

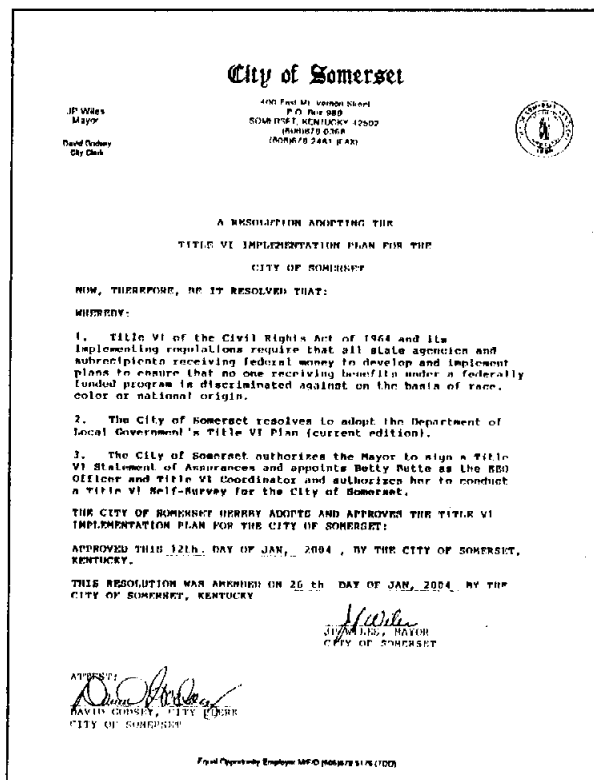
MINUTES OF MEETING HELD JANUARY 26, 2004

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, January 26, 2004 at 7:00 p.m. with the following present: Mayor: JP Wiles. Council Members: Clarence Floyd, Jerry Wheeldon, Mark Beasley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Earl Owens, Pat Bourne, and Jerry Burnett. City Attorney Pro Tem Heidi Powers, and City Clerk David Godsey. Absent: Council Members: Peggy Dugger, and Joann Norfleet.

Mayor Wiles recognized Judge Henry along with Boy Scout Troop #170.

Phyllis Cundiff spoke about changing Vine Street to CK Cundiff Street. Mayor Wiles commented that it would not be possible to change Vine Street due to the fact it is an established street with Business' and homes which would be affected by those changes.

Mr. Beasley moved to amend the Resolution Adopting the Title VI Implementation Plan for the City of Somerset adopted on 01/23/03. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.



Mr. Girdler moved to approve the minutes of the last regular meeting held on January 12, 2004 and the reports be approved as delivered. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

Mr. New moved to approve the following Resolution. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

A RESOLUTION OF THE CITY COUNCIL OF SOMERSET, KENTUCKY IN DECLARING THE INTENT OF THE LEGISLATIVE BODY TO PARTICIPATE IN THE PROCESS OF SEEKING DESIGNATION AS A PRESERVE AMERICA COMMUNITY FOR 2003/2004.

WHEREAS, it is the responsibility of the city council to preserve and enhance the quality of life in their community, and

RESOLUTION

WHEREAS, the city council is committed to the revitalization of the "downtown" Main Street area;

WHEREAS, Preserve America is a White House initiative to encourage and support community efforts for the preservation and enjoyment of our precious cultural and natural heritage;

WHEREAS, this initiative is compatible with our community's interests and goals related to historic places.

NOW THEREFORE, be it resolved this day that the city council commits to:

- Identify and preserve the historic places in our community
- Use our historic assets for economic development and community revitalization;
- Encourage people to examine and appreciate local historic resources through education and heritage tourism programs; and
- Create programs and policies that support the retention and rehabilitation of historic buildings; and
- Commit to a goal of retaining and locating city services in the downtown area, whenever feasible.

Mayor

ATTEST:

City Clerk

DATED: January 26, 2004

First reading was given the following Ordinance:

ORDINANCE NUMBER 04-01

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

Mr. Girdler moved to approve the above Ordinance of its first reading. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

Mr. New moved to approve the following Resolution. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

CITY OF SOMERSET
COMMONWEALTH OF KENTUCKY
Resolution No. 04-01
In Accordance with the Somerset Scattered Site Housing Project II

GUIDEFORM RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED.

