

Minutes: City Council Meeting
October 14, 2021
6:00 PM

The Elkton City Council met in regular session at Elkton City Hall, 71 Public Square, on Thursday, October 14, 2021 at 6:00 PM with Mayor Arthur Green presiding.

City Council members present: Michael Case; Doug Gibson; Danny Laster; Frank McReynolds; George Orr; and David Powell.

Others present: Jeff Traughber, legal counsel; Laura Brock, City Clerk/Treasurer; Robert Toombs, Chief of Police; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief/Todd County EMS Director; Chris Orr, Public Works Director; Megan Willenborg, Zoning Administrator/Citation Officer; and, other guests.

Mayor Green called the meeting to order at 6:00 pm. Council member Orr led the Pledge of Allegiance and Powell led invocation.

Mayor Green stated he wanted to start the meeting off differently with a report on water loss in the city. Clerk Brock reported water loss was down to 3.73% last month, down from about 45% just six months ago. Brock stated if you compare the water loss to the same month last year, the savings in the water department for just one month is about \$7,744. Mayor Green stated the utility department staff has done a great job finding and repairing leaks in the system. Orr stated he was glad the water loss is down so they can focus on other projects, but the staff must monitor new leaks constantly to stay on top of it.

Mayor Green called for review of the minutes of the September 9, 2021 special meeting, September 9, 2021 meeting, and September 15, 2021 special meeting. Mayor Green stated if there were no changes then the minutes would be passed by consent. There were no changes and minutes were approved by consent.

Mayor Green called for discussion of the bills payable and financial reports. Clerk Brock stated there was nothing to report and called for any questions. Laster motioned to approve the bills payable and financial reports, seconded by Orr, and carried unanimously.

PUBLIC COMMENTS

Daniel Smith reported on behalf of Todd County Emergency Management that they received the outdoor warning siren to be located at the high school and it will be installed soon. They have applied for three additional grants for sirens for the county.

ACTION ITEMS

Megan Willenborg reported the Planning Commission held a public hearing on October 7, 2021 to hear comments on proposed zoning of two parcels of property owned by Rose Farm and Development that are proposed for annexation into the city limits. One parcel is 26.90 acres located at the intersection of US-68X and Davis Mill Road and the other parcel is 27.781 acres north of West Main Street and east of Beckham Road and south of B. White Road and west of Commerce Street. The recommendation from the Planning Commission was to zone the properties as proposed on the exhibit maps as requested by the property owner. Several nearby county residents in attendance questioned notification of the public hearing. Mayor Green stated legal requirements are to notify adjacent city residents by mail and the County Judge Executive as well as a notice of the hearing published in the Todd County Standard newspaper. The city also published the notice on the city website. There was also discussion of what was allowed in an R-3 Multi-Family Residential zone as recommended for a portion of each parcel. Mayor Green explained that single family houses, duplexes, and apartments are allowed in an R-3 zone. Mayor Green stated all residents in the area have more protection if the area is annexed into the city as opposed to the county that has very little regulation on what can be built on that property. Steve Rose, representative for Rose Farm and Development, stated that they

have discussed these properties with several developers and they proposed zoning based on what the developers felt would fit best on the property. Mayor Green stated after the public hearing the Planning Commission agreed and therefore recommended zoning the property as proposed upon annexation. After discussion, Gibson motioned to approve the recommendation from the Planning Commission, seconded by Case, and carried unanimously.

Mayor Green reported the city will likely need the balance of the American Recover Plan Act funding allocated to the city to complete Phase III of the Sanitary Sewer Rehabilitation and Improvements Project. The city used a portion of the \$575,000 ARPA funding for premium pay to city employees. Mayor Green recommended the balance of the funds be earmarked for the Sanitary Sewer Rehabilitation and Improvements Project. Case motioned to approve the recommendation, seconded by Laster, and carried unanimously. Mayor Green stated he is still working to find other funding for completion of the project and other projects in the city.

Mayor Green called for action on recent discussion to invest a portion of city funds in the Kentucky League of Cities Investment Pool. Case asked if anyone had spoken to local banks and Mayor Green reported he had not. There was discussion of the performance of the S&P and the volatility of the stock market. After discussion, Powell motioned to approve investing funds in the KLC Investment Pool as proposed at the last meeting, seconded by Laster. Voting in favor of the motion were McReynolds, Orr, Laster, Powell and Gibson. Voting opposed was Case. Motion carried.

ORDINANCES

Clerk Brock read second reading of Ordinance 2021-11, “AN ORDINANCE ADJUSTING THE COMPENSATION OF THE OFFICES OF MAYOR AND OF MEMBERS OF COUNCIL OF THE CITY OF ELKTON, KENTUCKY” sponsored by Gibson. McReynolds voted to adopt after second reading and seconded by Gibson. Voting in favor of the motion by show of hands were McReynolds, Orr, Powell, and Gibson. Voting opposed by show of hands were Case and Laster. Motion carried.

Case motioned to read Summary of Ordinance 2021-12, “AN ORDINANCE ANNEXING TO THE CITY OF ELKTON, KENTUCKY A 26.90 ACRE TRACT LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES ON US HIGHWAY 68X AND DAVIS MILL ROAD,” seconded by Laster, and carried unanimously. Clerk Brock read first reading of Summary of Ordinance 2021-12.

Case motioned to read Summary of Ordinance 2021-13, “AN ORDINANCE ANNEXING TO THE CITY OF ELKTON, KENTUCKY A 27.781 ACRE TRACT LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES ON US HIGHWAY 68X AND BECKAM ROAD,” seconded by Orr, and carried unanimously. Clerk Brock read first reading of Summary of Ordinance 2021-13.

BID OPENINGS

Mayor Green updated the council regarding bids reported at the September meeting for the Sanitary Sewer Rehabilitation and Improvements - Contract 3 with The Walker Company of KY having the lowest base bid of \$1,590,000.00 and total of base bid and all add-ons in the amount of \$1,712,000. Mayor Green and Chris Orr explained the add-ons need to be completed as part of the agreed order with the state. Mayor Green stated there are not enough funds remaining in the KIA loan to complete the project. Even using approximately \$550,000 in ARPA funds for the project the city still needs a little over \$100,000 to complete the project. Mayor Green requested additional loan funds from KIA, who processed the request and has approved an additional \$200,000 in loan at 0.5% interest with no condition to raise sewer rates. Mayor Green recommended the city council award the contract for Phase III to The Walker Company in the amount of \$1,712,000.00 and approve accepting the additional \$200,000 in loan funds from KIA. Resolution 2021-09, “Tentative Award Resolution” was presented to approve for award and construction the bid of The Walker Company in the amount of \$1,712,000.00 once authority to award is granted by the Kentucky Infrastructure Authority. Laster motioned to approve the Resolution accepting the bid of The Walker Company, seconded

by Orr, and carried unanimously. Orr motioned to accept the additional \$200,000 in loan funds from the Kentucky Infrastructure Authority, seconded by Laster, and carried unanimously.

Mayor Green reported the city advertised and received bids for the Melvin Stinson Lake Dam Removal Project on September 29, 2021 at 1 PM. One bid was received: Scott & Ritter, Inc. – Base bid, \$185,595.00; Alternative A with Tied Concrete, \$28,800 addition for total of \$214,395.00; Alternative B with Grouted Rip Rap, \$30,600 addition for total of \$216,195.00. Mayor Green reported the dam was inspected by the state with one violation for failure to mow the dam. Mayor also reported he is working with the design engineer with GRW to cut down the scope of work on the dam removal project. Therefore, he has no recommendation at this time. The bids are good for at least 90 days and will be discussed further at the next meeting.

Council member Orr left the meeting for discussion of the bids advertised and received for the sale of the city's property located at 204 S Perry Street. Mayor Green reported bids were opened on September 30, 2021 at 10 am at City Hall with the following bids received: George Orr, \$36,000.00; Back Country Builders, \$25,000.00; and, KGS Investments, \$26,600.00. Gibson asked for verification that the building was not required to be torn down this time and the Mayor concurred there were no conditions other than it was noted the property must follow the current residential zoning regulations. Mayor Green recommended accepting the bid from the highest bidder and authorizing the Mayor to sign the deed and other transfer documents. Case motioned to approve the recommendation, seconded by Laster, and carried unanimously.

GENERAL REPORTS

The City Beautification Committee awarded Yard of the Month for October to Eston and Jo Glover on Gayle Lane.

Mayor Green reported an Interlocal Agreement for Recycling Program has been signed with the County to provide the recycling program approved by the council for a period of one year. The recycling container has been placed at the Elkton Convenience Center.

Clerk Brock reported she and Assistant Clerk Heather Harrison have completed demonstrations of four potential utility billing software companies and recommends the city change to Muni-Link. The one-time up-front cost of the software is \$7,000.00 and is in this year's budget. The other three companies that were demonstrated cost between \$15,000 and \$30,000, however they both felt Muni-Link provided the improvements needed. Clerk Brock explained the improved features, including allowing customers to setup an online account to view and pay bills online and to request e-mail or text alerts to receive monthly bills. The monthly maintenance fee for Muni-Link will be about \$390 per month and we are currently paying about \$279 per month. However, the city will save money by emailing and texting customers their bill and delinquent notices. After discussion, Case motioned to approve the recommendation to purchase Muni-Link utility billing software, seconded by Orr, and carried unanimously.

Mayor Green distributed a flyer from the city congratulating Martin Industries on 30 years of business and for being awarded the 2022 No-Till Farmer Innovator of the Year award at the 30th Annual National No-Till Conference.

ATTORNEY REPORT

Traughber reported foreclosure procedures have been filed on two properties on North Main Street for code enforcement liens. He is in the process of filing another foreclosure for property on West Main Street.

DEPARTMENT REPORTS

Megan Willenborg reported 27 open cases for code enforcement, mostly for accumulation of rubbish. She also reported the Planning Commission has approved the Development Plan for Elk Fork Country Club.

Derrell Waggoner reported they are still waiting on the new generator to be installed at the Fire Hall. He also reported all the fire trucks are scheduled to be serviced this month. Assistant Fire Chief Daniel Smith reported he receives many complaints about open burning in the city limits and requested the city consider passing an ordinance to ban burning.

Police Chief Robert Toombs reported 467 calls for service last month with 6 alcohol related incidents. Toombs reported he had four police officer recruit applicants scheduled to take a physical test. Only three recruits showed up for the test and two passed. The two recruits that passed will now move to the background check phase. Case reported he is seeking a donor to pay for installation of the cameras on Public Square. Toombs reported the department is writing warning tickets again for loud exhaust pipes. Traugher stated that the process in court for loud exhaust pipes is the defendant can bring in receipts showing the exhaust was repaired or they get a \$250 fine. Toombs reported the new 2021 Ford Explorer has been delivered and is on the street patrolling. He stated the department will need to update tazers soon. The cost to purchase new tazers will be about \$21,000 and he is looking for grants. Toombs also reported speeding complaints on B White Road. He reported the department is going to do a traffic study on B White Road counting the number of vehicles and how fast each is traveling. He understands there are also requests for speed bumps, which he doesn't recommend. Mayor Green reported City Hall received several requests from residents on B White Road to install speed bumps. He requested the city council consider passing guidelines on installing speed bumps. Toombs will report finding at the next meeting for discussion.

Chris Orr reported leaf pickup will begin on October 25th. The department is building a new steel leaf box for the truck. Orr reported Phase II of the Sewer Project got back underway this past Monday. His department will be working on running the water and sewer lines for the Elk Fork Country Club development in the next few weeks.

Mayor Green requested the council set a date for a special meeting to hold second reading of the annexation ordinances. After discussion, the meeting was set for Monday, October 18, 2021 at 3 pm.

CITY COUNCIL CONCERNS

Powell reported getting calls regarding the city setting trick-or-treat times on Sunday, October 31st. Mayor Green stated Halloween is always on October 31st and if trick-or-treat times are changed to another date, then people will be out both nights. He stated the city council can change it if they feel that is best. No action was taken.

DATES TO REMEMBER

Dates of upcoming events including a reminder the November council meeting scheduled for Thursday, November 11th falls on Veteran's Day, therefore city ordinances state the regular meeting will be held on the following Monday, November 15th.

Laster motioned to go into closed session under KRS 61.810(1)(b) for deliberations on the future acquisition or sale of real property, seconded by Orr, and carried unanimously. Doors were closed to the public with the Mayor, council, attorney and clerk remaining in the meeting. Orr motioned to go back into open session, seconded by Gibson, and carried unanimously. The doors were open to the public. As a result of closed session, Gibson motioned to purchase the Mallory property that has been offered to the city and amend the budget for the purchase, surveying, and transfer of the property as necessary. Motion seconded by Case and carried unanimously.

Orr motioned to adjourn, seconded by Laster, and carried unanimously. Meeting adjourned at 7:49 pm.

Arthur Green, Mayor

Laura M. Brock, City Clerk/Treasurer