maybe I could get an answer tonight possibly because of the day. We are looking at April 28<sup>th</sup> and that will give us sufficient time to advertise and get some things out to the paper. This is for a 5K walk/run starting at City Park and there's a rough copy of the route we will be using for that day. We're going to be staying on the sidewalk so that should eliminate any problems there. Larry Hatfield made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 6-0.

**Gloria Taft:** I'm President of the Homeowners Association of Lakes of Dogwood subdivision and some residents have been asking about the completion date or the start/completion date of the Beech Grove Road Bypass. Mayor Ellis: Everything that the City was doing at one time or another with moving the utilities has all been turned over to the State. So the State Department of Transportation is doing everything at that point in time. The City is not doing anything with it at this point. So anything that is happening now is a State project. Mrs. Taft asked for a contact person's name. Mayor Ellis: Division 5 over on Westport Road. Larry Hatfield: Angi may be able to help you with that. I know they have had utility meetings to move the utilities.

### **Department Reports:**

**Chief Troutman:** We're taking new members on the volunteer side and we have problems with our communication on alerting our volunteer firefighters when there's a fire to respond to the fire department. The problem is that each pager that we buy for each firefighter is right at \$500 for each person. They are real expensive. They get tore up a lot. You see you wear them on your belt; you get in and out of the car whatever they might get broke. So we've been doing some research and a lot of other departments around us and a lot of departments in Jefferson County and a lot of the Louisville departments are going to this. It's called e-dispatch. What it is over 90% of my department have personal cell phones. And what it is it's a system that our dispatch kicks us out it notifies their cell phone just like a pager. And it alerts them that we have a fire run. There is about a 30 second delay from the pager to a phone but it would save us on money. What it would cost for us to cover this for an entire year we would only buy 4 pagers. Larry Hatfield: What's the phone service cost? Layne: The phone service you pay is \$199 up front to set the system up and then \$129 a month and that covers every phone for everyone on the department. It covers 50 phones. And if you have a rotary dial at your home it covers up to 1250 calls a month on rotary dial which hardly anybody uses their phone to dial. Everything else is uploaded in texting, voice message on your cell phone. What I'd like to do is get a 30 day trial period with it. You get 10 phones set up on it so 10 people can use it just to see if it's as

accurate as what they say and if it's any count and if it would benefit us. I would like to go ahead and set that up and if it does benefit us I'd like to go ahead and lease it for one year and instead of the City doing it we just use it out of the mitigation fund to cover the whole year. Don Cundiff: Is anybody in the County doing this yet? Layne: I believe Zoneton does it and I know Highview. Several of the Jefferson County departments are going to us. It's a pretty big thing down in Eastern Kentucky because of rural areas. The phone service works better than the radio. Larry Hatfield: So you're going to try it for 30 days and then come back with us? Layne: Yes I can come back to you in 30 days. Bernie Brown: Is there any charge for that 30 days? Layne: No. The 30 days is the free trial. And at the end of 30 days you have to let them know if you want to take it or not. That's when you have the \$199 set up and then coverage for 50 phones. You can pay it in six months or you can pay it in 12 months. Don Cundiff: Is it limited to what service provider it can use? Layne: No. It's compatible with all phone providers. Larry Hatfield: How many people are on the fire department as volunteer? Layne: 26 roughly. And a total of 44. Larry Hatfield: They all have pagers now? Layne: No. Larry Hatfield: How are they getting knocked out now? Layne: Some don't. If they are up at the fire house they make the run if they are not they don't hear it. Don Cundiff: It sounds like a good idea to me if it works. Rob Flaherty: Give it a trial and have Chief come back and report to us and we'll go from there? Larry Hatfield: Will it work, say in Knob Creek? Layne: It should work wherever you have phone service at it should work where you've got phone service at. I can be in here for a meeting and my pager is probably not going to go off because of the concrete walls; but my phone will go off. Rob Flaherty: You're already working with central dispatch and they are set up and okay. Layne: Dispatch doesn't even have to fool with it. It's set up here at the station and when dispatch hits the tones it automatically sends out the message.

**Connie Rice:** I have given you two reports. I don't know if you've had time to look at them to see if you have any questions or comments or concerns or something that I can answer. One is on the post office employees where some of them have not paid their withholding taxes. I have had contact with all of them now and I have set up payment arrangements with them and I know now I have to be on it with both feet to make sure that they do what they have agreed to do. The other paper I gave you was for the sewer connection fees in the East End that was done in 2003 that so many of them still owe on. After I gave you that report we got another \$1900 in the mail today. There are several I haven't heard from. But I would like to start sending out monthly bills if possible. A lot of them have told me they never got a bill so they didn't know they were supposed to pay or they forgot about it. Corky Miller: there's one thing I'd like to say the City needs to do is I noticed that one of those houses has sold so we just lost that \$2500. Why we have not put a lien on those properties to collect that money if they do sell. Mayor Ellis: I can't answer that. That was done in 2003. I'm sure some of these houses have ad 4 or 5 people live in them since those. Bernie Brown: Could we get a hard copy of all of the delinquent unpaid tax bills? I'm not talking about last year I'm talking about the last 10 years. Brenda: You can have what we have on our computer. Bernie Brown: Have they been scanned and put in the computer? Brenda: No we didn't have hard copy of the bills they were printed off the computer so all that information is in the computer for a report to be run. Bernie Brown: I've heard that they were in a back room then I saw something that said that they were in the computer. Could we get a copy of whatever there is wherever it is?

### **Council Reports:**

**Rob Flaherty:** I just want to thank the Council. I look forward to working with everyone and the Mayor and staff; I and have a fair amount to learn. I know there are a lot of challenges the City's facing but hope to get to speed as quick as possible and if anybody needs anything don't hesitate to get a hold of me I'll do what I can.

**Faith Portman:** I received several calls over the weekend and one of them was a complaint on Eco-Tech. Over beside Bullitt Central the garden homes over there, the garbage man is taking the trash cans to the end of the street, some of them and the people have to go up there and get them and drag them back to their houses. I don't know if you all have been back there but a lot of those people are elderly people. It happened



to two different people there on the same day and they say that when they smash the garbage it goes everywhere and they don't even bother to pick it up and that several of them have been missed. I told them to call me and I would call Eco-Tech. I just think it's something we need to be looking at and maybe call Eco-Tech and tell them we're getting complaints. I also received other calls about people wanting to know about the investigation. So I'm going to ask the Chief. Where's it going and how's it going? Chief Puckett: The Kentucky State Police is the one that handled the investigation and I don't know the status of it. Faith: That's what I've told people but they haven't seen anything in the newspapers. I told them that Kentucky State Police were handling it and that we know nothing about it. Mayor Ellis: We turned that over a year ago. Faith: I told them that I would ask the Chief and I'm keeping my promise.

**Larry Hatfield:** Mayor what are we doing at the Community Center. I'm hearing that there are people getting that building for nothing, they are charging to get in it, they are wrestling, they are selling food and they are not paying anything. Mayor Ellis: They have paid for that building at various different times. Don Cundiff: What is the charge for using that building? Mayor Ellis: \$75.00 flat. And that's something I think we need to look at because Hillview is getting \$35/hour. Faith Portman: Is that \$75 even if they are a resident of Bullitt County? Mayor Ellis: That's \$75 across the board. Bernie Brown: Is there a written policy on the rental of the Community building? Mayor Ellis: Yes. We did that back when we were on the Council. Larry Hatfield: It has always been my understanding that you don't make a profit. And they are charging \$8 to get in. And they are selling food and you know I don't think we should be letting people make a profit and use that building. That would be like me pulling my backhoe in here by the fire department. I think it needs to be looked into if in fact this is what is going on. I got 3 or 4 phone calls on it. Evidently the internet and everything else. We let them make a profit on it and somebody goes down there and gets hurt we're going to be in deep poo poo. Bernie Brown: Are you aware of what's going on? Mayor Ellis: They are having wrestling shows there. Yes. I didn't figure it would be any different than them using the fire station when they were doing it there. Don Cundiff: Is it for a charitable cause? Mayor Ellis: No. They have a \$1 million insurance policy. If that's the case if it's an alarm then that's something we can tell them we can't rent to you any longer. Larry Hatfield: I'm not going to make anything tonight because I'm going to look into this a little bit further but I was always under the impression that it was for nonprofits and it was for if somebody had a benefit. That's kind of what it was for. I've never heard of anybody going down there and I'm not saying it's not happened, but leasing that building for \$75 it's just to me that's just cause they get \$75 back if they clean it up don't they? Mayor Ellis: Yes. Don Cundiff: Basically they're getting it for nothing. Larry Hatfield: Basically they are getting it for nothing. Mayor Ellis: No they pay \$75 to rent it and \$75 for the key deposit. If you clean it you get the \$75 back. Don Cundiff: I have a problem with the Community Center being used for somebody to make a profit because they're not paying for utilities, that's wrong as far as I'm concerned. And if it's being done it needs to stop immediately. That's the form of a motion. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0. I've had 3 or 4 calls that we are advertising for a public works person. Is that correct? Mayor Ellis: What it is after speaking with HR Unlimited yes we did advertise and we did the applications for that the same time we were doing the sewer. HR Unlimited has said that we need to have the list that's good by Civil Service for a year. So we need to have that fresh in case somebody leaves, medical, whatever the case may be. So that's where that advertisement came from that was done. It's not that anybody is being hired it's just we need to have that fresh list per what they've said. Let's go ahead and talk about these things real quick. Can we get the insurance company to commit if they will pay for them? Mayor Ellis: You talking about the storm grates? Yes. I'll get Tammy on that in the morning to see even if the road hasn't been taken over if they'll still pay since it is the City limits. And if they will we'll get it done and knocked out. Larry: I'm not in any way trying to say we shouldn't because of safety hazards but I see two things happening in this City that I've never seen before in my life. Developers are going under, St. Andrews in one of them, that was the first one. City Attorney Wantland: Shawnee Acres went under and the City paid for the streets. What was the one where we put the sidewalk? That developer went under. We had to put in the sidewalk, all the streetlights and put all that in there, down Beech Grove Road. Council voted for it George. I know we passed an ordinance at some point in time basically saying you couldn't sell until the infrastructure was in such a

