

March 10, 2006

The Russell Springs City Commission held a special called meeting this date at City Hall at 4:00 p.m. In attendance were Eithan Selby, Joe Irvin, Terry Russell, Ralph Creech, Denver Wilson, Olbie Foley, Kathy Foley, Jeremy Burton, Jacky Burton, Greg Wells, Eric Selby, Carla Grider, Ray Barrett, Joe Branscum, Don Byrom, Brian Walters and Wendy Burton.

1. Mayor Brian Walters called the meeting to order.
2. Mayor Walters made the motion to accept the minutes of February 23 as written. Eric Selby seconded the motion. Motion carried 5-0.
3. Eric Selby made the motion to enter executive session pursuant to KRS 61.810 (1) (c) possible litigation and KRS 61.810 (1) (f) personnel at 4:05 p.m. Ray Barrett seconded the motion. Motion carried 5-0.
4. The Commission reconvened at 4:35 in open session with no action taken.
5. City Attorney Don Byrom addressed the Commission regarding a letter of notice sent to the Mayor and the Commission from City Clerk Wendy Burton. This letter was sent as a result of the indictment she was given in connection with performance of her duties as City Clerk of Russell Springs. She has consulted with her attorney Mr. Jeff Hoover; he recommended she consult a specialist, which she did. They came to the conclusion that she had legitimate claim to assert against the City for damages that she sustained. In view of the fact that all the charges were dismissed against her, obviously the Commonwealth Attorney came to the conclusion that she had done nothing wrong. The members as far as I have been able to determine all of the Commission is in agreement and always has been that she did nothing wrong and I believe that is the general opinion of everyone. She does not want to sue the City, she wants to keep her job, she wants to maintain her position for as long as the City chooses to keep her and she hopes that's for a very long time. So because of that, she is simply asking for hard costs that she has incurred directly out of her pocket going through this process, she is not asking for any pain and suffering, mental anguish, punitive damages or anything else that she could ask for in a lawsuit. She has itemized those costs; they come to a grand total \$21,209.82. That is the money she and her family have been out as a result of the indictment. She is willing to settle this lawsuit for that amount. I have reviewed it, I have talked to attorneys about it, I have done research, and I recommend it to the City, based on what I know about this and everything else that they settle this claim before it becomes a lawsuit. I think it is in the best interest of the City that they do it; it is the right thing to do, it will save the City money if they do it. I recommend that they settle this claim for the total amount \$21,209.82 and of course it is up to the Commission to do what they want to do. I wanted to let everyone know what my opinion of it is; that is my legal opinion. In addition to the money, she has asked that she get a letter of recognition or clarification of the position of the City regarding the performance of her duties. She has asked that that be done in the form of a formal resolution from the City. Mr. Byrom read the resolution: The Russell Springs City Commission would like to commend City Clerk Wendy Burton for her conduct during the legal ordeal beginning with the indictment in December 2004. Her honesty, loyalty and ability to fulfill her duties have never been in question by this Commission. She has always conducted herself with the best interest of the City at heart; she has the respect of other government agencies, state agencies that deal with the affairs of the City and professionals who deal with the City on a daily basis. We look forward to a bright future for the City with Wendy Burton continuing to be a major part as the Russell Springs City Clerk. We say this with great pride and admiration. Mr. Byrom stated he didn't think that was unreasonable, was appropriate. Again he said he recommends that they do that to, because according to everything that he had been able to determine, Ms. Burton did absolutely nothing wrong other than fulfill her duties as clerk of Russell Springs and it's not right, it's not legal, that she be out this money in doing her job. That's the position Mr. Byrom said that he took on it, the Commission is free to do what they choose; they can settle or litigate it.
6. Eric Selby made the motion to settle the claim for \$21,209.82 to Wendy Burton, City Clerk. Joe Branscum seconded the motion. Motion carried 5-0.

7. Eric Selby made the motion to accept the Resolution that was read on behalf of the City of Russell Springs regarding Wendy Burton. Carla Grider seconded the motion. Motion carried 5-0. City Attorney Byrom will prepare the Resolution to be signed.
8. Ray Barrett informed the Commission that Ronnie Jackson had been moved from Parks Dept. to Streets Dept. Ray Barrett made the motion to hire Jeremy Burton as part-time Parks Employee to start work on 3/16/06 if approved by Mayor and Commission. Eric Selby seconded the motion. Motion 5-0.
9. Ray Barrett made the motion to amend the budget to raise Ronnie Jackson's pay from \$8.50 to \$9.00 per hour. Carla Grider seconded the motion. Motion carried 5-0.
10. Eric Selby made the motion to create the position of Zoning Administration/Streets & Parks Supervisor. Ray Barrett seconded the motion. Motion carried 5-0. Clerk will contact Paul Combs for a job description and compensation rate.
11. Carla Grider made the motion to amend the budget to increase the Cash Expense line item for \$2,000 for the Police Department. Ray Barrett seconded the motion. Motion carried 5-0.
12. Carla Grider made the motion to extend vacation time from 4/1/06 to 6/30/06. Vacation time from 2005. Joe Branscum seconded the motion. Motion carried 5-0.
13. Mayor Walters made the motion to cancel the Monumental Accident policy on all City Employees and maintain the policy for all volunteer firemen. Carla Grider seconded the motion. Motion carried 5-0.
14. Mayor Walters made the motion to give \$800 to the Russell County Tourist Commission as Our part to help fund for a Microfilm Reader to be placed at the Russell County Library. Joe Branscum seconded the motion. Motion carried 5-0.
15. AGE Engineering Services from Stanford have been contacted to survey the City Limits and to have all annexation ordinances in compliance. Mayor Walters stated that Russell Springs is not the only City that has to do this very thing. AGE Engineering was recommended by the School System and the Secretary of State's office has worked with this group. The City needs these professionals to take the ordinances and map them and then generate a new map. The amount of the contract is \$18,500. Time restraints are attached. Mayor Walters made the motion that the City of Russell Springs accept the contract with AGE Engineering Services for the survey of the City and give the Mayor the authority to sign the contract. Eric Selby seconded the motion. Motion carried 5-0.
16. Joe Branscum made the motion to amend the budget per approval of our inter-local Agreement by all agencies per approval of the Dispatch Board from \$2900 per month to \$3100 per month. Carla Grider seconded the motion. Motion carried 5-0.
17. Mayor Walters made the motion to adjourn. Eric Selby seconded the motion. Motion carried 5-0.



Brian Walters, Mayor

ATTEST: Wendy Burton
Wendy Burton, City Clerk