

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, April 28, 2014**

Pastor Les Collins, Family Worship Center gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:31 p.m.

Council members present: Bernie Brown, Jose' Cubero, Dana Bischoff James, Faith Portman Clinton Kline and Gloria Taft.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 4/14/2014 regular meeting. Dana Bischoff James made motion to dispense with reading. Clinton Kline 2nd. Motion carried 5-0-1 abstention.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 4/16/2014 special meeting. Jose' Cubero made motion to dispense with readings. Gloria Taft 2nd. Motion carried 4-0-2 abstentions.

Mayor Ellis asked for a motion to approve minutes as written from the 4/14/2014 regular meeting. Clinton Kline made motion to approve 4/14/2014 minutes as written. Faith Portman 2nd. Motion carried 5-0-1 abstention.

Mayor Ellis asked for a motion to approve minutes as written from the 4/16/2014 special meeting. Gloria Taft made motion to approve 4/16/2014 minutes as written. Clinton Kline 2nd. Motion carried 4-0-2 abstentions.

Mayor Ellis: No announcements tonight. Scott Fleming was unable to attend the meeting tonight so we'll wait until he can be present for this announcement.

Old Business:

City Attorney Joe Wantland had first reading of Ordinance 014-(number to be assigned) concerning the solicitation of bids for purchase of materials and equipment under the sum of \$20,000 but more than \$7500. Mayor Ellis opened the floor for discussion. Jose' Cubero: We've got a statute in place with the \$20,000 that seems to be working for us and I think we keep scrutinizing what we need to do; normally the situations used on this bid we're saying now that \$7500 up to \$20,000 is going to need approval? Mayor Ellis: Yes that is what this is saying. City Attorney Wantland: Council will determine the way of the acquisition. Jose' Cubero: Why are we doing this? Who set this up? City Attorney Wantland: I had some inquiries about the Council to either have it by solicitation and/or bidding process for those materials more than \$7500 but less than \$20,000. The Council determines the acquisition method not the Department Head. Mayor Ellis: My question is if you have a pump that burns up at VFW and you have to replace that pump that is \$14,000, do we have to call a Special Meeting to make that happen? It says that the Council can make a decision for the emergency. Clinton Kline: It says the Mayor or Council majority. Mayor Ellis: Majority, but you guys can't vote through an email you have to vote at an actual meeting. Clinton Kline: It says the Mayor or not the Mayor and in Section 3. Jose' Cubero: My question is why is the \$20,000 not suitable to what we do in our day to day business as far as Department Heads and the Mayor taking care of day to day operations. We set budgets aligned up with it; money is allocated in the budget that can just take the money from that. I guess my question is why are we doing this? I see nothing in the way we've operated in the last 16 months that tells us we have some concern over the \$20,000 mark that we have a KRS statute for so now we're micromanaging the Department Heads and the Mayor on the day to day business of the City. We're just wasting time. There's nothing that we've done in the way we run our business that tells us that we have to micromanage it to this far now. Faith Portman: This is basically taking the Department Heads out of it the way it sounds to me and putting the Mayor and/or the Council in charge. Gloria Taft: But isn't that why you have Department Heads to oversee the budget. Faith Portman: To spend \$20,000 without permission

though? Gloria Taft: To oversee the spending of their budget within their Department. Faith Portman: But what if it is something that doesn't have to do with their budgets? Dana Bischoff James: Have we found any of our Department Heads to be ... Faith Portman: In the past it's happened. Dana Bischoff James: But has it happened ... Faith Portman: Not that we know of. Dana Bischoff James: I just think that we have ... Faith Portman: The Council at that time didn't know anything going on. Dana Bischoff James: We now have a CPA who is certified. My thing is we have such a smooth running government at this time why do we keep adding and compiling laws that stifle things from taking place and business from happening. I just see that we should do something to speed up processes not slow down. I would like to make a motion that we vote this down. Mayor Ellis: I have a motion to reject this Ordinance. Jose' Cubero 2nd the motion to reject this Ordinance. Motion tied 3-3; Mayor Ellis broke tie in favor of rejecting the Ordinance.

