

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - JUNE 26, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN A REGULARLY SCHEDULED SESSION ON MONDAY, JUNE 26, 1989. THE MEETING WAS HELD IN THE CITY COMMISSION'S DESIGNATED MEETING PLACE IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

THERE BEING A QUORUM PRESENT, MAYOR W. C. HAMBLEY, M.D. CALLED THE MEETING TO ORDER AT 7:30 P.M. COMMISSION MEMBERS PRESENT AT THE TIME OF ROLL CALL WERE:

COMMISSIONER: THOMAS HUFFMAN
JOHNNY MOUNTS
MAYOR: W. C. HAMBLEY, M.D.

COMMISSIONER JUSTICE ARRIVED AT 7:35 P.M.
COMMISSIONER COMBS WAS ABSENT.

THE MINUTES FROM PREVIOUS REGULAR MEETING OF MAY 22, 1989 AND JUNE 12, 1989, AND CONTINUED MEETING OF JUNE 14, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO APPROVE THE MINUTES AS SUBMITTED. THE MOTION CARRIED 3 - 0 (COMMISSIONER JUSTICE NOT PRESENT AT THE TIME OF THE VOTE).

THE PIKEVILLE HIGH SCHOOL CHEERLEADERS ARE SPONSORING A CARNIVAL TO BE HELD FROM JULY 3 - 8, 1989, AND REQUESTED USE OF THE RIVERFILL ON WHICH TO LOCATE THE CARNIVAL. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ALLOW THE USE OF THE RIVERFILL AREA NEAR COMBS AVENUE. THE MOTION CARRIED 3 - 0 (COMMISSIONER JUSTICE NOT PRESENT AT THE TIME OF THE VOTE).

PROJECT BILLS TOTALING \$116,777.40 WERE SUBMITTED TO THE COMMISSION FOR APPROVAL OF PAYMENT. JOHNNY MOUNTS MADE THE MOTION TO APPROVE PAYMENT OF THE PROJECT BILLS TOTALING \$116,777.40. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 4 - 0.

REQUESTS FOR PAYMENT FROM POWELL CONSTRUCTION COMPANY AND R. D. ZANDE & ASSOCIATES, LTD. WERE RESUBMITTED TO THE COMMISSION FOR APPROVAL OF PAYMENT WITH REGARD TO THE WATER TREATMENT PLANT PROJECT. COMMISSIONER HUFFMAN ASKED PLANT MANAGER, HAL WILLIAMS, IF THE SCHEDULED WORK HAD BEEN COMPLETED. MR. WILLIAMS REPORTED THAT NO FURTHER WORK HAS BEEN ACCOMPLISHED SINCE THE COMMISSION'S WORK SESSION WITH POWELL CONSTRUCTION AND R. D. ZANDE ON JUNE 1, 1989. CITY ATTORNEY, RUSSELL DAVIS REPORTED THAT HE HAS NOT RECEIVED ANY FURTHER CORRESPONDENCE FROM THE PROJECT'S ENGINEER OR CONTRACTOR.

CITY ENGINEER JACK SYKES PRESENTED A VERBAL REPORT OF ONGOING AND PROPOSED CITY PROJECTS.

1. SIDEWALK REPLACEMENT: A SUMMARY OF BIDS RECEIVED WAS PRESENTED. MR. SYKES REPORTED THAT STANDARD DEPARTMENT OF TRANSPORTATION SPECS FOR POURING CONCRETE, CURING TIME AND PREPARATION OF THE SIDEWALKS WERE USED. THE PROPOSED WORK WAS DIVIDED INTO FIVE SECTIONS. THE LOW BIDDER FOR ALL SECTIONS EXCEPT SECTION FOUR WAS HAMILTON CONSTRUCTION. MOUNTAIN ENTERPRISES WAS THE LOW BIDDER FOR SECTION FOUR. THE CITY ENGINEER REPORTED THAT THE BID ADVERTISEMENT PROVIDED THAT THE CITY HAD THE OPTION TO AWARD THE BID BY SECTIONS OR IN WHOLE. THOMAS HUFFMAN MADE THE MOTION TO AWARD THE PROJECT IN WHOLE TO HAMILTON CONSTRUCTION FOR A TOTAL BID PRICE OF \$42,341.00. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 3 - 1 WITH MAYOR HAMBLEY VOTING NO. THE CONTRACT DOCUMENT WAS AMENDED TO ALLOW 60 DAYS TO COMPLETE THE PROJECT.