degree. Larry: Before when everything was pretty, everything was selling, and then when they closed it out they put the final coat on and we took it over. We've done that numerous times but I see a sense now of it's going to be costly. George Miller: Do you have any idea how much the cost is going to be in Heritage Hills? Corky Miller: \$12,000. George Miller: I'm talking about the whole bill. Larry Hatfield: He's talking about roads I think. Corky Miller: One of the questions I have on that. I'd like to see a document or ordinance that spells it out exactly when to take over the roads, what percentage do they have to be complete. Mayor Ellis: There is an ordinance on it, it's 80%. Corky Miller: Does anybody know where that is. Faith Portman: Tammy would. Mayor Ellis: It's in the ordinance book and it's 80%. Corky Miller: Then I think it should be given to all of us. Larry Hatfield: Yes because I would like to see it myself. Larry Hatfield: It was changed because one of the Council's added curbs. City Attorney Wantland: I thought we put a surety provision in that ordinance. Larry: I think there were.

**Don Cundiff:** I just want to welcome Rob and also give him condolences also. Do we know for sure about Heritage Hill that we have not taken anything in or are we just saying from best guess we don't think we have. Mayor Ellis: I even mentioned something to Larry a minute ago we all remember lights but we looked through the ordinance books the other day and didn't find anything in the ordinance about lights. Bernie Brown: I did some checking the other day when I heard that the City had never taken those streets over. Angi did some checking and confirmed to me that there is no record that the City ever took over those streets. My concern, I know there's a safety issue and we should all be concerned about it. But there are some legal issues I think we have to be very careful of. I don't think it's, first of all it's not fair but it's not legal is it to be spending taxpayers money to take care of an accommodate something that a developer is responsible for. Larry: I don't mean to interrupt you but while it's on my mind is the Patio Homes at Heritage Hill are the considered Heritage Hill just by another developer though? Corky Miller: They are not considered Heritage Hill. Steve Larimore: We do belong to their association. A different developer did that and a different developer is responsible for maintaining. Larry: That's why I want to see if the patio homes were taken over. Rob Flaherty: The question I would have as well is we've mentioned a couple times about the City's insurance but I know with my neighborhood association we carry insurance for things that are not the City's responsibility. So I don't know if these streets have not been taken over if there's an insurance policy in place with the neighborhood association or with the developer to cover the cost since they were stolen. So it could be that the developer of the neighborhood association's insurance may pick it up for nothing more than a deductible because our Association has to carry a policy for our public areas that the City doesn't maintain. So that may be something to look at. Steve Larimore: I can only speak for the patio homes, we're missing 4 grates and to be honest with you we do have insurance but it just covers our patio homes. What they've got up there with the single family homes I couldn't tell you. But at no time has anybody said that the City's taken over any of the streets in Heritage Hills. Neither the developer of Heritage Hills nor our developer of the patio homes and that set of garden homes on Valley View, nobody has ever said anything about the City did. Ted made a comment here one night here that the Mayor told him we would take care of it don't worry about it it's all covered. But he sat right here and told you guys the City never took it in, never took a vote. Bernie and Larry both agree they remember that. Jamie Weck: When these guys come in to develop is the City the one who is supposed to get the bond from them or is the County? City Attorney Wantland: The City gets the bond. Again I'm going back in memory 5-7 years and I'm pretty comfortable there was an ordinance in place, of course that's after Heritage Hill, but it basically has surety provisions in it that the City requires corporate or adequate surety through completion of the infrastructure of the subdivision. Heritage Hill took place before then. Councilman Hatfield has alluded to the fact that we have in the past had to expend monies from the City treasury; basically the City taxpayers in undeveloped subdivisions and sometimes its streetlights, sometimes it's the street, I know the one was the sidewalks and the street, back on Beech Grove Road. Question: Can the County make them put bonds up? City Attorney Wantland: No, not for City developments. George Miller: ? City start a precedent that you got to do it. You better take a look at the cost up there. Larry: George in my memory that ordinance states, when we find it and read it, that the developer puts the bond up until the subdivision is finished. George Miller: Is that a new ordinance? Larry Hatfield:

The best that I can remember it is. George Miller: I don't remember an old ordinance like that. City Attorney Wantland: It's like '05 that's in my brain somewhere. George Miller: The City better watch what you're getting into. City Attorney Wantland: Agreed. Bernie: What's going to happen then if you find out from the insurance company that they are not going to pay anything on replacing those manhole covers? Then what? Faith Portman: Then we can ask the Homeowners Association if they would put it through their insurance. Question: We pay \$350 a year for Homeowners Association fees. There are only two people that run that. We do not have any elected people on that committee. I personally have asked for detailed financial reports for two years in a row as to where our money goes. We've never been able to get a report on that and in reality I don't think we actually have a Homeowners Association. So when you tell us to call them about insurance coverage or anything else, I don't think that's going to happen. We don't have a report and the only person that runs the Homeowners Association is me and Steve. Secondly, you fixed the streetlights on Alfred Lane two years ago, one of the lights got knocked down and the other was busted at the top, the City fixed those and last year I came up here and was told that the City was responsible for snow removal. It never happened which means we can't go to work in a big snow. Mayor Ellis: Again snow removal would not be done by the City unless the streets were taken over. I think again as Steve Larimore said it was just a headshake and a wink; yeah we'll take the streets over, and nothing was ever signed. Larry Hatfield: I was not aware that you all didn't have a homeowners association until now. Corky Miller: Mayor can you call the insurance company and see if they cover that? Mayor Ellis: Yes. But now of course we're finding out that the streets were probably never taken over by the City. So at that rate we've got to call the insurance company and see if they will still pay it. Bernie Brown: My question is if they don't, then what are we going to do? Larry Hatfield: Then I think we have to make a decision. Mayor Ellis: At that point in time we're going to have to make a decision. Corky Miller: I know that man's got the contract and he's probably cut those drains already because he was given the okay.