Further discussion followed on the fence at the tow lot. Mayor Ellis: Faith has gotten a couple quotes and I have another person come in that gave us a quote to tear down, install and bring in a new 10' fence for \$14,700. That is complete labor, everything. We have two here, one is for a 6'. You can't use that. Faith Portman: One of them she messed up on. The other one is an 8'. Mayor Ellis: We're going to have an 8' fence, the materials is going to be \$2840.46 and then labor for the employees doing the work. Faith Portman: Well they are already working so I don't know how you would add labor in you don't when they're mowing grass do you? Dana Bischoff James: Is that for a wood fence. Faith Portman: Yes. Dana Bischoff James: My concern is if we ran a bid in the newspaper and we had contractors out there working and then we put out a bid and say hey we want you to do this; how many of those took their time and effort to get a bid but if we would have sent out a wood fence in the first place then all of the contractors would have brought in cheaper bids. Faith Portman: But we rejected all of them. Dana Bischoff James: I think that's bad business from the City's aspect. I don't think we put a bid out and then we go back and change what we were even asking for. I think that's really bad business. Faith Portman: This has been going on now for eight months now and I asked months ago if somebody would go and get a quote from Lowes about a wood fence and they were supposed to I ended up going and getting it myself. I think we've been dragging our feet. Mayor Ellis: What are the wood panels they are talking about? Are they the panels like the ones on the water plant? Faith Portman: No, those were plastic. Mayor Ellis: They are vinyl but are they panels like that? Faith Portman: These are like what you see in Oak Grove right now; they type of fencing that's over there. She can go anything, I just said I need a quote; these people have been waiting for months. Mayor Ellis: My concern is, you saw how the water plant looked when the panels actually blew down. Faith Portman: Yeah but who ever put those up didn't know what they were doing. Seriously and I'd tell them that. There is privacy fence that stand up all the time. Mayor Ellis: A privacy fence where they are actually doing the slats, screwing each one to 2x4s down through there. That's the difference. This is a panel and that's what I'm worried about; if the wind blows the actual panel down you have a whole section of fence missing. Whereas if we screw those onto the fronts ... Faith Portman: That's what we're going to do with this, that's what all the screws are for. Mayor Ellis: There are no 2x4s on here. You have 4x8 treated corner posts. Faith Portman: My point is even if it's \$3500 versus \$17,000 or \$15,000 it still would be a lot cheaper. Gloria Taft: You still have to add in the man hours. Faith Portman: Why? Do you do that when you mow grass or spray? Gloria Taft: That's what they are hired to do. Faith Portman: They are hired to do public works. Gloria Taft: It still has to be kept. Faith Portman: Well then let's start doing it on mowing services? I mean when they're mowing the lawn let's start doing that. Maybe it's cheaper to hire someone to mow. We can't do that every time somebody does something in the City. Jose' Cubero: Claude I'd like to ask you a question. Obviously you have a day to day operation that you have; I guess my concern is and I think we all agree we need to put some fence up; we need to do something there. I think that's pretty much in agreement. Claude what I was trying to say way I don't have a problem with Faith saying the fact that there is labor involved that can be taken out of Public Works but it's got to be timed and it's got to be specified and it's not going to be like we're putting the fence up like a project; but we're getting it bid on and that's going to be done in a very short period of time. Your situation isn't going to be done like that; it has to be put in while getting other work done first. And every time that you have ample time you work on that. Claude Middleton: It's not like we just mow grass; we patch roads, we're trying to take care of everything in the City to keep everybody happy. Jose' Cubero: Going back to everybody agrees to have a fence what I'm saying is I'd like to get your opinion if we said hey Claude we'd like to see you guys do that; give us when you think you could start and when it would be complete because it's not going to be like if we bring in a business that fixes and does it. That's

got to be suitable to do that because once you start tearing it down... Claude Middleton: It's not going to be a quick fix. Jose' Cubero: And I understand that. Gloria Taft: You can't leave it open. Once you start tearing it down you've got to put it back up. Faith Portman: You're going to attach it to the fence that is standing right now. That's what we had talked about. Mayor Ellis: No, this guy is removing the old fence and putting in new fencing. Faith Portman: Yeah, \$17,000 and we can do it ourselves. Mayor Ellis: \$14,700. Dana Bischoff James: I still think it goes back to us are not treating the people of Shepherdsville right by saying hey we're going to put this out for bid and now we're going to relinquish that. Is there anybody here who can speak on behalf of Sign Monkeys who the bid is from? Plus I like supporting local businesses, he's from Shepherdsville. Faith Portman: Didn't you tell me we received a bid from him before? Mayor Ellis: No we did not receive a bid from him. I thought we had but he had not. You did not bid on this correct? Sign Monkey rep: No I bid on the wooden fence. Mayor Ellis: You bid on the wood fence which is what we have here? Sign Monkey rep: Yes. Faith Portman: When did that bid close in the paper? City Clerk Richmond: January 27th at 4:00. Faith Portman: Did you see this in the paper or were you contacted by somebody? Sign Monkey rep: I was contacted; I was actually investigating the way you wanted it done with the 10' chain link and the peg roll hedge fence put in it but then when I found out the prices of all that I just turned around and gave you that bid because the wire fence with the inserts in it was just astronomical. This big is a 10' fence with barbed wire repurposed on top of it so you didn't have to pay for that but it's all stick built what I bid and it's 10' tall with the barb wire on top. That's sitting the poles, running the 2x4 runners. Faith Portman: How long would it take you to do this? Sign Monkey rep: Week or two probably depending on weather. Faith Portman: Was that advertisement for sealed bids? Mayor Ellis: Yes they were. City Attorney Wantland: There were no conforming bids. Faith Portman: If the bids already closed and this is not a sealed bid. City Attorney Wantland: We've got two things going on. Point of order. Is this going to be a motion from Ms. Portman to reject the bid? Faith Portman: No. City Attorney Wantland: Or is this going to be a motion from Ms. Bischoff James to re-advertise or whatever. Dana Bischoff James: Can we not accept this one then as it stands? Mayor Ellis: You can accept it. Dana Bischoff James: I make a motion that we accept the bid we have so that we can go ahead and get this fence done. Sign Monkey rep: I can start immediately if you all want me to do it. Faith Portman: I don't understand how we can accept a bid that's not even been advertised for or sealed and vote tonight when this is the first time I've seen it. I haven't seen it before tonight. I emailed my bids to everybody up here twice; put them in everybody's mailbox and nobody ever responded to me. I'm not going to vote on something that ... Mayor Ellis: I talked to you about this last week. Faith Portman: I know you did but I didn't see this. Dana Bischoff James: I made the motion that we accept this bid. Mayor Ellis: I have a motion to accept this bid and get this project started. Faith Portman: How do you all feel about having the barb wire around the fence? Mr. Wafford: If I understand him saying it's only going to be one thing right at the very top. If it's 10' the kids won't be able to get on a 10' privacy fence so it's better than a 6' having four slats of barb wire over your back yard. Sign Monkey rep: There will be the same amount of barb wire that's up there now. I will take that and repurpose the brackets that are there and it will be on top just like it is. Mr. Wafford: Then that also becomes a safety hazard for the kids that are playing in their backyard. Sign Monkey rep: I can do it any way they want it done. That's just an idea. Mr. Wafford: What we're trying to do with barb wire is keep people from climbing. If it's a 10' privacy fence climbing in that part in someone else's backyard and two of them are already privacy fence right up to that fence you don't have any problem. The only part that would probably need to be barb wired is the first 25' that is not in someone's backyard. It depends on what pole you start at. You start at the gate or you start at the pole. Maybe the first section, yeah, which is easement, you can do that easement but when you start it at the Louisville Metro Police Officer's backyard that has four children then he doesn't need barb wire sticking in his backyard. Sign Monkey rep: It's there now. It's going to be around the rest of the place also. Faith Portman: When that fence was put up there were no homes there. Sign Monkey rep: I'm just saying as far as a safety hazard a kid can go right around the corner and climb the other fence and get in to the barb wire. Would you prefer the barb wire not be there? Mr. Wafford: No. Invert it. I don't mind barb wire. Sign Monkey rep: You mean inside the fence. That's not a problem. It can go any way. Jose' Cubero: That's an easy fix. I think the biggest thing right now is that we get it done. Claude I'm going to say this because I think that what we're asking you to do would take a long time and I don't think that's the proper way to do that. Steve Larimore: My question is if you're going to do this, you have to re-bid it to be fair in my opinion. You have to re-bid for a wood fence because you bid it; Dana I'm talking about your problem, you got three bids you can't make a motion to accept this because you are cutting out all the other people who haven't

had the opportunity to bid on this. Mayor Ellis: If it's under \$20,000 it doesn't have to be put out for bid. Bernie Brown: Initially it was over \$20,000, in fact as I recall one price that was given was \$35,000 or \$36,000. And if I'm not mistaken the Council, the City has a right to reject any and all bids. Clinton Kline: Claude, how many man hours will it take for you to do this fence? Claude Middleton: I have no idea. I don't know what it consists of. Jose' Cubero: 2nd. Gloria Taft: Based on weather how long will it take for you to complete this project? Sign Monkey rep: To tear down the old one and haul it away and put up the new one, within two weeks if the weather permits it should be no problem at all. Gloria Taft: You understand it can't be left unsecured at any time? Sign Monkey rep: I guess I would have to tear it down a piece at a time and build it as I go then. Gloria Taft: How is he going to keep the lot secured if he can't; obviously he can't complete the project in one day. How are you going to keep the lot secure while he's completing the project? Faith Portman: Maybe move the fence back a little bit. Sign Monkey rep: That would be an awesome idea. I was thinking tear down and section and get a section up but if something happened and it stormed that day and I wasn't able to get that other section up. That would be the best idea to keep it secure. If I can put it inside or outside the existing fence that would be absolutely no problem at all. Motion carried 4-2-0.

