

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - JULY 24, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, JULY 24, 1989. THE MEETING WAS CONDUCTED IN THE CITY COMMISSION'S REGULAR MEETING PLACE AT THE CITY HALL PUBLIC MEETING ROOM.

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

COMMISSIONER: STEVE COMBS
GREG JUSTICE
THOMAS HUFFMAN
JOHNNY MOUNTS
MAYOR: W. C. HAMBLEY, M.D.

THE MINUTES FOR THE PREVIOUS REGULAR MEETING OF JULY 10, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. GREG JUSTICE MADE THE MOTION, SECONDED BY STEVE COMBS TO APPROVE THE MINUTES AS PRESENTED. THE MOTION CARRIED UNANIMOUSLY.

PARK BOARD CHAIRMAN EUGENE DAVIS REQUESTED AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. GREG JUSTICE MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ADJOURN TO AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER WITH THE PARK BOARD CHAIRMAN. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO RECONVENE TO REGULAR SESSION. THE MOTION CARRIED UNANIMOUSLY.

PARK BOARD CHAIRMAN DAVIS EXPLAINED THAT THE PARK BOARD MET AND HAVE RECOMMENDED THAT THE CITY COMMISSION GRANT PERMISSION TO ALLOW A VIDEO TO BE MADE PROMOTING THE CITY PARKS. MR. DAVIS WENT ON TO EXPLAIN THAT THE VIDEO IS ACTUALLY ABOUT FOUR MINUTE SPOTS ADVERTISING THE PARKS AND WILL AIR ON WYMT. COMMISSIONER MOUNTS EXPLAINED THAT ALTHOUGH A COST HAS NOT YET BEEN DETERMINED, THE CITY WILL PAY FOR 10 SPOTS AND RECEIVE 10 SPOTS FREE. GREG JUSTICE MADE THE MOTION TO ACCEPT THE PARK BOARD'S RECOMMENDATION TO ALLOW A VIDEO BE MADE OF THE PARKS AND ALSO ALLOW THE CONSTRUCTION OF TWO "WELCOME TO PIKEVILLE" SIGNS. STEVE COMBS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. MR. DAVIS REPORTED THAT COST ESTIMATES FOR THE VIDEO AND PROPOSALS FOR THE SIGNS WOULD BE SUBMITTED TO THE COMMISSION FOR THEIR REVIEW.

THE CITY MANAGER WAS DIRECTED TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY OF THE PARK & RECREATION DIRECTOR POSITION. THE COMMISSION DISCUSSED ADVERTISING THE POSITION FOR A 30 DAY PERIOD.

PRESENTED FOR APPROVAL OF PAYMENT WAS A LIST OF CITY BILLS TOTALING \$29,000.58. STEVE COMBS MADE THE MOTION TO APPROVE PAYMENT OF THE CITY BILLS TOTALING \$29,000.58. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

PROJECT BILLS WERE SUBMITTED TO THE COMMISSION FOR APPROVAL OF PAYMENT TOTALING \$26,698.26. GREG JUSTICE MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO APPROVE PAYMENT OF THE PROJECT BILLS AS REQUESTED. THE MOTION CARRIED 5 - 0.

TONY BLEVINS OF POWELL CONSTRUCTION, WATER TREATMENT PLANT CONTRACTOR, ADDRESSED THE COMMISSION SEEKING PAYMENT OF HALF THE BALANCE OWED TO POWELL CONSTRUCTION OR ABOUT \$56,000.00. MR. BLEVINS POINTED OUT THAT POWELL CONSTRUCTION HAS AGREED TO THE ITEMS THAT WERE PUT IN FINAL LETTER FROM BY CITY ENGINEER JACK SYKES. WHILE POWELL CONSTRUCTION IS NOT ACCEPTING RESPONSIBILITY FOR THE REPAIR OR REPLACEMENT OF THE PUNCHLIST ITEMS, THEY HAVE AGREED TO COMPLY WITH THE PUNCHLIST WITH THE UNDERSTANDING THAT AT LEAST HALF THE FUNDS RETAINED ARE RELEASED. COMMISSIONER MOUNTS ASKED ABOUT THE ROOF PROBLEM. R. D. ZANDE ENGINEER, PAT BLAYNEY, REPORTED THAT HE HAS LOOKED AT THE ROOF STONE. ACCORDING TO MR. BLAYNEY, THE STONE WAS PROCESSED BY WATER TUMBLING AND DOES NOT HAVE ROUGH EDGES. R. D. ZANDE'S STRUCTURAL ENGINEER HAS LOOKED AT THE STONE, AS WELL AS THE CONSTRUCTION ENGINEER AND ROOFING COMPANY, WHO CONSIDER THE STONE SUITABLE MATERIAL TO BE USED FOR THE ROOF. COMMISSIONER HUFFMAN ASKED WHY RIVER STONE WAS SPECIFIED INSTEAD OF SHOT STONE - BECAUSE SHOT STONE WOULD NEVER BE DULL ENOUGH? MR. BLAYNEY CONTENTED THAT THE SHOT STONE HAD BEEN PROCESSED WHERE IT DOES NOT HAVE SHARP EDGES. COMMISSIONER HUFFMAN INDICATED THAT HE HAD NO QUALMS ABOUT PAYING POWELL CONSTRUCTION WHEN THEY HAD COMPLETED THE PROJECT. HE ALSO STATED THAT HE FELT THE ROOF STONE SHOULD BE REPLACED DUE TO THE LEAK ABOVE THE ENTRANCE DOOR. MR. BLAYNEY REPORTED THAT THEY ARE UNSURE WHERE THE LEAK ABOVE THE DOOR IS. HE EXPLAINED THAT DURING THE CONSTRUCTION PROCESS, THERE WAS A DRAIN PIPE IN THAT AREA THAT LEAKED. IT MAY BE THAT THE DRAIN PIPE HAS SEPARATED, AS THAT PROBLEM WAS HAD EARLIER IN CONSTRUCTION. MR. BLEVINS COMMENTED THAT HE WILL NOT AGREE TO CHANGE THE

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STONE ON THE ROOF. COMMISSIONER HUFFMAN ASKED IF THEY WOULD AGREE TO CHANGE THE STONE IF THE ENGINEER SAID THE STONE NEEDED TO BE CHANGED. MR. BLEVINS REITERATED THE FACT OF THE WORK SESSION WHERE IT WAS MADE CLEAR BY HIM THAT POWELL CONSTRUCTION HAS AN ARBITRATION CLAUSE IN THE CONTRACT AND IF IT WAS NECESSARY TO GO TO ARBITRATION, THEN NO FURTHER WORK WOULD BE DONE UNTIL AFTER THE ARBITRATION IS SETTLED. INTEREST ON THE FUNDS BEING RETAINED WOULD ALSO BE SOUGHT. MR. BLEVINS CONTENDS THAT HALF THE PAYMENT DUE POWELL CONSTRUCTION HAS NOTHING TO DO WITH THIS PARTICULAR CONTRACT - IT WAS FOR ADDITIONAL WORK REQUESTED BY THE CITY. MR. BLEVINS REPORTED THAT POWELL CONSTRUCTION HAS A WARRANTY BOND POSTED. ACCORDING TO MR. BLEVINS, THE WARRANTY BOND EXPIRES ON THE COMPLETION OF THE WARRANTY ITEMS. COMMISSIONER HUFFMAN STATED THAT IF THE BOND IS STILL IN PLACE, AND THE CITY SIGNS OFF ON THE BOND WHEN THE WARRANTY ITEMS ARE COMPLETED, AND IF THE CITY ATTORNEY CAN REPORT THAT THE BOND IS STILL IN FORCE UNTIL THE WARRANTY ITEMS ARE COMPLETE, HE WOULD VOTE TO RELEASE HALF THE FUNDS RETAINED. COMMISSIONER HUFFMAN WENT ON TO SAY THAT HE WOULD REQUEST THAT MR. BLEVINS CHECK WITH POWELL'S ENGINEER TO GET THE ROOF GRAVEL CHANGED BECAUSE SPECIFICATIONS ARE NOT MET WITH THIS TYPE STONE. MR. BLEVINS REPORTED THAT POWELL CONSTRUCTION HAD A ROOFING SUBCONTRACTOR THAT SUBMITTED THE CHANGE IN STONE TO R. D. ZANDE AND EVERYTHING HAS BEEN APPROVED BY THE ENGINEERING FIRM ACCORDING TO THE PLANS AND SPECS. CITY ENGINEER JACK SYKES REPORTED THAT THE CONTRACT CALLED FOR CREEK GRAVEL. MR. BLAYNEY REPORTED THAT THE CONTRACTOR CAN OFFER SUBSTITUTIONS THAT CAN BE EVALUATED TO MEET THE INTENT OF THE SPECIFICATIONS. THOMAS HUFFMAN MADE THE MOTION TO PAY THE CONTRACTOR HALF THE MONIES RETAINED SUBJECT TO THE CITY ATTORNEY VERIFYING THAT THE BOND IS STILL IN PLACE WITH THE CITY HAVING TO SIGN OFF ON THE BOND ONCE THE PROJECT IS COMPLETED AND SUBJECT TO THE CONTRACTOR REPLACING THE ROOF GRAVEL TO MEET THE CONTRACT SPECIFICATIONS. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PAT BLAYNEY REPORTED THAT R. D. ZANDE HAS BEEN WITH THE WATER TREATMENT PLANT PROJECT AND THE TERMS OF THEIR CONTRACT ARE TO BE WITH THE PROJECT FOR A YEAR BEYOND THE WARRANTY. THEY HAVE STAYED WITH THE PROJECT BEYOND THAT POINT IN TIME BECAUSE THEY FEEL THEY HAVE AN OBLIGATION TO STAY UNTIL ALL THE WARRANTY ITEMS ARE COMPLETED. THE CITY HAS BEEN HOLDING SOME \$26,000.00 OF THEIR FEES AND MR. BLAYNEY ASKED THE COMMISSION TO CONSIDER RELEASING HALF OF THOSE FUNDS. COMMISSIONER JUSTICE VOICED HIS OPINION THAT NO FUNDS SHOULD BE RELEASED DUE TO THE FACT THAT THE ENGINEERS AUTHORIZED THE CHANGE IN SPECIFICATIONS ON THE ROOF GRAVEL WITHOUT THE AUTHORIZATION FROM THE CITY COMMISSION. COMMISSIONER HUFFMAN COMMENTED THAT HE FELT THAT WHEN POWELL CONSTRUCTION COMPLETES THE PROJECT, THAT R. D. ZANDE SHOULD BE PAID. THOMAS HUFFMAN MADE THE MOTION TO RELEASE R. D. ZANDE'S FUNDS UPON COMPLETION OF THE WATER TREATMENT PLANT PROJECT AT THE SAME TIME AS POWELL CONSTRUCTION IS GIVEN FINAL PAYMENT. THE MOTION DIED FROM LACK OF A SECOND.

JACK SYKES REPRESENTING SUMMIT ENGINEERING, CITY ENGINEERS, GAVE A VERBAL REPORT OF ONGOING CITY PROJECTS:

1. TRAFFIC SIGNAL: THE TRAFFIC SIGNAL LOCATED AT DIVISION STREET AND HAMBLEY BOULEVARD HAS BEEN INSTALLED. THE DEPARTMENT OF TRANSPORTATION WILL SEND ONE OF THEIR ELECTRICIANS TO TIME THE LIGHTS.
2. STEELE STREET: THE CONTRACTOR HAS INITIATED WORK ON THE STEELE STREET PROJECT AS OF THIS DATE.
3. SMITH HILL PROJECT: IS UNDER DESIGN AND IT IS HOPED THAT IT WILL BE READY FOR BID BY THE NEXT CITY COMMISSION MEETING.
4. WILLIAMS HOLLOW: THE WATER LINE IS IN THROUGHOUT THE ENTIRE LENGTH OF THE PROJECT. A PORTION OF THE SEWAGE LINE IS IN AND MR. SYKES SHOWED THE COMMISSION A MAP SHOWING THOSE LOCATIONS. 30 - 40% OF THE MANHOLES ARE INSTALLED. THE CONTRACT TIME WAS INITIALLY FOR A 60 DAY PERIOD. AROUND THE FIRST OF JULY, THE COMMISSION GAVE THE CONTRACTOR A TIME EXTENSION THROUGH AUGUST 1ST. DUE TO THE RAIN, AND DUE TO THE FACT THAT THE SEWER LINE IS BELOW THE LEVEL OF THE CREEK, THE CONTRACTOR HAS BEEN UNABLE TO COMPLY WITH THE TIME SPECIFICATIONS. FLEETWOOD JOHNSON, CONTRACTOR FOR THE JOB, EXPLAINED THAT THE CONTRACT WILL NOT BE COMPLETED BY AUGUST 1ST DUE TO THE CONTRACTOR NOT BEING ABLE TO INSTALL THE WATER AND SEWER LINE IN THE SAME DITCH AS DESIGNED, LABOR PROBLEMS, AND RAINY WEATHER. MR. JOHNSON EXPLAINED THAT IT WAS DECIDED AFTER DISCUSSION WITH THE ENGINEER THAT THE WATER LINE WOULD BE INSTALLED FIRST THEN COME BACK TO INSTALL THE SEWAGE LINE IN ANOTHER DITCH. MR. JOHNSON RECOMMENDED THAT WORK BE DONE ON THE BRANCH WITH DITCHLINES BEING DUG BEFORE THE FINAL GRADING AND GRAVEL IS DONE. MR. JOHNSON TOLD THE COMMISSION THAT THE DAYS THAT HIS BACKHOE IS NOT WORKING, IF THE CITY WILL FURNISH THE TRUCK, HE WILL FURNISH THE OPERATOR AND BACKHOE AT NO CHARGE. THOMAS HUFFMAN MADE THE MOTION TO GRANT THE CONTRACTOR A TIME EXTENSION OF 30 DAYS. JOHNNY MOUNTS SECONDED THE MOTION. DISCUSSION WAS HAD BETWEEN JACK SYKES AND THE CITY COMMISSION. MR. SYKES REPORTED THAT THERE HAVE BEEN 36 DAYS, SINCE JUNE 5, IN WHICH THERE HAVE BEEN SIX DAYS OF RAIN, LEAVING 30 DAYS WHICH THE ENGINEERS FELT THE CONTRACTOR COULD HAVE WORKED. THE CONTRACTOR HAS WORKED ABOUT 25 OF THOSE 30 DAYS. THE MOTION CARRIED 4 - 1 WITH GREG JUSTICE VOTING NO. COMMISSIONER MOUNTS STATED THIS WAS THE LAST EXTENSION HE WAS GIVING.

CITY MANAGER, JOHN JOHNSON REPORTED THE RESULTS OF THE BID FOR BLACKTOP AND CONCRETE FOR THE 1989-90 FISCAL YEAR. ONE BID WAS RECEIVED FOR EACH ITEM. THE BIDS WERE AS FOLLOWS:

MOUNTAIN ENTERPRISES.....BLACKTOP.....BASE....\$27.19/TON
SURFACE.\$27.92/TON

IF THEY LAY THE BLACKTOP - 200 TONS OR LESS \$41.95; UP TO 500 TONS \$37.95;
UP TO 1000 TONS \$36.95; OVER 1,000 TONS \$35.95/TON

PIKEVILLE READY MIX.....3500 PSI.....\$54.00/CUBIC YD.

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COMMISSIONER COMBS ASKED THE REASON FOR BIDDING. THE CITY MANAGER REPORTED THAT ANYTHING OVER \$7,500 MUST BE BID. COMMISSIONER HUFFMAN STATING THAT BIDDING FOR THE YEAR WOULD ELIMINATE BIDDING EVERY 30 DAYS.

THE CITY MANAGER WAS INSTRUCTED TO REBID THE CONCRETE SUPPLY AT A SPECIFICATION OF 4500 PSI.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO AWARD THE BID FOR BLACKTOP TO MOUNTAIN ENTERPRISES FOR THE 1989-90 FISCAL YEAR AS OUTLINED IN THE BID PROPOSAL. THE MOTION CARRIED 4 - 1 WITH STEVE COMBS VOTING NO.

MR. JOHNSON PRESENTED THE COMMISSION WITH A REQUEST FROM THE PIKEVILLE LIBRARY PERSONNEL ASKING THAT THEY BE PERMITTED TO JOIN THE RETIREMENT SYSTEM AND THE CITY'S MEDICAL INSURANCE. MR. JOHNSON REPORTED THAT HE IS UNSURE IF THE LIBRARY PERSONNEL WOULD BE ELIGIBLE TO PARTICIPATE IN THE CITY'S MEDICAL INSURANCE POLICY, BUT ADDED THAT HE WOULD CHECK WITH THE INSURANCE CARRIER. THE LIBRARY BOARD WILL COVER THE COST OF THEIR EMPLOYEES' PARTICIPATION. THE FINANCE DIRECTOR REPORTED THAT THE LIBRARIAN TOLD HER THEY ARE REQUESTING PARTICIPATION FOR THREE PEOPLE. STEVE COMBS MADE THE MOTION TO GRANT THE LIBRARY'S REQUEST SUBJECT TO THE MEDICAL INSURANCE CARRIER'S FAVORABLE RESPONSE. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE CITY MANAGER REQUESTED AUTHORIZATION TO GRANT A CHANGE ORDER TO THE SIDEWALK REPLACEMENT CONTRACT. MR. JOHNSON REPORTED THAT THE INCREASE TO THE CONTRACT WOULD BE APPROXIMATELY \$14,000.00. PIKEVILLE NATIONAL BANK HAS AGREED TO REIMBURSE THE CITY APPROXIMATELY \$1,600.00 FOR A PORTION THEY HAVE REQUESTED BE REPLACED. THE COMMISSION REVIEWED THE AREAS AND MADE THEIR SUGGESTIONS FOR OTHER AREAS TO BE REPLACED WHICH NETTED AN INCREASE OF ABOUT \$22,000.00. GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO AUTHORIZE A CHANGE ORDER TO THE SIDEWALK CONTRACT AS DISCUSSED WITH THE CITY MANAGER. THE MOTION CARRIED UNANIMOUSLY.