**Bernie Brown:** How are we going to pay this debt service? We've got a problem. A big problem in meeting the obligations that this City has. In the budget we have \$2,237,306 budgeted for bond and note payments. How much money is set aside? How are we going to meet that obligation come June 1<sup>st</sup>? There's going to be part of that due June 1<sup>st</sup>. How are we going to pay for it? Mayor Ellis: You better hope that you've got money in the bank for it. That's all I can tell you. Bernie: We can't just hope. Mayor Ellis: No you can't just hope. We were told by two professionals what we needed to do. Bernie: Well we've got a serious issue coming up. And a suggestion that Angi made, and I agree with it, if we begin this month setting aside some money for March, April and May we can meet that obligation June 1<sup>st</sup>; and then from June through November set aside some more money, a lesser amount, to take care of the December 1 payment. If we don't do some planning. Mayor Ellis: You can do that yes, but you better hope you don't have an emergency where you have to chip into that. That's the concern that I have is. Bernie: This is a commitment that the City has made. If we keep spending money like there's no end to it, we need to be looking at how we are going to take care of the debts that we have. Mayor Ellis: You've got to take care of the debts but one of the problems this City's always had and it's been going on for many years, is the City's always been on their heels they've never been on their toes. They've always been in reactive mode and never in attack mode. And that's why you have an issue. Bernie: My concern is we've got a budget here that calls for meeting this obligation of \$2,237,306 what are we doing to make sure that we can meet that commitment. Mayor Ellis: You put back money to make those commitments. That's what you do. Don: Then why aren't we already doing that now. We need to be doing it. Mayor Ellis: You have in the Republic Bank right now \$528,976.75 and in Peoples you have \$302,906. Larry: I don't understand why Tim has not even made an attempt to put a little percentage in that. That would help a whole lot. Rob will you meet with me and Angi and Scott. I've pulled October, November, December, January and February's income from Louisville Water but I have not had time to put the bank statements with it to get an idea of what percentage where we're at. The 66% increase that we passed theoretically we're only seeing 45%. Now that's actual bills from Louisville Water Company. Have you set the meeting up with Tonya? Mayor Ellis: I was going to ask Tammy today but she was not in. George Miller: Why is that Larry, people not paying? Larry Hatfield: No according to Oldham County and

we just happened to be talking to them is the wet weather back in the Spring has stopped people from using as much water. They passed an 8% increase and noticed a 16% decline. So what I'm hoping is the period to the end of the fiscal year we will see a true figure of actual income, actual what percent that this City actually is getting even though we said on paper 66%, Louisville Water Company got that in effect, got the dollar amount right, and they are going to give me our top 20 customers. And I'm going to compare them from October – December 2010 and October – December 2011 to see if I see a trend of them going down. But I've got to get and I've not had time to do it, I work another job, to try to get our other income which will be our tap ons, Beam, other interceptor charges, on our monthly statement. That's what I would like to do with Scott's permission and some help from you all. (Comment from audience – I can't hear) Mayor my name is Bill Duffy, I live in Heritage Hill too and this really is a question for Joe. Joe couldn't you file a lien against the unsold property out there are any work that you all did and try to work it out with the bank on a lease fee per lot or whatever else. I'm not saying do it now but I'm saying if you all are required to do any work to cover that as those lots are sold. City Attorney Wantland: Mr. Duffy that's a loser for the City generally speaking because you're going to behind the ad valorem taxes and the mortgage company and you're going to come in third or fourth behind that chain. That's always been a problem with the City when we had to rehabilitate dilapidated property, these kinds of things. Once the City starts putting services out on property that's in a semi-distressed state the idea of recovery for services it's just not going to happen. You're almost being forced to buy out the first mortgage company and in today's market it just doesn't happen. For the Council I'm familiar with the Council in the past not wanting to, but basically trying to finish up developments and your comments that there have been different times and hard times and we just need to be careful. But again I would be comfortable telling the City that if you've got an open grate in a public right of way within the City the City would have exposure and the City was going to be sued and we're talking about grates as opposed to a human that would be injured by such a hole in the street. You're darned if you do and you're darned if you don't. There are just no winners here because you've got vandals stealing grates out of the City putting people at exposure of serious physical injury. And the City Council would know about it and fail to respond. I don't think that's acceptable either. I don't think there's a winner here. There wasn't a winner when we were back in Beech Grove putting in sidewalks when the developer didn't do that. There wasn't a winner when we went up, and Mr. Miller you were correct, Shawnee Acres, was expensive when the City had to go in there and finish out those street and finish out that development. Again we passed an ordinance I think in 2005, in that neighborhood, that requires surety. It's just some of these developments were started before that Ordinance took place. We don't want to be in the building business but sometimes we're forced to do it. Bernie: Well the taxpayers can't be coming to the rescue of the developer. City Attorney Wantland: I think that's true. Bernie: Back to the debt service. We have got to have the money to make these debt payments. I think it would be wise if we began this month putting aside \$237,600 for March, April and May. I'm going to make a motion that we do that. It's in the budget already. So it's been budgeted. Larry Hatfield: Are you talking about per month? Bernie: Per month. We need to put it aside into a special account to be used only for making debt payments. And then from June – November that amount would be \$179,270 a month for six months. So we can take care of that debt obligation in December. If we don't do some planning now we aren't going to have the money, then we're going to be right on up the creek come June and December. City Attorney Wantland: Councilman Brown I'm hearing from my left and one thing that is being suggested very quickly we've got to make sure we're got \$237,000 a month coming in to the sewer fund. Bernie: Well that's well and good. The only thing is we have that commitment, that debt that's been made and we have to meet that. City Attorney Wantland: And someone said something about professionals making recommendations and the Council chose not to follow those recommendations. Bernie: I think we don't have any choice but to set aside some money each month so that we can take care of that debt service. We're going to have to be doing some refinancing. Larry: There's no way we can set the whole total amount. Bernie: Well them we're acknowledging right now then that we aren't going to meet our obligation on the debt service. Larry: Not on the reserve no. I can tell you you're not going to. On the reserve now I'm not talking about the note. But no you're not going too. Bernie: Well it doesn't reduce at all that much if we did it on the note itself. Larry: If we could do \$50,000-\$75,000 a month. Bernie: That won't meet