New Business:

Mayor Ellis called Brenda Weidekamp to discuss GFS occupational fees. City Attorney Wantland: This presentation is for a brief information meeting and an invite to the Council; May 9th at 9:00 a.m. there will be representatives from Gordon Food Service present at City Hall. Mayor Ellis: This is over the Gordon Food Service occupational tax incentive. Brenda Weidekamp: GFS has offered tax incentive in 2006 which was approved; they didn't qualify until November 2010; unfortunately the emails were sent to Mayor Tinnell and their attorney spoke with him and Bill Wilson. My understanding is that the City couldn't afford to pay it; they didn't readdress this again so none of us knew it until two weeks ago. Jose' Cubero: They went 3-1/2 years. Brenda Weidekamp: Yes they went 3-1/2 years to readdress it. Faith Portman: Why did they wait so long? Brenda Weidekamp: I asked the same question. I haven't gotten that answer. They forwarded me the messages they sent to Mayor Tinnell showing me that they had been forwarded saying that they had met all their requirements and qualified in November 2010. Another question that I had is if they knew they qualified and it was sent by the Tax Department why did they continue to pay; but they did and us being unaware of this we were taking it and depositing it as we would with any withholding and it wasn't until the first part of April that they contacted us about this. Bernie Brown: How did Gordon Foods address this; in a letter? Brenda Weidekamp: No the Attorney called. They sent it to the Kentucky Economic Development, the Kentucky Revenue Cabinet as well as the former Mayor which is what they are supposed to do. Mayor Ellis: I caught wind of this the same time that the emails went out to you guys two weeks ago. Brenda Weidekamp: I've asked the Economic Development to start, if they would, send me an email when a Company qualifies so that we know and I can keep track of it. Gloria Taft: Can you ask them for copies of all emails between them? Brenda Weidekamp: I did and they are very limited as far as what they sent. I gave a copy to Joe; I need to make copies for you. It was the letter from Gordon Foods stating to the Mayor that they now have qualified to the Kentucky Revenue Cabinet as well at Economic Development. Bernie Brown: When did they say they first submitted this information to the Mayor? Brenda Weidekamp: November 2010. Bernie Brown: Do you have a record of that? Mayor Ellis: We do now; that came in today. Brenda Weidekamp: It's an email, whether or not they sent a hard copy there is no way for us to know it's not in the file. Mayor Ellis: Again, there was no way of knowing there was an email until they sent it today. Brenda Weidekamp: Until the forwarded it to me I didn't know about that. Faith Portman: When did they send the email; the last one? Brenda Weidekamp: The one that they sent I believe was dated November 10, 2010. It was either the 5th or 10th, there was two different emails but they were separate. One was about the rent. That's totally separate. Faith Portman: I just don't understand why they waited four years. Brenda Weidekamp: I did ask them. I said you're just now readdressing this and I asked him why his Tax Department if he knew that they qualified why did they keep sending the incentive amount in. And even when the 1-1/2% came in they adjusted that and sent 1-1/2% in. Gloria Taft: So it sounds like they didn't realize it either and they are just now catching up with themselves as well. I guess let's just talk to them and see where they are at. Faith Portman: Do we not keep records of all this I mean when people are supposed to do this. Brenda Weidekamp: We don't know until we're contacted when they qualify then we check with Kentucky Economic Development and if we don't have those letters which we didn't because they went to

the previous administration and we didn't have it; and the person handling it needs those. Gloria Taft: You would think the KED would contact us as well. Gloria Weidekamp: They are separate entities, they really don't care. Gloria Taft: They should still be contacting us saying we've received this information from a business in your area how do you feel about it, where are they at, what are your records showing. Brenda Weidekamp: I've asked them to make sure it gets emails to more than one person when they do qualify. I've got a couple very helpful people in both cabinets so they are going to help me figure it all out.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) authorizing the issuance of City of Shepherdsville general obligation bond anticipation note Series 2014 in a principal amount not to exceed \$3 million to refund the general obligation bond anticipation note, Series 2011C. Mayor Ellis stated the second reading and vote would be May 12th. (Rebecca Mayton, Frost, Brown, Todd here to address any questions the Council may have.) Rebecca Mayton: Thanks for having me tonight. I'm an Attorney with Frost, Brown, Todd and Dan Cline from Republic Bank is also here. We're happy to answer any questions you all may have. Jose' Cubero: My biggest concern was to be able to have liberty to pay on that before its time is up. That's the biggest thing that we've been restricted on with a couple loans we have. We're in a situation now where we've been able to do that on certain ones and I think with this one our obligation is to have this loan but we see as the City grows and these is an opportunity with our revenues being increased one of the priorities we always take is we want to pay down any debt we have. We've done that already for the first sixteen months we'd like to continue that. I think that's my only concern with anything we did. I just think that's the biggest concern I had with any of this. Rebecca Mayton: You are correct. If you all use internal funds to pay this off there is no pre-payment. Bernie Brown: Basically this is a five year note right? Rebecca Mayton: Correct. Bernie Brown: It balloons if it's not paid in five years? Rebecca Mayton: Yes that's right. Bernie Brown: What's the interest rate if it goes beyond five years? Rebecca Mayton: It would be renegotiated at that point. The tax exempt rate is around 2.57 and the taxable rate right now is 3.81 which is the interest rate in here. City Attorney Wantland: For the purposes of our meeting, the City is not creating a new debt; we're refinancing an old debt. And for the purposes of people who are here tonight a prior administration before 2011 spent \$3.5 million of grant money through the General Fund and this Council had to replace that debt. We started at \$3.5 million we're talking about \$3 million tonight; that's half million dollars less. It's still the idea that we're still cleaning up debt that was created before this Council and Mayor took office. We're not creating any new debt we're just refinancing a debt that was created in 2011 and before. Bernie Brown: I think it would have been nice if we could have paid down more than just a half million. Rebecca Mayton: The amount is more around \$2.9 million we just put some cushion room in here.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) amending Ordinance 005-664, 011-083 and 011-084 establishing all fees for usage of the City of Shepherdsville's Wastewater Treatment facilities. Mayor Ellis stated the second reading would also be May 12th.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) concerning the Agenda for the conduct of meetings of the City Council. Mayor Ellis stated second reading would also be May 12th.

