

## MINUTES } CITY OF PIKEVILLE

Mr. Carlton asked the Commission to approve a modified figure of \$78,710.00 for the Keel Addition sewers. Harding Dawahare made the motion to approve the amount. Eugene Davis seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Monthly reports were presented from all departments to the Commission. No Action Taken.

Robert Amos made the motion to adjourn. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

APPROVED

*W. C. Hambley*

## SPECIAL MEETING - MARCH 12, 1981

A Special Meeting of the Board of Commissioners was called to meet on March 12, 1981 at 3:00 P.M. at the Regular Meeting Place of said Board of Commissioners at the Old City Hall Meeting Room.

## NOTICE OF SPECIAL MEETING

TO: MAYOR  
COMMISSIONERS

W. C. HAMBLEY, M.D.  
ROBERT AMOS, JR.  
EUGENE DAVIS  
BUFORD JOHNSON  
HARDING DAWAHARE

You are hereby notified that the Board of Commissioners of the City of Pikeville, is called to meet in a special session at 3:00 P.M. on March 12, 1981, at City Hall in the City of Pikeville, Kentucky, for the following purposes:

1. FmHA Loan and Grant: Consider authorization of the signature of the letter of intent to meet conditions
2. Operating Budget: Consider approval of a proposed three year budget projection for the Water System only and the combine Water and Sewer Systems.
3. FmHA Loan Resolution: Consider approval of a resolution authorizing \$3,170,000 indebtedness for the purpose of construction a new Water Treatment Plant
4. Equal Opportunity Agreement: Consider adoption of a standard Equal Opportunity Agreement for the FmHA loan/grant for the new Water Treatment Plant
5. Nondiscrimination Agreement: Consider adoption of a standard Civil Rights act assurance agreement for the FmHA Loan/Grant for the new Water Treatment Plant

/s/ W. C. Hambley, M.D.  
MAYOR

/s/ Eugene W. Davis  
COMMISSIONER

/s/ Robert Amos  
COMMISSIONER

I, Jesse Johnson, Chief of Police of the City of Pikeville, Kentucky, do hereby certify that on 3-12-81, I served in the manner provided by law upon Special Meeting a true and correct copy of the foregoing notice.

This 12 day of March, 1981.

/s/ Jesse Johnson  
CHIEF OF POLICE

BY \_\_\_\_\_

I hereby acknowledge receipt of copy of the foregoing Notice of Special Meeting



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of the Board of the City of Pikeville, Kentucky, to be held at 3:00 P.M., March 12, 1981 at City Hall in Pikeville, Ky.

/s/ Harding E. Dawahare  
COMMISSIONER

/s/ Buford Johnson  
COMMISSIONER

/s/ Robert Amos  
COMMISSIONER

/s/ Eugene W. Davis  
COMMISSIONER

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Mayor W. C. Hambley presided and upon call of the roll, the following members were determined to be present:

COMMISSIONER:	BUFORD JOHNSON
	HARDING DAWAHARE
	EUGENE DAVIS
	ROBERT AMOS, JR.
MAYOR	W. C. HAMBLEY, M.D.

The City Attorney suggested that the clerk should include in the minutes the reason for not having a twenty-four hour notice of the special called meeting, said reason being a time factor. Representatives from both newspapers were present, the radio station was notified, and all members of the Board of Commission were present.

Resolution R-81-015 was presented and read entitled:

RESOLUTION AUTHORIZING EXECUTION OF FARMERS HOME ADMINISTRATION FORM 442-46, "LETTER OF INTENT TO MEET CONDITIONS".

WHEREAS, the City of Pikeville is processing an application to the Farmers Home Administration for funds for a water plant, and;

WHEREAS, One of the prerequisites to the said application is the execution and forwarding of Farmers Home Administration Form 442-46 called "Letter of Intent to Meet Conditions", and;

WHEREAS, the said Letter of Intent to Meet Conditions has been reviewed by the City Commission; and found to be appropriate,

NOW, THEREFORE, the City of Pikeville hereby declared its intention to meet those conditions specified in Farmers Home Administration Form 442-46 and authorizes the Mayor or such other City officials as may be required to execute the said document to do so and to bind the City to the terms thereof.

At Pikeville, Kentucky this 12 day of March, 1981.

Commissioner Harding Dawahare moved the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the motion.

Upon roll call the votes were as follows:

W. C. HAMBLEY, M.D., MAYOR	YES
ROBERT AMOS, JR., COMMISSIONER	NO
HARDING DAWAHARE, COMMISSIONER	YES
EUGENE DAVIS, COMMISSIONER	YES
BUFORD JOHNSON, COMMISSIONER	NO

The Mayor declared the within resolution adopted.

/s/ W. C. Hambley, M.D.  
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.  
CHARLES L. HUFFMAN, JR.  
CITY CLERK

Harding Dawahare made the motion to adopt the resolution. Eugene Davis seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	NO
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	NO
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

An operating budget was presented to the Commission for the Water/Sewer System and Water System only for the next 3 years. Eugene Davis made the motion to



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accept the budget form to be sent to Farmers Home. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	NO
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	NO
MAYOR:	W. C. HAMBLEY, MD.	YES

The Motion Carried.

Resolution R-81-016 was presented and read entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIKEVILLE AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER TREATMENT PLANT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE

WHEREAS, it is necessary for the City of Pikeville (herein after called the association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Three Million One Hundred Seventy Thousand and 00/100 (\$3,170,000.) pursuant to the provisions of KRS 96.376

WHEREAS, the association intends to obtain assistance from the Farmers Home Administration, United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and to purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the association:

NOW THEREFORE, in consideration of the premises the association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds and containing such items and in such forms as are required by STATE statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c))..
3. To provide for, execute, and comply with Form FmHA 400-4, "Nondiscrimination Agreement", and Form FmHA 400-1 "Equal Opportunity Agreement", including an "Equal Opportunity Clause", which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government, at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the association (payable from the source of funds pledged to pay the bonds or any other legally permissible source) incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this Resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, not permit others to do so, without the prior written consent of the Government.
7. Not to borrow any money from any source, enter into any contract or agreement or incur any other liabilities in connection with making enlargements, improvements or extensions to, or for any other purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account, in a bank, and in a manner approved by the Government.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. to provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate



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reserves. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance coverage including fidelity bonds as may be required by the Government.

12. To establish and maintain such books and records relating to operation of the facility and its financial affairs and to provide for required audit thereof in such a manner as may be required by the Government, to provide the Government without its request, a copy of each such audit, and to make and forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. To serve any applicant within the service area who desires service and can be feasibly and legally served, and to obtain the concurrence of the Farmers Home Administration prior to refusing service to such applicant. Upon the failure to provide such service which is feasible and legal such applicant shall have a direct right of action against the association under this agreement.

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instruments, shall be binding upon the association as long as the bonds are held or insured by the Government. The provisions of sections 6 through 13 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling as between the association and the Government.

The vote was: Yeas 3 ; Nays 2 ; Absent 0

IN WITNESS WHEREOF, the City Council of the City of Pikeville has duly adopted this Resolution and caused it to be executed by the officers below in duplicate on this 12 day of March, 1981.

City of Pikeville

by W. C. Hambley, M.D.  
W. C. Hambley, M.D.

Title Mayor

Eugene Davis made the motion to adopt the resolution. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	NO
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	NO
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Resolution R-81-017 was presented and read entitled:

RESOLUTION AUTHORIZING EXECUTION OF EQUAL OPPORTUNITY AGREEMENT BETWEEN THE CITY OF PIKEVILLE AND FARMERS HOME ADMINISTRATION

WHEREAS, the City of Pikeville is requesting financial assistance from the Farmers Home Administration for a water plant;; and;

WHEREAS, one of the prerequisites of said application is the execution of an Equal Opportunity Agreement a copy of which is attached hereto, and which has been considered by the City Commission,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute the said Equal Opportunity Agreement and to bind the City to the terms thereof.

At Pikeville, Kentucky this 12 day of March, 1981.

Commissioner Harding Dawahare moved the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the Motion.

Upon roll call the votes were as follows:

W. C. HAMBLEY, M.D., MAYOR	YES
HARDING DAWAHARE, COMMISSIONER	YES
EUGENE DAVIS, COMMISSIONER	YES
BUFORD JOHNSON, COMMISSIONER	NO
ROBERT AMOS, JR., COMMISSIONER	NO

The Mayor declared the within Resolution adopted.



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/s/ W. C. Hambley, M.D.  
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.  
CHARLES L. HUFFMAN, JR.  
CITY CLERK

Harding Dawahare made the motion to adopt the resolution. Eugene Davis seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	NO
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	NO
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Resolution R-81-018 was presented and read entitled:

RESOLUTION AUTHORIZING EXECUTION OF ASSURANCE AGREEMENT RELATIVE TO CIVIL RIGHTS BETWEEN THE CITY OF PIKEVILLE AND THE FARMERS HOME ADMINISTRATION

WHEREAS, the City of Pikeville is applying for funds from the Farmers Home Administration for a water plant, and;

WHEREAS, one of the prerequisites for the said application is an Assurance Agreement Under VI, Civil Rights Acts of 1964 assuring the Farmers Home Administration of compliance with the Civil Rights Act,

NOW, THEREFORE, BE IT RESOLVED that the said Assurance Agreement attached hereto is hereby approved and the Mayor and City Clerk are authorized to execute the same and to bind the City to the terms thereof.

At Pikeville, Kentucky this 12 day of March, 1981.

Commissioner Eugene Davis moved the adoption of the foregoing Resolution. Commissioner Harding Dawahare seconded the Motion.

Upon roll call the votes were as follows:

W. C. HAMBLEY, M.D., MAYOR	YES
HARDING DAWAHARE, COMMISSIONER	YES
EUGENE DAVIS, COMMISSIONER	YES
BUFORD JOHNSON, COMMISSIONER	NO
ROBERT AMOS, JR., COMMISSIONER	NO

The Mayor declared the within Resolution adopted.

/s/ W. C. Hambley, M.D.  
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.  
CHARLES L. HUFFMAN, JR.  
CITY CLERK

Eugene Davis made the motion to adopt the resolution. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	NO
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	NO
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Harding Dawahare made the motion to adjourn. Buford Johnson seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	EUGENE DAVIS	YES
	ROBERT AMOS, JR.	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

APPROVED

*W. C. Hambley, M.D.*