CITY PERSONNEL WILL INSPECT THE SIDEWALK REPLACEMENT PROJECT.

THOMAS HUFFMAN MADE THE MOTION THAT THE CITY MAKE VERY EFFORT TO INSTALL A SIDEWALK ON HUFFMAN AVENUE FROM SECOND STREET TO CITY HALL. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 4 - 0.

2. STEELE STREET STORM SEWER: ENGINEER'S ESTIMATE FOR THIS STORM SEWER SEPARATION PROJECT WAS \$71,090.00. THREE BIDS WERE RECEIVED, THE LOW BID BEING TRUJILLO CONSTRUCTION COMPANY AT \$74,842.50. THE TWO OTHER BIDS CAME IN AT \$90,000+. COMMISSIONER HUFFMAN ASKED HOW MUCH WATER WOULD BE TAKEN OUT OF THE SEWER SYSTEM. MR. SYKES REPORTED THAT THERE ARE ABOUT EIGHT CATCH BASINS TOTALING DRAINAGE OF ABOUT 6 TO 8 ACRES. THERE HAVE ALSO BEEN REPORTS OF RESIDENTS IN THE AREA HAVING WATER IN THEIR BASEMENTS. GREG JUSTICE MADE THE MOTION TO AWARD THE PROJECT TO THE LOW BIDDER, TRUJILLO CONSTRUCTION IN THE AMOUNT OF \$74,842.50. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 4 - 0. THE ROAD SETTLING SITUATION ON STEELE STREET APPEARS TO BE CAUSING ONE RESIDENT'S STEPS TO BREAK APART AND ANOTHER'S YARD TO ERODE. COMMISSIONER JUSTICE QUESTIONED IF THIS PROBLEM WAS GOING TO BE TAKEN CARE OF AS PART OF THE STORM SEPARATION PROJECT. THE CITY ENGINEER EXPLAINED THAT HE HAS SHOT ELEVATIONS AT TWO WEEK INTERVALS OVER A PERIOD OF A MONTH AND THE TEST DOES NOT SHOW ANY FURTHER SETTLING.

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HE ADDED THAT THE PROBLEM CAN BE SOLVED BY ADDING THE WORK TO THE CHANGE ORDER AT AN ESTIMATED COST OF \$30,000 - \$40,000, HOWEVER HE DOES NOT THINK IT IS JUSTIFIABLE AT THIS TIME. THE COMMISSION SCHEDULED A WORK SESSION NEXT WEEK TO WALK THROUGH THE PROJECT.

3. TRAFFIC SIGNAL: MR. SYKES PRESENTED A PROPOSAL FROM SHELBY CONSTRUCTION COMPANY FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AT THE INTERSECTION OF HAMBLEY BOULEVARD AND DIVISION STREET. MR. SYKES REPORTED THAT DENTON BILITER OF KYDOT RECOMMENDED CONTRACTING DIRECTLY WITH SHELBY CONSTRUCTION USING THEIR BID PRICES THAT THEY BID ON A STATE WIDE BASIS FOR THIS TYPE OF CONSTRUCTION. SHELBY CONSTRUCTION GAVE TWO QUOTES: ONE IS A FIRM PRICE QUOTATION OF \$23,990.15 AND THE OTHER IS AN ESTIMATE OF \$22,790.64 - BUT THE ESTIMATE IS OPEN TO AN INCREASE IN UNIT COSTS. MR. SYKES REPORTED THAT THE PROPOSAL PROVIDES FOR THE INSTALLATION OF WOOD POLES. TO INSTALL CONCRETE POLES WOULD INCREASE THE PRICE SUBSTANTIALLY. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ACCEPT SHELBY CONSTRUCTION COMPANY'S FIRM PRICE OF \$23,990.15 FOR THE TRAFFIC CONTROL DEVICE AND COMPLETE INSTALLATION. THE MOTION CARRIED UNANIMOUSLY.

4. WILLIAMS HOLLOW: THE CONTRACTOR, FLEETWOOD JOHNSON CONSTRUCTION COMPANY, HAS NOT INSTALLED ANY LINE SINCE THE LAST CITY COMMISSION MEETING. MR. JOHNSON'S EXCUSE IS THAT IT HAS BEEN TOO WET. THE PROJECT WAS INITIALLY LET FOR A 60 DAY TIME PERIOD WHICH WOULD HAVE ENDED ON JUNE 18, 1989. THROUGH THIS DATE THERE HAVE BEEN 22 RAIN DAYS. THERE HAVE BEEN SOME DAYS AFTER THE RAIN THAT IT HAS BEEN TOO WET TO WORK. THE CONTRACTOR IS CONCERNED, AND THE ENGINEER CONCURS, OVER PUTTING MATERIAL HE IS DIGGING OUT OF THE DITCH BACK IN OVER THE LINE WHICH CAN'T BE COMPACTED IF IT IS TOO WET. THE SPECS READ THAT HE SHALL USE THE EXISTING MATERIAL AND COMPACT IT BACK OR HE HAS THE OPTION TO REPLACE THE MATERIAL WITH STONE - AT NO ADDITIONAL COST. THE COMMISSION GAVE THE CONTRACTOR A TIME EXTENSION TO COMPLETE THE PROJECT TO AUGUST 1, 1989.

CITY ATTORNEY RUSSELL DAVIS REPORTED ON THE ACTIVITIES OF HIS OFFICE.

1. GROUSE POINT MALL: THE COMMISSION PREVIOUSLY APPROVED ENTERING INTO A CONTRACT WITH JAMES CAULEY TO PREPARE A UDAG APPLICATION FOR THE GROUSE POINT SHOPPING CENTER. NANCY BLACKBURN HAS GIVEN MR. DAVIS A LETTER OF UNDERSTANDING SIGNED BY MR. CAULEY WHICH IS ACCEPTABLE UPON MAKING ONE CHANGE. THE AGREEMENT PROVIDES THAT MR. CAULEY WILL BE COMPENSATED BASED UPON HIS HOURLY RATE BUT NOT TO EXCEED THE GUIDELINES SET BY HUD FOR APPLICATION PREPARATION. THERE WAS A PROVISION THAT HE WOULD BE PAID AT A REDUCED RATE IF THE UDAG WAS NOT APPROVED, UT THIS CLAUSE HAS BEEN STRUCK FROM THE AGREEMENT, WHICH ALLOWS FOR PAYMENT ONLY IF THE UDAG IS AWARDED. THE MAYOR WAS AUTHORIZED TO EXECUTE THE AMENDED AGREEMENT.

2. FIRST READING WAS GIVEN TO AN ORDINANCE TO PROHIBIT PARKING FOR LONGER THAN TEN MINUTES IN FRONT OF THE POST OFFICE ON MAIN STREET.

MR. DAVIS REPORTED THAT HE HAD TALKED WITH THE POSTMASTER WITH REGARD TO THE COMMISSION'S PROPOSAL TO OFFER THE POSTAL EMPLOYEES PARKING ON THE RIVERFILL BEHIND THE POST OFFICE. MS. SMITH REPORTED THAT THE POST OFFICE ONLY HAS ONE SPACE BEHIND THE POST OFFICE.

3. FIRST READING WAS GIVEN TO AN ORDINANCE SETTING THE SPEED LIMIT ON AIRPORT ROAD AT 30 M.P.H.

4. FIRST READING WAS GIVEN TO AN ORDINANCE DEDICATING AND NAMING THE RIGHT FORK OF HAROLD'S BRANCH "CARTER DRIVE" IN HONOR OF ELSTER F. CARTER.

5. THE SUPREME COURT OF KENTUCKY HAS DENIED LINDSEY & ELLIOTT'S MOTION FOR DISCRETIONARY REVIEW. MR. DAVIS REPORTED THAT THIS CASE HAS TO GO BACK TO CIRCUIT COURT FOR A FEW MODIFICATIONS. LINDSEY & ELLIOTT WAS SERVED PURSUANT TO THE CITY COMMISSION'S INSTRUCTIONS, A LETTER ANNOUNCING THAT BECAUSE OF THE PARTIES INABILITY TO REACH AN AGREEMENT ON A NEW GAS PURCHASE PRICE THAT THE CITY WAS CANCELLING THE EXISTING CONTRACT. THE CITY MANAGER HAS DIRECTED THAT THE LINDSEY & ELLIOTT WELLS BE SHUT IN, AND THIS DIRECTIVE HAS BEEN CARRIED OUT.

6. AN ORDINANCE WAS PRESENTED AND READ ENTITLED:

O-89-007 AN ORDINANCE ADOPTING THE CITY OF PIKEVILLE, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 1989, THROUGH JUNE 30, 1990, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

GREG JUSTICE MADE THE MOTION TO DECLARE AN EMERGENCY WITH REGARD TO THE ORDINANCE, SAID EMERGENCY BEING THAT THE ADOPTION OF A NEW OPERATING BUDGET MUST BE IN EFFECT PRIOR TO JUNE 30, 1989, AND TO ADOPT THE ORDINANCE AS READ. THOMAS HUFFMAN SECONDED THE MOTION. THE VOTES WERE AS FOLLOWS:

COMMISSIONER:	GREG JUSTICE	YES
	THOMAS HUFFMAN	YES

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MAYOR: JOHNNY MOUNTS YES
W. C. HAMBLEY, M.D. YES

THE MOTION CARRIED.

GREG JUSTICE MADE THE MOTION TO ALLOT \$2,500.00 TO THE PIKEVILLE LITTLE LEAGUE TO MAKE THE NECESSARY IMPROVEMENTS TO THE BALLFIELDS AT THE DESIGNATED SITE ON THE 3RD LEVEL OF BOB AMOS PARK. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. IT WAS NOTED THAT THE PIKEVILLE LITTLE LEAGUE HAS AGREED TO MATCH THE ALLOTMENT.

THE CITY MANAGER REPORTED THAT HE HAD BEEN CONTACTED BY TERRY DESKINS OF PIKEVILLE LITTLE LEAGUE, WHO EXPLAINED THAT THE LITTLE LEAGUE WAS PLANNING A WORK SESSION ON SATURDAY AND REQUESTED THE USE OF A DOZER AND TWO DUMPTRUCKS. THE LITTLE LEAGUE WILL BE RESPONSIBLE TO PAY THE DRIVE AND WORKERS TO OPERATE THE EQUIPMENT. GREG JUSTICE MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ALLOW THE PIKEVILLE LITTLE LEAGUE TO BORROW THE SPECIFIED EQUIPMENT SUBJECT TO THE LEAGUE PAYING THE CITY EMPLOYEES WHO OPERATE THE EQUIPMENT. THE MOTION CARRIED UNANIMOUSLY.

RESOLUTION R-89-012 WAS PRESENTED AND READ ENTITLED:

RESOLUTION ADOPTING POLICY PROVIDING FOR DRUG-FREE WORKPLACE

WHEREAS, THE CITY OF PIKEVILLE DESIRES TO ADOPT A POLICY THAT ITS WORKPLACE SHALL BE DRUG FREE IN COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT OF 1988 (PL 100-690, TITLE V, SUBTITLE D).

WHEREAS, THE PIKEVILLE CITY COMMISSION HAS DETERMINED THAT THE DRUG AND ALCOHOL ABUSE AMONG ITS EMPLOYEES CAN BE HARMFUL TO BOTH THE SAFETY, WELFARE AND WELL-BEING OF ITS EMPLOYEES, CITIZENS OF THE CITY OF PIKEVILLE AND PUBLIC AND PRIVATE PROPERTY.

WHEREAS, THE PIKEVILLE CITY COMMISSION HAS DETERMINED THAT RANDOM DRUG AND ALCOHOL TESTING ON CERTAIN CITY EMPLOYEES WHO SERVE TO PROTECT THE PUBLIC SUCH AS ALL FIRE FIGHTERS AND POLICEMEN, AND OTHER CITY EMPLOYEES WHO OPERATE EQUIPMENT, TOOLS, MACHINERY OR MOTOR VEHICLES WHICH CAN BE DANGEROUS IF THE OPERATOR OPERATES UNDER THE INFLUENCE OF DRUG AND ALCOHOL SHOULD BE SUBJECT TO RANDOM DRUG AND ALCOHOL TESTS.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. THAT IT IS THE POLICY OF THE CITY OF PIKEVILLE THAT ITS WORKPLACE SHALL BE DRUG FREE IN COMPLIANCE WITH THE DRUG-FREE WORK ACT OF 1988 (PL 100-690, TITLE V, SUBTITLE D).

2. THAT IT IS THE POLICY OF THE CITY OF PIKEVILLE THAT ITS WORKPLACE SHALL BE FREE FROM ALCOHOL USE.

3. THAT NO EMPLOYEE OF THE CITY OF PIKEVILLE SHALL ENGAGE IN UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF A CONTROL SUBSTANCE IN THE WORKPLACE OF THE CITY OF PIKEVILLE OR OUTSIDE THE WORKPLACE.

4. CONTROL SUBSTANCES ARE DESCRIBED IN KRS 218A.020 THROUGH KRS 218A.140, OR IN REGULATIONS OF THE CABINET FOR HUMAN RESOURCES.

5. THE CITY OF PIKEVILLE SHALL MAINTAIN A DRUG-ALCOHOL-FREE WORKPLACE PROGRAM TO THE IMPLEMENTATION OF THE PROCEDURES AS SET OUT HEREINBELOW.

6. THAT NO EMPLOYEE OF THE CITY OF PIKEVILLE SHALL ENGAGE IN THE UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF ALCOHOLIC BEVERAGES IN THE WORKPLACE OF THE CITY OF PIKEVILLE.

7. THAT NO EMPLOYEE OF THE CITY OF PIKEVILLE IN WHICH HIS JOB REQUIRES HIM TO OPERATE A MOTOR VEHICLE SHALL ENGAGE IN THE UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF ALCOHOLIC BEVERAGES WHILE NOT IN THE WORKPLACE OF THE CITY OF PIKEVILLE.

8. THAT ALL EMPLOYEES OF THE CITY OF PIKEVILLE WHOSE JOB IT IS TO MAINTAIN THE SAFETY OF THE PUBLIC WHICH SHALL EXPRESSLY INCLUDE ALL FIREMEN AND POLICEMEN, AND SUCH OTHER EMPLOYEES THAT OPERATE OR USE EQUIPMENT, MACHINERY, TOOLS, OR MOTOR VEHICLES WHICH CAN BE DANGEROUS OR HARMFUL TO A PERSON OR PROPERTY IF OPERATED UNDER THE INFLUENCE OF DRUGS OR ALCOHOL SHALL BE SUBJECT TO RANDOM DRUG AND ALCOHOL TESTING AT A STATE APPROVED LABORATORY AT THE DISCRETION OF THE CITY MANAGER OR AS DIRECTED BY THE COMMISSION. IT SHALL NOT BE A REQUIREMENT THAT ANY EMPLOYEE BE SUBJECT TO PROBABLE CAUSE FOR SAID DRUG AND ALCOHOL TESTING. HOWEVER, THE CITY MANAGER SHALL REQUIRE AN EMPLOYEE TO SUBMIT TO A DRUG AND ALCOHOL TESTING IF HE BELIEVES OR IT COMES TO HIS ATTENTION THAT A PARTICULAR EMPLOYEE MAY HAVE VIOLATED THE PROVISIONS OF THIS RESOLUTION. THE CITY MANAGER SHALL IMMEDIATELY REPORT THE RESULTS OF ALL DRUG TESTING TO THE PIKEVILLE CITY COMMISSION IN

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EXECUTIVE SESSION. THE NAMES AND RESULTS OF EMPLOYEES DRUG AND ALCOHOL TESTING SHALL NOT BE DISCLOSED BY THE CITY MANAGER OR THE COMMISSION UNLESS SUCH TEST RESULT IS POSITIVE.

9. EACH EMPLOYEE OF THE CITY OF PIKEVILLE SHALL READ AND SIGN THE DRUG AND ALCOHOL-FREE WORKPLACE CERTIFICATION ATTACHED TO THIS POLICY.

10. EACH EMPLOYEE IS HEREBY INFORMED THAT THEY SHALL NOTIFY THE CITY MANAGER WITHIN FIVE (5) DAYS OF ANY CRIMINAL DRUG OR ALCOHOL STATUTE CONVICTION WHICH IS IN VIOLATION OF THIS RESOLUTION WITHIN THIRTY (30) DAYS, THE CITY OF PIKEVILLE WILL TAKE ACTION AS APPROPRIATE.

11. ANY EMPLOYEE VIOLATING THE TERMS OF THIS POLICY STATEMENT IS SUBJECT TO IMMEDIATE DISMISSAL.

12. EMPLOYEES FOUND TO BE ABUSING DRUGS OR ALCOHOL, BUT NOT CONVICTED OF ANY DRUG OR ALCOHOL STATUTE VIOLATION, WILL BE SUBJECT TO APPROPRIATE PERSONNEL ACTION UP TO AND INCLUDING A REQUIREMENT TO PARTICIPATE SATISFACTORY IN A DRUG OR ALCOHOL ABUSE ASSISTANCE OR REHABILITATION PROGRAM APPROVED FOR SUCH PURPOSES, OR DETERMINATION. THE CITY OF PIKEVILLE WILL NOT PAY FOR THIS REHABILITATION.

13. EMPLOYEES ARE HEREBY INFORMED THAT DRUG AND ALCOHOL USE PREVENTION INFORMATION AND COUNSELING IS AVAILABLE THROUGH THE MOUNTAIN COMPREHENSIVE CARE CENTER LOCATED IN PIKEVILLE, KENTUCKY.
PASSED THIS 26TH DAY OF JUNE, 1989.

COMMISSIONER THOMAS HUFFMAN MOVED THE ADOPTION OF THE FOREGOING RESOLUTION. COMMISSIONER GREG JUSTICE SECONDED THE MOTION.

UPON ROLL CALL, THE VOTES WERE AS FOLLOWS:

	YES	NO
W. C. HAMBLEY, M.D., MAYOR	X	
STEVE COMBS, COMMISSIONER		ABSENT
GREG JUSTICE, COMMISSIONER	X	
THOMAS HUFFMAN, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

/S/ W. C. HAMBLEY, M.D.
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

/S/ KAREN HARRIS
KAREN HARRIS, CITY CLERK

THOMAS HUFFMAN MADE THE MOTION TO ADVERTISE FOR BID THE BLACKTOP AND CONCRETE FOR THE 1989-90 FISCAL YEAR. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PRESENTED TO THE COMMISSION WAS A REQUEST FROM THE PIKEVILLE PUBLIC LIBRARY TO ALLOW THE LIBRARIAN TO PARTICIPATE IN THE CITY EMPLOYEE'S RETIREMENT PROGRAM. THE CITY WILL BE REIMBURSED BY THE LIBRARY FOR THE COST OF ADDING MS. DAVIS TO THE RETIREMENT PLAN. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ALLOW THE PIKEVILLE PUBLIC LIBRARY'S LIBRARIAN TO PARTICIPATE IN THE CITY'S EMPLOYEE RETIREMENT PROGRAM. THE MOTION CARRIED 4 - 0.

JOHNNY MOUNTS MADE THE MOTION TO AUTHORIZE THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO ESTABLISH A POLICY TO REQUIRE THE SUBMISSION OF FEDERAL TAX RETURNS WHEN FILING CITY TAX RETURNS. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION FAILED 2 - 2 (GREG JUSTICE AND MAYOR HAMBLEY VOTING "NO").

THE COMMISSION DISCUSSED THE POSSIBLE EMPLOYMENT OF A FIELD AUDITOR TO CHECK ON THOSE FILING CITY TAX RETURNS TO VERIFY AMOUNTS REPORTED. GREG JUSTICE MADE THE MOTION TO EMPLOY A FIELD AUDITOR FOR A SIX MONTH PROBATIONARY PERIOD TO CONDUCT ANALYSIS TO DETERMINE IF CERTAIN TAXPAYERS ARE REPORTING EARNINGS CORRECTLY. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE COMMISSION DEFERRED ACTION ON THE PROPOSED INCREASE IN PARKING TICKET FINES UNTIL THE MATTER CAN BE DISCUSSED IN A WORK SESSION.

GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO DISCONTINUE THE POLICY OF REMOVING THE UTILITY METERS WHEN SERVICE IS READ OUT FOR THE SUMMER. THE METERS ARE TO BE LOCKED OFF. COMMISSION MOUNTS ASKED THAT THE

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MOTION BE AMENDED TO INCLUDE A PROVISION THAT CUSTOMERS FOUND USING THE SERVICES AFTER THE METERS HAVE BEEN LOCKED OFF WILL BE PROSECUTED. COMMISSIONER HUFFMAN ADDED THAT RELEASE FORMS WILL BE SIGNED BY THE CUSTOMER RELIEVING THE CITY OF ANY LIABILITY IF THE METERS ARE NOT REMOVED. THE MOTION CARRIED 3 - 1 WITH MAYOR HAMBLEY VOTING "NO".

THE CITY MANAGER PRESENTED A PROPOSAL FROM YOUNG'S WRECKING & SALVAGE TO REMOVE THE CONCRETE SLAB AT THE OLD ICE PLANT SITE TO A SUBSURFACE DEPTH OF AT LEAST TWO FEET FOR \$1,200.00. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ACCEPT THE PROPOSAL SUBJECT TO NO PAYMENT BEING MADE UNTIL THE SUCCESSFUL COMPLETION AND INSPECTION OF THE PROJECT. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO REMOVE THE SPEED BUMPS ON BOB AMOS ROAD. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. THE MOTION CARRIED 4 - 0.

THOMAS HUFFMAN MADE THE MOTION TO RECONVENE TO REGULAR SESSION. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER HUFFMAN QUESTIONED THE FIRE CHIEF RELATIVE TO RELOCATING THE BUILDING INSPECTOR TO THE FIRE DEPARTMENT. NO ACTION WAS TAKEN.

COMMISSIONER HUFFMAN INTRODUCED AND READ A RESOLUTION ENTITLED:

RESOLUTION FOR CITY OF PIKEVILLE TO ENTER INTO A FOURTH AMENDMENT BETWEEN PROFESSIONAL SERVICES GROUP, INC. AND THE CITY OF PIKEVILLE

WHEREAS, THE CITY OF PIKEVILLE NEEDS TO MAKE IMPROVEMENTS IN THE OPERATION OF THE PUBLIC WORKS DEPARTMENT TO BETTER MAINTAIN THE PUBLIC FACILITIES AND TO RESPOND TO THE CITIZENS NEEDS.

WHEREAS, PSG HAD OPERATED THE CITY'S SEWAGE AND WATER TREATMENT PLANTS FOR THE PAST TWO (2) YEARS WITH AN INCREASE IN SAVINGS TO THE CITY OF PIKEVILLE.

WHEREAS, THERE IS A NEED WITHIN THE CITY TO HAVE THE SAME ENTITY OPERATING BOTH THE WATER TREATMENT PLANT AND THE DISTRIBUTING LINE THEREFROM SO TO PROVIDE CONSISTENT SERVICES AND A NEED TO HAVE THE SAME ENTITY OPERATING THE SEWAGE TREATMENT PLANT TO ALSO OPERATE THE SEWAGE COLLECTION LINES SO TO BETTER STABILIZE THE OPERATION OF BOTH.

WHEREAS, AN AGREEMENT TO HAVE PSG OPERATE THE PUBLIC WORKS DEPARTMENT OF THE CITY OF PIKEVILLE IS A BENEFIT TO THE CITY IN THAT THE AGREEMENT WOULD PROVIDE PROFESSIONAL AND HIGHLY TRAINED MANAGEMENT SERVICES TO THE CITY, WILL INCREASE UTILITY SAVINGS, WILL PROVIDE IMPROVE MAINTENANCE AND SERVICE AND WILL IMPROVE EFFICIENCY OF THE OPERATIONS OF THE PUBLIC WORKS DEPARTMENT.

WHEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. THAT THE MAYOR OF THE CITY OF PIKEVILLE IS HEREBY AUTHORIZED TO EXECUTE ON BEHALF OF THE CITY OF PIKEVILLE A MEMORANDUM OF UNDERSTANDING PROVIDING FOR OPERATION AND MAINTENANCE SERVICES FOR THE PUBLIC WORKS DEPARTMENT AND FURTHER AUTHORIZES THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF PIKEVILLE A FOURTH AMENDMENT TO THE PRESENT OPERATING CONTRACT BETWEEN PUBLIC SERVICES GROUP, INC., AND THE CITY OF PIKEVILLE WHICH SHALL BE CONSISTENT WITH THE TERMS OF THE ATTACHED MEMORANDUM OF UNDERSTANDING.

2. THAT ALL CITY EMPLOYEES IN THE PUBLIC WORKS DEPARTMENT SHALL BE TERMINATED AS EMPLOYEES OF THE CITY OF PIKEVILLE AND SHALL HAVE THE RIGHT AND OPTION TO BECOME AN EMPLOYEE OF PROFESSIONAL SERVICES GROUP, INC. ALL EMPLOYEES DESIRING TO BE EMPLOYED BY PSG SHALL REPORT TO THEIR NORMAL PLACE FOR WORK AND WILL BE MET BY AN AGENT OR REPRESENTATIVE OF PROFESSIONAL SERVICES GROUP, INC.

PASSED THIS 26TH DAY OF JUNE, 1989.

COMMISSIONER THOMAS HUFFMAN MOVED THE ADOPTION OF THE FOREGOING RESOLUTION. COMMISSIONER JOHNNY MOUNTS SECONDED THE MOTION.

UPON ROLL CALL, THE VOTES WERE AS FOLLOWS:

	YES	NO	
W. C. HAMBLEY, M.D., MAYOR			X
STEVE COMBS, COMMISSIONER			ABSENT
GREG JUSTICE, COMMISSIONER			ABSTAIN
THOMAS HUFFMAN, COMMISSIONER	X		

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JOHNNY MOUNTS, COMMISSIONER

X

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

/S/ W. C. HAMBLEY, M.D.
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

/S/ KAREN HARRIS
KAREN HARRIS, CITY CLERK

CERTIFICATION

THE UNDERSIGNED, KAREN HARRIS, CITY CLERK OF THE CITY OF PIKEVILLE, KENTUCKY, DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION DULY ADOPTED BY THE COMMISSIONERS OF THE CITY OF PIKEVILLE ON THE 26TH DAY OF JUNE, 1989, SIGNED BY THE MAYOR AND NOW IN FULL FORCE AND EFFECT, AS SHOWN BY THE OFFICIAL RECORDS OF SAID CITY IN MY CUSTODY AND UNDER MY CONTROL.

WITNESS MY HAND AND SEAL OF THE CITY THIS 26TH DAY OF JUNE, 1989.

/S/ KAREN HARRIS
KAREN HARRIS, CITY CLERK

COMMISSIONER HUFFMAN STATED THAT HE HAS BEEN VERY CONCERNED ABOUT THE PRODUCTIVITY OF CITY PUBLIC WORKS DEPARTMENT AND AS PSG HAS, IN THE PAST TWO YEARS, DEMONSTRATED THEIR ABILITY TO OPERATE A PUBLIC FACILITY, MADE THE MOTION TO ADOPT THE RESOLUTION TO ENTER INTO A FOURTH AMENDMENT BETWEEN PSG FOR THE OPERATION OF THE PUBLIC WORKS DEPARTMENT. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 2 - 1 - 1 WITH MAYOR HAMBLEY VOTING "NO" AND GREG JUSTICE ABSTAINING.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO ADJOURN. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION'S NEXT SCHEDULED MEETING IS JULY 10, 1989 AT 7:30 P.M. IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

APPROVED: /S/ W. C. HAMBLEY, M.D. MAYOR (MAYOR PRO TEM)

ATTEST:

/S/ KAREN HARRIS
KAREN HARRIS, CITY CLERK