The City of Somerset will replace all occupied and vacant occupable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.604(b)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Somerset will make public and submit to the Department for Local Government the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Somerset will provide relocation assistance, as described in 570.604(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the City of Somerset will take the following steps to minimize the displacement of persons from their homes:

1. All relocations will be managed in accordance with the Uniform Acquisition and Relocation Act.

2. Excess funds will be used as necessary to construct replacement homes for owner occupants displaced by the project;
3. Renters displaced by the project will have the first option to purchase available lots for the construction of a replacement home.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY this 26th day of January, 2004

J.P. Wiles, Mayor

ATTEST:

David Godary, City Clerk

Page 2 of 2

Mr. Bourne moved to approve the following Resolution. Mr. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

<div><p>CITY OF SOMERSET COMMONWEALTH OF KENTUCKY</p><p>Resolution No. <u>01-62</u></p><p>CDBG/HOME PROCUREMENT STANDARDS</p><p>All procurements made by the City of Somerset that involve the expenditure of CDBG and HOME Funds will be made in accordance with the following procurement standards.</p><p>Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The City of Somerset shall not engage in procurement practices which may be considered restrictive in trade.</p><p>Purchases will be reviewed by the City Clerk in prevent duplication and to ensure that costs are reasonable.</p><p>I. METHODS FOR PROCUREMENT</p><p>Procurement shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) noncompetitive negotiation.</p><p>A. SMALL PURCHASES</p><p>Purchases of supplies, equipment and services which, in aggregate, cost between \$750 and \$20,000 will require written estimates, however, no legal advertisement is required. The city will solicit written responses from at least three vendors, and if no such responses are available, a statement explaining the procurement will be prepared and filed.</p><p>Purchases which cost between \$100 and \$750 require three over the telephone quotations of rate, price, etc. A memorandum will be prepared setting forth the date the calls were made, parties contacted and prices obtained. For purchases of less than \$100 efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.</p><p>B. COMPETITIVE SEALED BIDS</p><p>Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared, and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual</p></div>	<div><p>services other than those personal or professional, exceeds \$20,000, an Invitation for Bid (IFB) notice will generally be prepared. This notice will be published at least once in at least one official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. The city may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.</p><p>The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements (for example, Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act).</p><p>Sealed bids will be opened in public at the time and place stated in the IFB. The bids will be tabulated by the city at the time of bid opening. The results of the tabulation and the bid documents will be examined for accuracy and completeness by the review committee which will make recommendations to the city council. In addition, the committee determines that all firms are responsive and responsible. The Somerset City Council will make the decision as to whom the contract shall be awarded. After the bid award is made by the city, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.</p><p>The City of Somerset may cancel an IFB or reject all bids if it is determined, in writing, that it is in the best interests of the city. The city may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.</p><p>C. COMPETITIVE NEGOTIATIONS</p><p>The city will utilize competitive negotiations, regardless of contract amount, upon a written determination that</p><ol style="list-style-type: none">Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price. In other words,</div>
<div><p>bidding is not feasible.</p><ol style="list-style-type: none">The services to be procured are professional or personal in nature.<p>With the exception of procurement of certain professional services, principally engineering services, competitive negotiations will proceed as follows:</p><ol style="list-style-type: none">Proposals will be solicited through newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. The RFP will always include cost as a selection factor.Award must be made to the offeror whose proposal is determined in writing by a review committee to be the most advantageous to the city. Evaluations must be based on the factors set forth in the RFP and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.<p>For the procurement of certain professional services, an alternative to RFPs may be used. The city may publish a Request for Qualifications (RFQ). RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by at least three comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second-highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.</p><p>D. NONCOMPETITIVE NEGOTIATIONS</p><p>Noncompetitive negotiations may be used for procurements in excess of \$20,000 when bidding or competitive negotiations are not feasible. The City of Somerset may purchase goods and services through noncompetitive negotiations when it is determined, in writing by the city, that competitive negotiation or bidding is not feasible and that:</p></div>	<div><ol style="list-style-type: none">An emergency exists that will cause public harm as a result of the delay caused by following competitive purchasing procedures, orThe product or service can be obtained only from one source, orThe contract is for the purchase of perishable items purchased on a weekly or more frequent basis, orOnly one satisfactory proposal is received through RFP or RFQ, orThe state has authorized the particular type of noncompetitive negotiation (for example - the procurement of services by an Area Development District).<p>Procurement by noncompetitive negotiation requires that impartiality towards all suppliers be strictly observed. The Department for Local Government and the Kentucky Housing Corporation must approve all procurement by noncompetitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.</p><p>II. CONTRACTS</p><p>Generally, all procurements in excess of \$750 will be memorialized and supported by a written contract. Where it is not feasible or impractical to prepare a contract, a written finding to this effect will be prepared, and some form of documentation regarding the transaction will be prepared. The contractual provisions required by the "Common Rule," 24 CFR Part 85 (Part 84 for Nonprofits) will be included in all contracts. Cost plus a percentage of cost contract pricing is not allowed.</p><p>III. DOCUMENTATION</p><p>All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be filed separately and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include: chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.</p><p>IV. LOCALLY-OWNED, MINORITY-OWNED, WOMEN-OWNED AND SMALL BUSINESSES</p><p>Efforts will be made and documented to elicit participation of locally-owned, minority-owned, women-owned and small businesses. Where feasible, evaluation criteria will include a</p></div>

factor with an appropriate weight for these firms. A list of locally-owned, minority-owned, women-owned and minority-owned small businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