the note. Larry: I mean the reserve. Bernie: It won't meet the note payment due June 1<sup>st</sup>. I don't think we have any choice but to set money aside to take care of the note. The reserve fund, sure I'd be willing to work that out some other way or time but I don't think we have a choice on the note itself. Does anybody think otherwise? I mean if you do speak up I'd like to hear. I know we've got a serious problem and we need to start dealing with it now. We can ignore it but the day of reckoning is coming. City Attorney Wantland: I'm familiar with Ms. Johnston's report and I am concerned as Councilman Brown about meeting the financial legal obligations of the City in a timely fashion and we're in a position where we no longer can service debt by acquiring more debt. And again we've asked for a cash flow analysis of some kind to see where our cash flow would be but at some point we're going to have to step up and this is getting to a point where we are fixed in our debt obligations. We're fixed on the out go and we've got to make sure that the appropriations, the income we have to service meets those obligations and right now I'm not sure we're doing that. It doesn't do us any good to make a motion to put \$237,000 aside if we don't have \$237,000 a month coming in. I think that's where we are. Bernie: Well then the time to do something about it I think is right now. We start doing something now not wait until June when the crisis hits us because it's coming. Larry: Will you give me a little bit more time to look at some of this stuff. Corky Miller: Mayor I'd like to say something else. I can't leave here without saying this. There are people out there in Heritage Hills that's been crapped on ever since the day they walked in this community by paying double fire taxes that the City made no effort to do at all anything for them. And I know you've got to watch the law but it should have been watched before we made this decision to get these tops made. You're probably going to have to pay the man something because he's been told to do it. And like I said now they're facing another obstacle where people have built \$500,000 homes that they might lose \$200,000 value very quickly and I think they've been smacked around enough. Don Cundiff: I don't disagree Corky but I do disagree for you to say that we've not done anything to try to help. Corky: I know you hadn't done anything when I walked in this place two years ago. Don: Well I disagree with that and I've been here a long time. I disagree with that and I take offense at that as well Corky. Corky: Well you can take it because I know what happened. Nothing happened until that man right there became the City Attorney. Don: Well he was City Attorney before and he worked on it before. City Attorney Wantland: We did get a reversal from the Court of Appeals basically giving the City its day in Court. We fought that thing tooth and nail. And I think we finally got it where we needed to get it. Bernie: Folks I'm not trying to kick anybody around. Heritage Hills or anywhere else. I'm saying we have a debt commitment we have got to make that payments and it's in the budget it's been in the budget now this is what, the 8<sup>th</sup> month of this budget and we don't even really know right now where we stand exactly in relation to that budget. And this is just not a good situation and we've got to do something. Something has to change. I think we need to take a look at this Larry in the next few days and come up with something and at the next meeting we're going to have to have a plan. The budget really was a plan but we haven't been paying any attention to it.

**Faith Portman:** I forgot to bring something up. Angi and the drainage committee had a meeting and she asked me to bring this up. She left. She really didn't elaborate on it. If you have any questions you can call her. We were talking about Shawnee Acres trying to do it in phases; phase 1 and phase 2. Everyone should have had a copy in your mailbox. I would like to make a motion to bid this project out and just do the phase 1 until we can get enough money to do phase 2. Larry: I think we need to bid it and at least see where we're at. I'll 2<sup>nd</sup> the motion. Motion carried 6-0.

Don Cundiff made motion to adjourn. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 8:21 p.m.

\_\_\_\_\_  
R. Scott Ellis III, Mayor

Attest: \_\_\_\_\_  
Tammy Richmond, City Clerk