June Daugherty addressed the Council on Approval of Parade Permit for YMCA for 2nd Annual Bullitt Blast Dash run/walk 5K starting at the YMCA building taking the same route as last year and ending back at the YMCA before the businesses open; most of them are closed on the 4th. Bernie Brown made motion to approve. Faith Portman 2nd. Motion carried 6-0. June Daugherty: Also, I have a volunteer coach here with me tonight, Matt Porter; we've moved soccer for this spring season over behind Roby due to just some work needing to be done on the fields. The YMCA is willing to buy the straw, the seed and everything; I think Faith has sent out a letter from Stephanie Warner another one of our coaches and a YMCA employee, to do some work out there. We're not asking for any money from the City Council, we're just asking for permission to make improvements to the fields that you all own and the Y leases from you all in our regular lease agreement that was approved. Faith Portman: I went and looked at them and they are pretty rutted up aren't they? June Daugherty: Yes, we've been playing soccer on them for years plus there is an adult league that's been playing out there on Sundays just because the goals are there and they are open to the public so it's in need of some work and we're willing to do it; we just want the Council to be okay with that. Mayor

Ellis: Like I told you earlier we're fine with that. We have a lease agreement with you guys that states in that lease agreement that you're able to do it. June Daugherty: We're just taking a break right now going over to Roby. There's one field, the large field that the oldest age group is still playing on. No motion needed since it's covered in the lease agreement.

Daryl Lee: No report.

Duane Price: No report.

Sign in Speakers:

Kevin Fullen: Evening Mr. Mayor and Council thank you guys for giving me an opportunity to speak. I'm the head coach of Hebron Middle School Baseball Team and we are trying to find a suitable field to practice on. We've been using field grass, football field; pretty much anywhere we're able to get the boys. We had gone out to First Street Park at one of the two fields they had built out there and tried to do some practice stuff there about two weeks ago and the field was just grown over; really bad shape, so we just did some outfield stuff and hitting stuff and kept the boys at a safe distance so nobody would get hurt. It's a beautiful facility, I'm not sure how long its even been there, anyhow there is quite a bit of money put into it. We're, as a group of players and parents, want to try and get that field in a safe usable condition. I've ran a ball field before when I lived in Fairdale and I have equipment; we have bases, home plates, we're not looking to change anything as far as structure wise all we want to do is make it safe to practice and potentially scrimmage with some of the other Bullitt County teams. We are so far behind in our Bullitt County sports; you guys know this with Jefferson County and these other programs. Fifty six teams in the Jefferson County Middle School league, two from Bullitt County. That is it, two Middle School teams. We played in a tournament, put a pretty good whooping on a team that was favored to win it and they moved us up to the highest division which is all 8th graders and we're competing with 6th and 7th grade players. We're not doing very well but we're trying. Part of that problem is we can't get in a field with dirt that these boys can use because they are playing on dirt and that ball comes at you so much faster off dirt than it does in grass. North Bullitt has freshman, JV, Varsity using that field; three levels of girl's softball using that field plus games. There is not time available for us except 9:00 at night on a school night and being in a residential area those lights have to be out at a certain time. So we're very limited on where we can go. We're doing the best we can. We're spending money out of pocket for batting cages; that type of thing. Our parents are willing to do the work to get those fields safe for use. We're not looking for the lights, not looking for the concession stand, score board, none of that. All we want is to use the field two to three days a week depending on what the weather is so that these boys have somewhere where they have an opportunity to compete at the same level as everyone else. Faith Portman: Is it for practice, is that what you said? Mr. Fullen: Yes. We're not looking at games. Our main concern is having somewhere for these boys to practice. We play at a Middle School league in Jefferson County now because they don't offer anything here in Bullitt County and we will have a summer program that we will compete in as a team and then as a team in fall ball so we will have three sessions that we will compete in against other Middle School teams and you kind of have to take a break at that point until the first of the year, February I think it is, when you legally, we follow the same rules as KHSAA so we have to do the same setup as them. So we're looking at two to three days a week depending on the weather and what our game schedule is will determine when we can actually get in there. We have team insurance provided through the School until the last day of school and then we will have insurance ourselves that I've purchased for our travel team every year to cover anything and everything we do as a team. Jose' Cubero: Mayor I know right now it's not suitable because of what you've said and he's said, who uses that area? Mayor Ellis: Shepherdsville Titans football uses that starting at the end of May, first of June for their football practice facility. Faith Portman: Can't they use the back part? Mayor Ellis: They've never used the back part they've use the lower part. Dana Bischoff James: Can they not work together? Mr. Fullen: We only need one field. We don't need both fields. Mayor Ellis: Which one is the biggest field there? Mr. Fullen: I think they are the same dimensions. They look pretty close. I just stepped them off the other day and it looks to be about the same dimensions. Mayor Ellis: The only thing that concerns me and I hate to see anybody spend money on something that may not be there in six months. The fields are in the flood way, they were illegally built; there were never permits for those ball fields. Mr. Fullen: The only money that will be spent is gas for mowers basically. Mayor Ellis: We could have

