
CITY OF PIKEVILLE

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 9, 2009 at 6:00 PM

The Board of Commissioners for the City of Pikeville met in regular session on Monday, November 9, 2009. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER: JIMMY CARTER
 BARRY CHANEY
 DALLAS LAYNE
 EUGENE DAVIS

MAYOR: FRANKLIN D. JUSTICE, II

The minutes for the previous special meeting held on October 26, 2009 were in each commission member's agenda package. After review and no other additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. The motion carried unanimously. 5-0.

A list of City Bills totaling \$458,238.68 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. The motion carried unanimously. 5-0.

Melanie Stevens from Big Sandy Area Development District was present and reported the process meeting for the Marion Branch Sewer Project. The Project should be ready to go to bid in mid January 2010. Mayor Justice commended Melanie on the wonderful job she did for the City on the Marion Branch Project. Mayor Justice called for further discussion, there was none.

City Engineer Jack Sykes had several agenda items for approval.

1. Request for the Commission to approve engineering change order #1 for the US 23 Sewer Project adding bidding, construction administration and inspection services for the Mullins Sewer project. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further discussion, there being none the motion passed. 5-0.

2. Submit to the Commission a pay request #9 in the amount of \$82,136.67 to Mountain Enterprises, Inc. and to authorize the mayor to sign the pay request on the Thompson Road Widening Project. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. Motion passed unanimously.5-0.
3. Submit a request to approve engineering change order for the US 23 North 12 inch water line relocation and to add the bidding, construction administration and inspection services for the Mullins Sewer Project. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further comments there being none the motion passed unanimously. 5-0.
4. Submit a request to authorize a change order for the purpose of a temporary earth fill on the Thompson Road Project. The change order consists of a 4 inch DGA and 2 inch asphalt. The section will be 175 LF x 20 feet wide (2 lanes). The additional cost will be between \$4,500.00 to \$5,000.00. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
5. Requested to approve payment for the Thompson Road Sewer coal severance project for Kanney/Deskins Development in the amount of \$81,264.00. Commissioner Chaney made to motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments or further discussion, there being none the motion passed unanimously. 5-0.

City Attorney Rusty Davis read into record and requested the commission to adopt Resolution No. R-2009-20 relating to the financing of water and sewer system improvements and additions, also to authorize the mayor to sign said resolution. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

RESOLUTION NO. R-2009-020

A RESOLUTION RELATING TO THE FINANCING OF
WATER AND SEWER SYSTEM IMPROVEMENTS AND ADDITIONS

WHEREAS, the City of Pikeville, Kentucky (the "City"), desires and intends to finance up to \$2,650,000 of the costs of construction and installation of new water and sewer system improvements and additions, consisting of a water main replacement in the area of the former Sandy Valley Water District and sanitary sewer line extensions in the Mullins Addition area, together with related facilities (collectively, the "Project"), by the issuance of one or more series of its bonds or bond anticipation notes the interest on which will be excludable from gross income for federal and Kentucky income tax purposes (collectively the "Bonds"); and

WHEREAS, pending issuance of the Bonds, the City desires to proceed with payment of certain costs of the Project from existing or borrowed funds, with the reasonable expectation of being reimbursed for such expenditures from the proceeds of the Bonds;

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NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, KENTUCKY, AS FOLLOWS:

Section 1. The facts and statements contained in the foregoing preamble of this Resolution, including the terms defined therein, are hereby affirmed and incorporated as a part of this Resolution.

Section 2. The City hereby reaffirms and declares its official intent to finance, through the issuance of the Bonds, up to \$2,650,000 of the costs of acquisition, construction and installation of the Project. All properties and facilities constituting the Project have an economic life of at least one year.

Section 3. It is acknowledged, and it is and has been the official intent of the City, that costs of the Project shall be paid from existing or borrowed funds of the City prior to the issuance of the Bonds; and the City intends and reasonably expects to be reimbursed for such expenditures from the proceeds of the Bonds. The maximum principal amount of Bonds expected to be issued for the purposes of reimbursing the City and paying costs of the Project is \$2,650,000.

Section 4. This Resolution is intended to and does constitute a declaration of official intent under applicable Income Tax Regulations and shall be reasonably available for public inspection during normal business hours at the administrative offices of the City in Pikeville, Kentucky.

Section 5. This Resolution shall take effect upon its adoption.

ADOPTED this November 9, 2009.

Mayor

Attest:

City Clerk

Certification

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Pikeville, Kentucky (the "City"), and that the foregoing is a true, correct and complete copy of a Resolution duly adopted by the Board of Commissioners at a meeting properly held on November 9, 2009, and now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November, 2009.

City Clerk

City Attorney Rusty Davis requested to adopt resolution for a right of way for Marion Branch Sewer Project. Commissioner Carter made to motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the resolution was adopted. 5-0.

City Attorney Rusty Davis request to adopt resolution for a right of way for the Mullins Addition Sewer Project. Commissioner Davis made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments there being none the resolution was adopted. 5-0.

City Manager Donovan Blackburn presented the following items to the commission for approval.

1. Consider request to adopt amended city personnel policy Chapter 5 City Drug policy as submitted. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. City Manager Donovan Blackburn stated the new drug policy strengthened the current policy and added valued on going continued education for the department managers. The new policy will also entitle the city to a credit for the liability insurance with the KLC. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
2. Consider a request to authorize submit a grant application. (I need to know who this is to.) Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed. 5-0.
3. Consider approval to amend the city web services with the E Gov Link Company and sign contract to include reservations program for the park and shelter locations. The contract has a start up price for \$1,000.00 and a monthly fee for \$250.00. Need approval for city manager to sign and execute the contract. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
4. Consider request to consider cancellation for the November 23, 2009 regular commission meeting due to Thanksgiving week. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.
5. Consider request to hire Melissa Shouse and Llyod Nichols for dispatch contingent upon passing all required pre employment test at the city starting rate for said position. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the position passed unanimously. 5-0.
6. Consider request to hire Nicholas Potter, Kevin Ross, Michael Hager, Kevin Fox and Brent Tackett as EMT/Firefighter employees contingent upon passing all required pre employment tests for the position and must have valid KY EMT license. The start pay will be at the city pay chart. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager added three of the new hires would be for the FEMA SAFER grant awarded to the City. Mayor Justice asked if they would have to pass the physical agility. City Manager replied yes. Mayor called for further comments, there being none the motion passed unanimously. 5-0.
7. Consider request to adopt amended rental agreement dated November 9, 2009 as submitted for the Garfield Community Center, Tommy Hall Training Center, City Park Gazebo and the Picnic Shelters. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for discussion, there being none the motion passed unanimously. 5-0.
8. Consider a request to adopt and approve the Fire Department Standard Operation Guidelines as submitted contingent upon external HR review and

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approval. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.

9. Consider request to adopt the amended city personnel section 3.18 for uniforms as submitted. Commissioner Chaney to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

City Manager, Donovan Blackburn requested closed session to discuss legal, economic development and personnel issues. Commissioner Layne made the motion to approve. Commissioner Davis seconded. Mayor Justice called for discussion, there being none motion passed. 5-0.

Commissioner Carter made the motion to reconvene the meeting into regular session. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed. 5-0.

Consent Items:

City Hall will be closed on Wednesday, November 11, 2009 for Veterans Day.
City Manager will be scheduled out of office during the week of Thanksgiving.
City Hall is closed Thursday November 26th and Friday November 27th for Thanksgiving.

There being no further business to come before the Commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. The motion carried unanimously.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is December 14, 2009 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK