

**WILLIAMSTOWN CITY COUNCIL
SPECIAL COUNCIL MEETING
January 16, 2024
6:00 P.M.**

PRESENT: Mayor Christopher; John Coleman; Kim Crupper; Greg Middleton; Jayson Payne; Bob Perry; Gina Smith; Frank Wichmann; and Vivian Link

ALSO PRESENT: Rick Willoby; Tina McCandless; Alan Statman; Sonita Saalfeld; Kurt Saalfeld; Beverly Fryman; Hans Philippo; Bob Davis; Brooke Rider; Mark Cummins; Jason Litz; Gail Poor; Bob Grow; Kathie Grow; R. Darlene West and M. Gayle West; Sharon Orsburn; M. Schimpff; Eli Anderson; Regina Neace; Arthur Neace; Tim Beach; Janis Dill; Roger Dill; Bryan Miles; Linda Harvey; Bill Wilson; Skip & Marion Womack; Butch Barlow; Debby Lucas Angel; Mike Templin; Johnny Philippo; Ken Wilson; David Howey; Wayne & Lisa Reed; Keith Leardon; Tom Hutchins; Josh Cook; and Paula Jones

Mayor Christopher called the Meeting to order.

Mayor Christopher welcomed all in attendance and requested all to sign in.

Mayor Christopher requested all to stand and Pledge of Allegiance.

INVOCATION: Greg Middleton

ANNOUNCEMENTS

- a. The next Regular Council Meeting will be held on Monday, February 5, 2024, beginning at 6 p.m.

UNFINISHED BUSINESS

Second Reading of Ordinance 2023-15, Repealing Ordinance 2023-14

As directed by Mayor Christopher, Frank Wichmann gave the Second Reading of Ordinance 2023-15, Repealing Ordinance 2023-14, in summary.

Mayor Christopher clarified to Council a yes vote is to rescind and a no vote is not to rescind.

John Coleman made the motion to approve the Second Reading of Ordinance 2023-15, Repealing Ordinance 2023-14. Jayson Payne seconded the motion, and the vote was as follows:

John Coleman	yes	Kim Crupper	no
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Greg Middleton	no	Jayson Payne	yes
Bob Perry	no	Gina Smith	yes

Kim Crupper stated his reasons for voting no. Mr. Crupper stated as a Council Member he took an oath to support the Constitution of the Commonwealth and the Constitution of the United States of America, and he intends to do that. Councilman Crupper cited KRS 65.940 and KRS Chapter 424. He further stated he is voting no because it is absolutely against the Constitution of the United States and the Commonwealth of Kentucky. MGP has done a good job with the five existing warehouses located in Williamstown. They are keeping them clean and have corrected issues with their fans. With this being done there has been no odor problem and hopefully won't be any more fungus. Councilman Crupper stated the proposed green space for the proposed project on Conrad Lane would have had the most green space for an industrial area in Grant County. He further stated he wanted MGP to continue doing the job they are doing with the five existing warehouses. See "Exhibit A" attached to these minutes.

Mayor Christopher requested the letter(s) read to be attached to the minutes.

Greg Middleton stated his reasons for voting no. See "Exhibit B" attached to these minutes.

The vote was tied. Mayor Christopher voted yes to the Second Reading of Ordinance 2023-15, Repealing Ordinance 2023-14 to break the tie.

Motion carried.

Mayor to read Executive Order #2024-04 Appointing Frank Wichmann as the City Attorney

Mayor Christopher read Executive Order #2024-04 Appointing Frank Wichmann as the City Attorney and introduced him to Council. Bob Perry questioned what former City Attorney was being paid.

Discussion on Software Hardware upgrades at Water Department presented by Rawdon Myers Inc. with Tim Beach and Tammy Steele

Tim Beach presented Mayor and Council quotes on the needed upgrades on the Software Hardware equipment needed at the water plant.

Joshua Cook (Rawdon Myers, Inc) was present to discuss the upgrades and answer any questions Council or Mayor should have. The total cost of the proposed upgrades would be \$80,112. The plant has not been upgraded since it came on line. Further discussion occurred on the timeline. Mayor Christopher stated at this time the upgrade has not been budgeted for. It was decided to address this in the upcoming budget for the Water Department.

Superintendents' Reports to Council

Council was presented a brief report from the Mayor and each department superintendent.

John Coleman requested a mileage report on the City's vehicles to be included in these reports.

Adjourn

Gina Smith made the motion to adjourn. John Coleman seconded the motion, and the vote was as follows:

John Coleman	yes	Kim Crupper	yes
Greg Middleton	yes	Jayson Payne	yes
Bob Perry	yes	Gina Smith	yes

All voted in favor. Meeting adjourned.