FEMA come in tomorrow and say tear them down and I hate to see these parents spend their money. That's something I didn't get into in the email but since you're here I'll tell you. They were built illegally without permits; everything is built in a floodway which is totally illegal in the Commonwealth of Kentucky. We've had FEMA around here with the FEMA floodplain maps and if they come in here tomorrow they'll say tear them down, they could. Again they may never mess with us. And I hate to see you guys spend the money and then and it be taken away. Bernie Brown: Well I think if they understand that is a possibility I don't know that would make a difference. Gloria Taft: What about insurance with somebody working that's not a City employee working on property; we have a lease agreement with the Y so if its covered under the lease and it says that they assume all responsibility for working on said project, the City is not liable. We don't have a lease agreement with this group. If they want to do work on City property we would have to enter in to some kind of agreement. Mr. Fullen: You make a lease or like you do with the schools. Dana Bischoff James: With your team insurance you can offset that pretty easily. It's not difficult to add that to insurance. Jose' Cubero: The question I have for you is if we allow the one field and do the 2-3 days I don't think it's a problem, my question is how does that work out with football. I don't think when we first started with all this just to understand what you're trying to do but anybody playing sports you can't go against that. I think it's good for the kids and I was very involved with Middle School baseball in Jefferson County. What I'd like to see done though, the only agreement I'd like to see us do is just something written out what you're willing to do to take care of the fields and just take care of that; I know you've got insurance and just making sure that it's coordinated with whoever else is using that so if we have football coaches that are going to use it you say that this is going to continue in the summer time, so you would still need to have access to practice in the summer time. The reason why I say that Kevin is I was a commissioner for Middle School baseball and coached it so that's why I think what you're doing is great. I do think it's important to have a good agreement written out between you and the City. Mr. Fullen: Mr. Garland is the Athletic Agreement who would write the agreement. Mayor Ellis: Have him get with Eric Farris tomorrow and get with City Attorney Wantland to write up the agreement and we'll go from there. Faith Portman: I would contact City Hall tomorrow and get the name and number of the football league and coordinate with them that you're going to use one field and they can use the other.

Glen Butler: I'm part of the Hebron Baseball Team and play anything the coach wants him to play. I like to play short stop or second base. My question is with the Titans; don't they have their own football field? Mayor Ellis: No they do not. They use to practice at Bullitt Lick before Shepherdsville Elementary was built. They got kicked out of there so we moved them over to the park. Mr. Butler: Since there are two baseball fields I was also wondering how a football team will be able to practice on the baseball field. Mayor Ellis: We had to put them where we could during the 2010 flood.

Alicia Howell: I'm a parent of one of the players. Since you all pretty much took care of it with Mr. Fullen that kind of takes it away. I'm just hoping to keep these 18 kids together doing what they love.

