

**CITY OF WILMORE MINUTES  
SEPTMEBER 21, 2020**

The Wilmore City Council met in regular session on Monday, September 21, 2020 at 6:00 p.m. with Mayor Harold L. Rainwater presiding. Councilmembers present were: Jeff Baier, Andy Bathje, Jim Brumfield, Kim Deyer, Leonard Fitch and David Riel.. Attorney Robert L. Gullette III was present  
Not present:

**APPROVAL OF MINUTES**

Councilmember Brumfield moved to approve the minutes of the August 17, 2020 regular meeting, seconded by Councilmember Baier. There being no discussion, all members voted aye.

Councilmember Deyer moved to approve the minutes of September 3, 2020 Public Hearing to receive comments on proposed property tax rate for 2020, seconded by Councilmember Baier. There being no discussion, all members voted aye.

**OLD BUSINESS**

**ORDINANCE 7-20 AN ORDINANCE LEVYING A PROPERTY TAX ON REAL AND TANGIBLE PROPERTY FOR THE CITY OF WILMORE (SECOND READING)**

Councilmember Deyer made the motion to approve the second reading of Ordinance 7-20, seconded by Councilmember Bathje.

Councilmember Brumfield stated that the reason he is not voting yes is because he thinks that we are going to make what we have in the budget without this 4% increase and he does not think that with all that is going on with Covid-19 that we should increase the taxes.

Councilmember Bathje stated that he is behind the 4% increase. The first reason is that since we are in a pandemic and he thinks that it is even more imperative that the city operations continue to be funded and the city needs to be prepared for potential losses. The second reason is that it seems that this tax rate increase is right in line with the longtime sequence of tax revenue and the sequence of past tax revenue as well as increases in tax revenue and is still within averages of cities our size. When the Providence School left our community we lost \$37,000 in payroll taxes. Now that we have moved into the new City Hall to better accomodate our citiziens we need to make sure that we can cover all the improvements that are needed.

Finance Director, Lori Vahle stated that based on historical rates that the City of Wilmore had in 2012-2015 our rate was 22.4 cents per \$100 which is the rate that we are proposing for 2020 so she feels that in the last 3 to 4 when we went with the compensating rate the rate was slowly dereasing. She looked at some examples of citizens within Wilmore and the taxable value on their house had stayed the same from year to year but their taxes had

decreased and when prices of everything else is going up it seems backwards that the city is getting less per household. On a \$100,000 house the increase from what the tax rate was last year is about \$16 and \$18 on the compensating rate.

Councilmember Riel stated that he has really struggled with this decision. He has gone both ways because getting information has been challenging but he cannot say enough positive things about Lori. Because it is not raising taxes above what they were two years ago he is going to vote in favor of the tax rate increase. He would again ask that we have a finance committee that includes members of the City Council and Lori so that we can have good discussions and not have to scramble around to get good information. He thanked Lori and Jim for the information and help that they gave him to make this decision.

Councilmember Brumfield added that in 2013 when the rate was 22.4 the city brought in \$386,000 and at keeping the rate the same we would bring in \$465,000. So while the individual tax may have stayed the same or gone down the city has increased their income close to \$100,000.

Councilmember Brumfield called for a vote by rollcall. Councilmember Baier voted yes, Councilmember Bathje voted yes, Councilmember Brumfield voted no, Councilmember Deyer voted yes, Councilmember Fitch voted yes, Councilmember Riel voted yes.

#### **DISCUSSION OF ORDINANCE 647-12 TALL GRASS - RELATED TO COMBS LANE PROPERTY**

The property owner of the Combs Lane property, Nel Stefanus addressed the Council and stated that the person who has been cutting the property was injured and Nel's daughter has been trying to get someone to cut the grass for the last 5-6 months. He is not pleased with the condition of the property. He does not want the ordinance changed. Mayor Rainwater stated that if your home is in the city limits you are required to keep the grass cut unless it is used for agricultural purposes and zoned agricultural. The difficulty is that the neighbors across the street from the property are asking the city to enforce the tall grass ordinance. He understands that if it is agricultural it might mean a different use to the property owner. The home owner stated that it is zoned agricultural. The home owner would like to have it cut and maintain it. Councilmember Bathje asked if the ordinance states that if it is zoned agricultural that it has to be cut three times a year. Attorney Gullette stated the our ordinance does not specify the difference between land within the city zoned agricultural or industrial or residential, it just says land within the city. This is the first time we have had to deal with agricultural land. All land within the city limits deals with the 8 inch mowing ordinance. So the question is how we deal with it, do we exclude, or do we continue with what we have. Councilmember Deyer asked if we could look at ordinances from other cities and Attorney Gullette said he would be happy to do that. Tom O'Neil stated that an exception does need to be made to the ordinance. Councilmember Fitch confirmed that the home owners made an effort to contact someone to cut the grass. Mayor Rainwater stated that we still need to discuss what the city needs to do with this situation. Attorney Gullette stated that the bigger question is what about property that is zoned residential that is used in an agricultural way. We are wrestling with not just their property but how we apply this rule to city wide to property that is used

in a great number of different varieties as a number of different zoning designations. If the Council says they want to amend the ordinance to include a different provision with a different set of rules related to property that is (A) zoned agricultural or (B) zoned with another designation that has a primary purpose or use as being largely agricultural, Attorney Gullette said he could try to word that into the ordinance. Dave Carlstedt stated that the R-1 that the Council keeps alluding to is just a part of the development plan of the preliminary plat. It is not a significant thing as far as who owns it. The entire Jack Nicklaus Signature Golf Course is in the city limits and largely zoned R-1. Rick Corman's farm across the street from Ichthus is in the city limits and zoned R-1. The entire Talbott farm is in the city limits and zoned R-1. Thompson Hood Veterans Center is zoned agricultural. The Free Methodist Church is zoned agricultural. So he thinks that we need to be looking at the informal solution, because there is no way that we want to be coming up with an ordinance to deal with all this stuff that is R-1 that has not gone to final record plat.

**ORDINANCE 8-20 AN ORDINANCE LEVYING AD VALOREM PROPERTY TAX ON ALL MOTOR VEHICLES BY THE CITY OF WILMORE (FIRST READING)**

Lori Vahle stated that the rate is 21.41 cents per \$100 and in the last several years that rate has not changed. Nicholasville's rate is 19.7 cents per \$100 and Jessamine County is 21.1 cents per \$100.

Councilmember Riel made the motion, seconded by Councilmember Baier to approve the first reading of Ordinance 8-20. There being no discussion, all members voted aye.

**ORDINANCE 9-20 AN ORDINANCE INCREASING THE RATE FOR FEES ASSESSED BY THE KENTUCKY RIVER AUTHORITY (KRA) (FIRST READING)**

Councilmember Brumfield made the motion, seconded by Councilmember Fitch to approve the first reading of Ordinance 9-20. There being no discussion, all members voted aye.

**JESSAMINE COUNTY PUBLIC LIBRARY**

There is a meeting on September 29 with the architects from the library.

**METRONET**

Councilmember Baier stated that we are still trying to get an agreement together.

**NEW BUSINESS**

**RESOLUTION 2020-7 WILMORE GRANARY STABILIZATION PROJECT AS DESCRIBED IN THE CITY'S 2019 CDBG APPLICATION**

Councilmember Deyer moved to suspend the rules, seconded by Councilmember Bathje to take action on three items of new business. There being no discussion, all members voted aye.

Councilmember Baier made the motion, seconded by Councilmember Deyer to authorize the Mayor to sign Resolution 2020-7 on behalf of the city. Councilmember Bathje asked to clarify that this is basically for the Mayor to spend the money that we have already been granted and that we have already said yes to and giving the Mayor authorization with the funds. There being no further discussion, all members voted aye.

### **TOURISM COMMISSION BOARD APPOINTMENT TO REPLACE BO QUIGG**

Mitchell Pearson from the Tourism Commission would like to recommend replacing Bo Quigg with Bobbye Carpenter from First Vineyard & Sugar Creek Resort. This is a three year term from October 1, 2020 - September 30, 2023. We also have to redo the Restaurant Representative for Daddy Joe's, Mona Ostendorf. Dave Carlstedt is the Wilmore representative for the Tourism Commission Board. There are seven on the board.. Two are from lodging, one is from restaurant, one from the Chamber, one is from Wilmore, one is from the county and one is from Nicholasville. Dave Carlstedt stated that the Mayor appoints the committee member not the Council. Councilmember Bathje asked about the other nominees for the replacement of Bo Quigg. Councilmember Deyer stated that she would like to have a Wilmore business representative on the committee. She stated that we do have several Bed & Breakfasts in Wilmore for the lodging representative. Mitchell Pearson stated that this has already been approved by the City of Nicholasville and Jessamine County Fiscal Court. The Mayor stated that we can voice our opinion even though at this time it will not pass. Councilmember Deyer asked that the Tourism Commission come to Wilmore for the first vote next time. Councilmember Riel stated that the Council is not really voting. Community Development Director Judy Woolums would also like to have a Wilmore representative selected when the next opening occurs. According to the April 2017 ordinance establishing the three way commission, "The commission shall be composed of seven (7) members and shall, unless otherwise specified, be appointed by the joint action and agreement of Nicholasville City Mayor, the Wilmore City Mayor, and the Jessamine County Judge Executive, as set forth herein."

The Mayor stated that he was going with the decision of the other two governmental bodies and voting yes for the appointment of Bobbye Carpenter. The Mayor asked and requested that the next position be filled by someone from the City of Wilmore. Mitchell Pearson said absolutely.

### **R, R & E REQUEST - RIVER INLET SCREENS**

Dave Carlstedt explained that the Mayor is already aware of this situation. Several weeks ago we did an inspection on river inlets. We have two towers, two pumps and those two pumps work independently and pump water from the Kentucky River to the reservoir above the water plant. In the Kentucky River there are two pipes, one from each tower and one from each pump goes out into the river, 90 degrees up towards the surface and on

top of those two pipes are two inlet screens. When we had the divers in this year one of the screens is completely missing and the other one is badly deteriorating. So when we found this Dave talked to the Mayor about this and that it was urgent and he authorized the engineers to design two new screens for us. We found a supplier fabricator and the cost is \$7,000 and Dave made arrangements with the divers. The Council is blessing a necessary and now urgent need with the one screen missing and we are choosing not to use that pump. For the time being we are only using one pump so we do not damage the other pump. It will probably be a \$20,000-\$25,000 project and it can come out of R, R, & E. Dave is asking that the Council authorize the Mayor to approve all expenses related to inlet screen replacements. Councilmember Bathje asked what is R, R, & E. Dave explained that everytime someone builds a house in Wilmoe they pay a \$1,000 tap fee for water and a \$1,000 tap fee for sewer. 85% of that goes into a restricted fund that only the Council can authorize expenses from. R, R & E stands for Renewal Replacement Extension and it is for capital improvements for water and/or sewer. Councilmember Deyer made a motion, seconded by Councilmember Brumfield to have the Mayor sign off on the R, R, & E request for the river inlet screen. There being no discussion, all members voted aye.

### **MUNICIPAL ORDERS**

Mayor Rainwater stated that Attorney Gullette informed him that in order to sell the three properties we need to declare that they are surplus properties and we need to have Municipal Orders to go along with it.

Attorney Gullette spoke about the Municipal Orders. This will give the Mayor the authority to negotiate some sort of agreement. Attorney Gullette suggested getting appraisals on the properties.

Councilmember Bathje made the motion, seconded by Councilmember Deyer to suspend the rules so that action can be taken on an item of new business. There being no discussion, all members voted aye.

Councilmember Riel asked if we did the same process with the granary. Attorney Gullette said that we did not because we are waiting on an actual agreement first. Councilmember Brumfield stated that his issue with the Municipal Order is with Section 3 that states "By and through the City Council, the Mayor is hereby authorized to negotiate a real estate sale and purchase agreement (hereinafter referred to as the "Agreement") whereby the Surplus Property may be conveyed, sold, transferred and/or deeded away. He feels that the Council should have some say in the sale of the properties. Councilmember Bathje agrees with Councilmember Brumfield. Mayor Rainwater said that he would never do it without the approval of the Council. Councilmember Riel requested that Section 4 B & C be removed and remove the words "and execute".

Councilmember Riel made a motion, seconded by Councilmember Deyer to declare these three pieces of properties (335 E. Main St., 100 Rice St., & 101 S. Maple St.) as excess properties and that we intend to sell it under Section 4A asking the Mayor to negotiate a deal to bring to the City Council after they have been appraised. In Section 3 "and execute" will be removed and "or as otherwise memorialized" and Section 4 B & C needs to be removed. Attorney Gullette said that all of Section 4 will also be removed. There being no further discussion, all members voted aye.

## REPORTS FROM STAFF

### Finance Director Lori Vahle

The auditors are here this week.

### Police Chief Bill Craig

The traffic control device was vandalized with spraypaint. They got it cleaned up and replaced the slashed tires. It is up and running again.

### Fire Chief Jimmy Powers

They would like to put a boat ramp at the pump house. He has talked to the University and they are excited about it. It would only be used for rescue. It would not be a public boat ramp.

They are having a confined space rescue in October.

### Director of Utilities and Public Works - Dave Carlstedt

He has been invited to the Department of Highways meetings related to the "Y" intersection.

### Director of Facilities & Cemetery- Vince Lewellen

The cemetery is doing well.

City Hall is officially in the new building at 210 S. Lexington.

We are using soft phones but the hard phones will be installed in several weeks.

The lockbox for the utility payments will be installed in the next few days. Please keep the semi-circle open.

The number address is on the building.

### Director of Community Development - Judy Woolums

The Wilmore Business Association will be having an Fall Open House on October 3.

In February Judy applied for the Smithsonian Traveling Institute to come to Wilmore and we were selected. It will be held on October 30, 2021 - December 31, 2021.

The 400 mile yard sale will be the first weekend of October but we will not be involved with it.

### Director of Parks and Recreation -- Amy Fitch

Fun Fridays, youth volleyball league, art classes, exercise classes, gym rentals, adult volleyball league are some of the activities that are happening.

**MAYOR COMMENTS**

**COUNCILMEMBERS COMMENTS**

**ATTORNEY COMMENTS**

**REPORTS FROM COMMITTEES AND GUEST SPEAKERS**

**REPORTS FROM THE FLOOR**

Doug Fain and his mother presented the city with 3 copies of a drawing that Howard Fain drew in 2000 of the new City Hall.

**CLOSED SESSION**

The Council went into closed session at 7:58 p.m. about the selling of city properties pursuant to KRS 61.810(1)(b) and pending litigations pursuant to KRS 61.81(1)(c)

The Council came out of closed session at 8:49 p.m.. No action was taken.

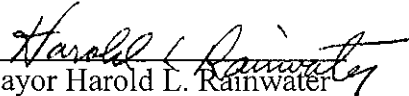
The Council came back into open session at 8:50 p.m.

Councilmember Brumfield made the motion, seconded by Councilmember Bathje for the city to authorize the filing of a counter claim to recover financial damages from Snowden due to the degradation at the city's conservation easement.

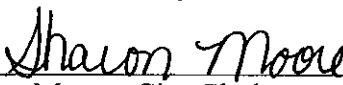
Motion by Councilmember Brumfield to adjourn the meeting at 8:51 p.m.

Respectfully submitted,

**PRESIDING OFFICER:**

  
Mayor Harold L. Rainwater

**ATTEST:**

  
Sharon Moore, City Clerk