Signed:

2-8-24
DATE

Vivian Link
Vivian Link
City Clerk/ Treasurer

Mark Christopher
Mark Christopher, Mayor
City of Williamstown, Kentucky

EXHIBIT A
Repeal of Ordinance 2023-04

58.190 Action challenging validity of ordinance or resolution authorizing bond issue.

- (1) As used in this section, "lease" has the same meaning as in KRS 65.940.
- (2) Any action challenging the validity or enforceability of:
 - (a) Any ordinance or resolution adopted by any governmental agency approving the issuance of bonds, notes, or leases; or
 - (b) Any bond, note, or lease approved by an ordinance or resolution;shall be brought within thirty (30) days from the date on which notice of the adoption of the ordinance or resolution is published in accordance with KRS Chapter 424.
- (3) If the action challenging the validity or enforceability of the ordinance, resolution, bond, note, or lease is not brought within the time provided by subsection (2) of this section, the action shall be forever barred.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 35, sec. 1, effective June 27, 2019. -- Created 1986 Ky. Acts ch. 260, sec. 1, effective July 15, 1986.

Exhibit B

As a city council member, it is my responsibility and duty to gather information to make informed decisions. At the September 19th city council meeting, MGP met with city council to discuss their proposed expansion plans in Williamstown on Conrad Lane. At that meeting, there was a 5-0 vote by city council to pursue ongoing negotiations on the business proposal pertaining to this project. Prior to September 19th NO constituent had raised concerns over these warehouses to me, as they were in our city since 2018.

On September 22, Mayor Christopher wrote a letter to Mr. Templin of MGP detailing the commitment of the city to partner with MGP on their proposal, their donation to the city, and further expansion of Conrad Lane. The Mayor also sent a letter to Governor Beshear announcing the partnership with MGP and their donation of \$750,000 toward infrastructure for a water tower and inviting him to visit Williamstown specifically related to this project. This letter was cc'd to USDA, KIA, KLSC, etc.

*At the October 2nd meeting Mayor Christopher publicly announced MGP proposed expansion to Conrad Lane

The council voted 5-1 for approval of the Mayor to sign any and all paperwork to seek funding for the construction of the water tower.

Council also voted 5-1 to proceed with Bluegrass Engineering for their services.

The first reading of the Ordinance authorizing the issuance of \$70 million for Industrial Revenue Bonds was also done at this meeting.

At the October 17th meeting, council had the 2nd reading for the bonds and it passed 4-2. Prior to this vote, I had one constituent reach out to talk with me. I replied back, and when I did, that individual had already met with another city council member and the reply I received was, "I am all good with the warehouse deal. (Then there were some other things not related to the warehouses he shared) and ended with "Thanks for all you do on the council good sir." Additionally, one person came to the meeting to share their concern over the additional warehouses.

Between the initial first discussion and November 6, I had only that 1 person reach out to me. To my surprise, at the November 6 meeting the mayor read a letter saying he would no longer be signing anything to do with the MGP expansion. If there were so many concerns that caused the mayor to write this letter, an opportunity to discuss these concerns as a council should have taken place instead of the blindside that took place and the storm that has since ensued. Furthermore, the mayor had veto powers over this issue. He would have had until October 27th to veto the ordinance. If that had taken place, it would have come back to council for further discussion.

On November 16, another resident reached out to me for clarification on the status of the project. I met with that individual in person to hear their concerns. Another constituent reached me via text expressing they hoped for a repeal of the ordinance. Also, during this time, I had an equal number of residents express their approval for the expansion.

Before the next council meeting to be held on November 21st, I emailed requests for items to be placed on the agenda hoping for the opportunity for us to discuss this issue as a council, since his stance had changed, and any repercussions on the city for repealing an ordinance. I received no response from the Mayor and since it was a special meeting I could not motion for approval of additional items.

On December 4, a first reading was held to repeal the ordinance. At that meeting, I made a motion to revise the order of the agenda items because once again my request for the agenda was ignored. Had the mayor been communicative our citizens would not have been surprised by the executive session at the beginning of the meeting.

On December 7, another council member and I reached out to the mayor to meet in person to discuss the issues. Our request was ignored.

Still wanting the council an opportunity to discuss, city council called a special meeting for December 15th to get information from MGP regarding any concerns and the liability on the city if repealed. Council also requested that MGP be present to the public in attendance.

On December 19th, the 2nd reading of repealing the city ordinance was on the agenda, but it was not read as the city attorney felt it was a violation of the constitution. The Mayor could have read the ordinance, but instead adjourned the meeting with no vote taken. He has since said he was made aware that he was able to read it himself.

I received the agenda for the January 8th meeting, and was surprised to see there was no second reading of the repeal on the agenda.

I contacted KLC and they shared that the repeal of this ordinance puts the city into a breach of contract and opens the city up for a lawsuit in which the city will pay in its entirety because of the signed contracts between the city and MGP.

In closing, the failure to execute the bonds prior to January 1, 2024, was a loss of 19.5 million dollars in local barrel taxes from the project of which 6.5 million would have been paid to the city of Williamstown. Additionally, MGP would have incurred the liability for any property liability claims, as the bondholder. The city also lost the \$750,000

contribution agreement towards the help of constructing a new water tower. The loss of this impacts the city's future infrastructure.

I have done my due diligence as a city council member and in what I believe is best for the future of our city and my vote is No. Thank you.

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