Brandy Wardrip: Thank you for having the Hebron Baseball Team here. This is only the first year that we've ever gotten together as a baseball team. Last year Bernheim started theirs so the high school leagues as you know are up and running. We even took some regional and district championships the last couple years. This is an opportunity for you to invest in your children and your community; gain some community pride and bring all the kids together and keep them out of the heroin and meth that's going on in our cities and invest in your children and allow them to gain some ownership and first and foremost introduce them to what democracy is which is hearing our voice and letting you all decide for us. We appreciate it. Thank you.

Department Reports:

Fire Chief Layne Troutman: I was asked to present this to the Council tonight. As you all know back in August of last year one of our apparatus responding to a vehicle fire on I-65 and while on the scene was hit by a semi-tractor trailer. We've been in negotiations and talking back and forth with the insurance companies. They, it's the second time they have presented an estimate on what they think it will cost to fix our fire apparatus. The first time it was \$27,000; the second time now it's \$42,000. From the company that built the truck where we sent it to, Seagrave in Wisconsin, they are saying it's going to cost \$153,000 to fix

the apparatus. We a long way off between the insurance company and what Seagrave is saying it's going to cost to fix this apparatus the correct way. I know we're probably going to be taking a trip up pretty soon to negotiate some more. The City is also out another \$30,000 we had to pay for another fire apparatus to help keep the City covered. There is quite a bit of money we're out already and it just continues to go on and on. Once we do reach an agreement with them if we ever do we're 8 to 12 months out from ever getting to use this truck. So we're going to be well over a year, maybe even closer to two years before we actually get this apparatus back if we wait on the insurance company to fix it. I'd like to be able to go ahead and tell the company to start working on the truck to get it back in service; it's our newest apparatus. It's a '06 model; closest thing to that is a '01 ladder truck; then after than you get into the early 90s. Gloria Taft: The insurance company you're referring to is the person at fault? Chief Troutman: Yes. Ryder. City Attorney Wantland: I think we're \$100,000 apart and we're not getting any closer. The question to the Council and we don't have to make a decision tonight we can make it on May 12th, I think that gives us time to talk about it among each other. One I think it puts the City in a better position to talk with the City is out of pocket in repairing this piece of equipment. In other words we're not saying how much it costs to repair it is we're saying this is what we paid to repair it. It puts us in a better position. Chief Troutman has talked to this company of several occasions he's tried to put a fire apparatus together for our community that works. He's not half way doing it, he's not cheaping it, he's trying to get it done right. Clinton Kline: Can we authorize that through a Resolution at the next meeting? City Attorney Wantland: I think you can make a motion that we can start working on this fire truck at the next meeting but I want you all to think about it. If we go to court a year and half from now and the jury says \$50,000; what are we out? We're back where we were; the question the Council has to decide is how much; I think of it this way, you want the vehicle to be as safe vehicle for the firemen, you want it to work properly for the citizens, and I think the Chief is looking after our interests and I asked him to be here tonight to say we may wish to have that vehicle repaired the right way. Then work about getting our money back. Jose' Cubero: Chief I think that's a good thing. City Attorney Wantland: Kick it around. We've got a meeting coming up the 12th. They've had this vehicle since August. We're not getting anywhere with Ryder. Seagrave will do the work as they are manufacturer of the vehicle. The City repair estimate was \$131,000-\$133,000 previously. Jose' Cubero: How long would it take if we said yes? Chief Troutman: If we said yes today, eight months. Actually we're getting closer to May now, 8-12 months. At first it was a good solid 8 months, but they have a large order coming in right now, I think the New York Fire Department and they are building 50 to 100 trucks for them so it kind of puts us on the back burner. Bernie Brown: How soon do you anticipate going up there? City Attorney Wantland: I would say probably sometime in July. We want to have Seagrave on board. When we come down and talk about the damage to our vehicle I would like to have Seagrave on board. Seagrave is the one who is going to say we fixed that; the cost to fix this, whatever, and it's not \$50,000 it's \$133,000. We want that company on board to substantiate and follow up our position in this matter. Bernie Brown: If we go ahead and start now there is a possibility that the Shepherdsville taxpayers are going to end up paying \$100,000. City Attorney Wantland: Shepherdsville citizens have already paid probably \$300,000-\$400,000 for this piece of equipment in the first place. Gloria Taft: We bought the vehicle and now it's sitting there because somebody else wrecked it. City Attorney Wantland: I don't know if anybody else fights with insurance companies on a daily basis but I will tell you that sometimes they are not very reasonable. This should be a very easy case. Seagrave says it's going to cost this amount of money to repair this vehicle and each time the paid consultant for the insurance company's adjuster comes back of \$27,000 and now they are up to \$42,000. The question you've got to think about over a period of time is yes the City of Shepherdsville taxpayer has already paid for that machine once; just how important is it to get it back in service right? Bernie Brown: If it's going to be done it needs to be done right. City Attorney Wantland: \$50,000 is not going to cut it according to the Chief and according to Seagrave. We're not getting anywhere by not doing anything and it might be a year, year and a half before we resolve it in court. Bernie Brown: Where would that occur? City Attorney Wantland: Bullitt Circuit Court. The Council can think about it. We can make a decision on the 12th. Yes you may be out \$100,000 as far as the City taxpayer if everything falls bad but I think we're in a much better position to say that's what it cost for the City to repair that machine and ask for the person who damages the machine to replace it. Bernie Brown: That would help the case if it does go to court. City Attorney Wantland: It's going to court. Chief Troutman I saw something in the paper today, so everybody understands, you got two command vehicles. That was paid with? Chief Troutman: With money that was budgeted out of this year's budget. City Attorney Wantland: Do you recover some of that money from your