IT HAS BEEN REQUESTED THAT SUMMIT ENGINEERING BE PERMITTED TO DESIGN THE PROPOSED POLICE STATION. JOHNNY MOUNTS MADE THE MOTION TO AUTHORIZE THE CITY ENGINEER TO BEGIN DESIGN WORK ON THE POLICE STATION. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. MR. SYKES REQUESTED THAT HE BE ALLOWED TO DISCUSS THE MATTER WITH THE POLICE CHIEF SO HE CAN MAKE A SKETCH OF THE STRUCTURE AND PRESENT THE PROPOSAL TO THE COMMISSION IN A WORK SESSION.

HAL WILLIAMS, PROJECT MANAGER, SUBMITTED A TWO PAGE REPORT TO EACH COMMISSION MEMBER. THERE WERE NO QUESTIONS WITH REGARD TO THE REPORT, HOWEVER PSG WAS COMPLIMENTED ON THE GARAGE AREA CLEANUP. COMMISSIONER COMBS ASKED MR. WILLIAMS IF HE HAD THE OPPORTUNITY TO LOOK AT THE MAYO VILLAGE WATER SYSTEM. MR. WILLIAMS REPORTED THAT EACH TIME HE HAD TRIED TO CALL THE ATTORNEY, HE HAD BEEN OUT OF TOWN. A COMMISSIONER HUFFMAN DIRECTED THE FINANCE DIRECTOR TO PREPARE A REPORT TO SHOW HOW LONG IT WILL TAKE TO PAY FOR THE SYSTEM SHOULD THE CITY DECIDE TO PURCHASE IT AND TO PRESENT SAID REPORT AT THE NEXT CITY COMMISSION MEETING.

FIRST READING WAS GIVEN TO AN ORDINANCE ENTITLED:

ORDINANCE PROVIDING FOR FINE FOR FAULTY FIRE ALARMS

THE ORDINANCE WILL BE ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF AT LEAST TEN DAYS FOR PUBLIC INSPECTION. SECOND READING IS SCHEDULED FOR AUGUST 14, 1989.

STEVE COMBS MADE THE MOTION TO DIRECT THE CITY MANAGER TO ADVERTISE FOR A NATURAL GAS SUPPLIER, AS THE CITY APPARENTLY WILL HAVE A SHORTFALL IN THE NEAR FUTURE; AWARD WILL BE GIVEN TO THE LOW BIDDER WHO SATISFIES THE CITY'S NEEDS; THE CITY WILL NOT PAY MORE THAN WHAT IS CURRENTLY BEING PAID TO OTHER SUPPLIERS; AND A 10 YEAR PRIMARY TERM. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION TO ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO RECONVENE TO REGULAR SESSION. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION TO SET A MANDATORY RETIREMENT AGE OF 55 YEARS OF AGE FOR THE POLICEMEN AND FIREMEN; AND NO HIRING OF INDIVIDUALS AFTER THE AGE OF 35. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 3 - 2 WITH COMMISSIONER JUSTICE AND MAYOR HAMBLEY VOTING "NO".

THOMAS HUFFMAN MADE THE MOTION TO AMEND THE RETIREMENT ORDINANCE TO PROVIDE FOR EMPLOYEES PRESENTLY EMPLOYED BY THE CITY WILL HAVE UNTIL OCTOBER 31, 1989 TO PARTICIPATE IN THE CERS PROGRAM, AFTER SUCH DATE, PARTICIPATION WILL BE CLOSED. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

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

THE CITY COMMISSION'S NEXT SCHEDULED MEETING IS AUGUST 14, 1989 AND WILL BE HELD IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

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

ATTEST:

/S/ KAREN HARRIS
CITY CLERK