V. CODE OF CONDUCT

A. CONFLICT OF INTEREST

No elected official, employee or designated agent of the city will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the city, partners of such individuals, immediate family member, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

B. ACCEPTANCE OF GRATUITIES

No elected official, employee or designated agent of the city shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

C. PENALTIES

Any elected official, employee or designated agent of the city who knowingly and deliberately violates the provisions of this code will be open to civil suit. Furthermore, such a violation of these procurement standards is grounds for dismissal by the city.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the city.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY
this 26th day of January, 2004.

J. Wiles
J.P. Wiles, Mayor

ATTEST:
David Girdler
David Girdler, City Clerk

5

Mr. Floyd moved to create an ordinance changing Stewart Drive from Pump House Road to Lisa Way to Macedonia Way. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

Mr. Wheeldon moved to have a letter from the Parks and Recreation Department made part of the Official Minutes. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

<p>For the year 2003 the Parks Department was extremely busy. From youth sports to special events, we have had a very productive year.</p> <p>At the Raccoon Hill facility, we had approximately 1,400 visits from our patrons in 2003.</p> <p>Our rental properties, which include the Picnic Shelter, Birthday Room, and Community Room, were quite busy with approximately 342 reservations.</p> <p>At Rocky Hollow, we have 15 Acre-hic classes a week with 6 different instructors. There is 780 classes a year.</p> <p>In 2003 Rocky Hollow hosted numerous special events: National Folk Art Seminar, "Sake Night Out" every other year, Aker School from Alternative for 5-12, After School Art Classes for children, Somerset Square Dancing, Presbyterian Churches once a month, Food for the needy, State Legislature Office, Haunted Hollow with over 1,000 in attendance in two weeks, Power Lumbering Regional Meet, Christian School State Basketball and Volleyball Tournament, six (6) AAU Tournaments, two (2) Basketball Camps, 12th Region Freshman Boys Tournament, 5-K Dogwood Run & Walk, 5-K Jingle-Bell Run & Walk, Heart Walk that raised over \$50,000.00 to fight heart disease. All of these events are scheduled in and around 60+ youth basketball tennis game schedules and practice time.</p> <p>The walking track at Rocky Hollow continues to have large numbers of walkers as we had over 3,000 renewals and new sign-ups and up to 500 visits a day by walkers. Rocky Hollow walking is still the best kept in town. The Home Health nurse visits Rocky Hollow once a week to check blood pressure and counsel people on diabetes.</p> <p>The special events at Somerset were very special in that it raised \$155,000 to fight cancer at the Relay for Life. The Myrtle Musicians Festival had recorded great numbers to rebound from their reorganization. The Shout Fest, a Christian Rock Concert, was held in September with increased participation. We now have a commitment to make this a yearly event. Somerset also hosted the Five Olympics, A.C. Kennel Club Dog Show, and the City Picnic.</p> <p>As with youth basketball at Rocky Hollow, youth soccer, T-ball, baseball, and flag football teams totaling approximately 1,400 children were scheduled practice and to play their youth sports activity around the special events held at Somerset Park.</p> <p>At Somerset Park, we had horse-dog leagues all summer and hosted a State and-Temp Horse-dog Meet as well as the Doubles Horse-dog Tournament.</p>	<p>Citizens Park also provided practice fields for T-Ball, Soccer, Youth Football, and Flag Football teams.</p> <p>Our summer once people keep approximately 50 to 60 acres of parks grounds manicured from early spring to late fall. Sitting on these 50 to 60 acres are four parks buildings with outdoor tennis courts, croquet courts, horseshow courts, basketball courts and ball fields which must be cleaned and maintained on a daily basis.</p> <p>All of these activities and events at our parks are planned and executed by parks staff of 5 full-time employees of which 3 are in the maintenance department, one (1) in programming and the Parks Director. The other employees are all part-time and range from seniors in high school, to college students, housewives, and retired senior citizens.</p> <p>We plan to build on all of this in 2004 by adding a few new special events and upgrading our facilities to handle the increased participation in all of our programs.</p>
---	---

Mayor Wiles presented the Somerset Colonel Award to Jim Brown from WTLO. Mr. Beasley moved to have the presentation made part of the official minutes. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, and Mr. Burnett.

ATTEST:

David Girdler
CITY CLERK

APPROVED

J. Wiles
MAYOR