mitigation fund: Chief Troutman: Yes. The mitigation fund is actually set up; it's something that's been in place for years. They weren't using it when I took over. It was hit or miss whether they collected on it. When I took over the Fire Department we stumbled across what they hadn't been doing and we put it in place; we actually make some changes to it. We brought it up to modern day standards. It was a little outdated on the costs of personnel, equipment, things of that nature. What it does is, basically if we respond to a wreck on I-65 and it's a trucking company for a vehicle fire on 65 and it's somebody from out of State, basically if it's a non-taxpayer and they are in our City and they have a fire or a wreck or something that we have to assist, it's a way that we can recoup the money for the taxpayers here in Shepherdsville and that's what it's for. It also help us, it provides more training for our firefighters, it helps us buy equipment, it actually outfitted the engine that we got a few years ago, all the hose, adapters, nozzles, it completely outfitted that apparatus out of that fund. It didn't cost the taxpayers of Shepherdsville anything by us using that fund. It's something that's really helped out and that's what it's there for. City Attorney Wantland: Directly or indirectly the Command Vehicles that you purchased was paid for from the Mitigation Fund? Chief Troutman: The equipment on the vehicles was purchased out of the Mitigation Fund; the vehicles were paid for out of the budget that we had budgeted for. City Attorney Wantland: The bottom line is that Mitigation Fund is helped pay for that? Chief Troutman: Yes it is. It doesn't cost taxpayers a dime. The only time that someone in the City could be charged is if we respond to a hazmat where it's a meth lab or something that's illegal activity. That's the only time a citizens of the City of Shepherdsville would be charged by our Mitigation Account. It's set up strictly for people that our outside the City. It doesn't cost the City taxpayers anything for us to do it. It's something that actually I and the Assistant Chiefs and another firefighter keep track of. We keep track of the hours of the people that are on the scene, the apparatus that responds to the scene, and we do all the billing. We send the billing out, we collect the billing, we do all of it. It's something that definitely benefits the City.

Council Reports:

Faith Portman: I'm just glad the fence is getting fixed and I'd like to say thank you to everybody that called my home and text me. Thank you all; my husband is home after 11 days in the hospital. The FOP sent a beautiful plant. It brightened up his day.

Dana Bischoff James: As always my heart is with you so I love seeing young ones here because you all are our future. You will be the ones to take our place and you are our leaders. So as always I love seeing young ones here. I love seeing some of the leaders here as well; the coaches because I know in sports it's oftentimes you pour yourself in to these sports and in to these players and you don't get a lot of recognition. In fact you're so busy doing those things it's hard for you to get out in the community. So I do appreciate that but more importantly I do love to actually see a crowd and people taking interest in the local government because if people could get involved more they would understand the daily operation and to take that a step further, if they were involved they could see some of the ads that are placed in the paper that don't have truth and we are open up here. If you need something, have questions, come find us because, one our phone numbers are usually listed in the paper often, but on another note, our emails we are very personable so come get to know us. I do want to reiterate this Thursday at noon is the National Day of Prayer and this is national so everywhere in the US people will be meeting at noon to pray for our nation in which we desperately need. Just looking forward to working with some people who are also looking toward the future not just the here and now. Let's get things done and get out of a government that is just so oppressive and I'm glad that our City still actually has prayer still in it.

Bernie Brown: Only thing is I've had some comments and questions about getting the cinders up. Some streets still have a lot of cinders on them. It might be good if they could check some of them. Mayor Ellis: Go around and take a look at what we have Claude, when Sweep All gets out here we'll make sure they hit those roads. Bernie will get with Claude to tell him where two or three streets are.

City Attorney Wantland: Thank you Mr. Cline. You helped us. The community appreciates that and a good way of saying thank you in front of all these people that your bank came through and it's going to save people in this community some money which is always a good thing. So thank you!

Clinton Kline made motion to adjourn. Faith Portman 2nd. Motion carried 6-0. Meeting adjourned at 8:11 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk