



K E N T U C K Y

**Ashland Board of Commissioners**

**Thursday, April 25, 2019**

**6:00 PM**

**Commissioners' Chambers**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. RECEIVE AND FILE AGENDA**

**V. RECEIVE AND FILE MINUTES**

**VI. HEARINGS AND REPORTS**

a. *Mayor and Commissioners' Comments*

b. *City Manager's Report*

**VII. PUBLIC PARTICIPATION - FOR ITEMS NOT LISTED ON THE AGENDA.** Anyone with a comment or request may come to the podium and address the Commission concerning matters related to City business, services or personnel. Comments related to election issues or concerning personal disputes will not be allowed. Personal attacks, obscene, or threatening language will not be tolerated. Presentations are limited to five (5) minutes. A yellow light indicates 30 seconds remain and a red light means the time limit has expired. Only one speaker is permitted per subject. No action will be taken at this meeting. Those with comments are asked to fill out an "Inquiry/Complaint Form" and leave it with the City Clerk for distribution to the proper City Department.

**VIII. OLD BUSINESS**

a. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE JOB DESCRIPTION FOR THE POSITION OF GIS TECHNICIAN IN THE DEPARTMENT OF ENGINEERING; AMENDING THE AUTHORIZED POSITIONS TO ADD THE POSITION OF GIS TECHNICIAN (TOTAL STAFF TO CONTINUE NOT TO EXCEED FOUR); AND AMENDING THE AUTHORIZED POSITIONS ELIMINATING ONE TECHNICIAN II POSITION AND INCREASING EQUIPMENT OPERATOR BY ONE POSITION IN THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREET MAINTENANCE OF THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED.*

*FISCAL NOTE: Public services authorized positions change could reduce the budgeted salary for one employee by 5%. Engineering authorized position change is yet to be determined. It will depend on if an analyst or a technician is hired. If technician is hired it could save \$6,659.*

b. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND DIXON ENGINEERING, INC. REGARDING THEIR CONTRACT FOR ENGINEERING AND INSPECTION SERVICES FOR COATING, PAINTING AND REPAIRING THE 1,000,000 GALLON STEEL RESERVOIR (CATLETTSBURG WATER STORAGE TANK) BY INCREASING THE CONTRACT IN THE AMOUNT OF \$15,717.98 FOR THE DEPARTMENT OF UTILITIES.*

*FISCAL NOTE: Change order for additional inspection time increase of \$15,717.98. Project amount is already exceeded with pending invoice payments. Additional budget adjustment will be required for contract amendment. This will close out the contract.*

c. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND NETWORK INNOVATION SOLUTIONS (NIS) IN THE AMOUNT OF \$24,875.69 FOR THE PURCHASE AND INSTALLATION OF AN ACTIVE DIRECTORY SYSTEM FOR THE CONNECTION OF THE NEW TECHNOLOGY INFRASTRUCTURE.*

*FISCAL NOTE: Contract increase \$24,875.69 to include active directory system that will improve firewall and security features. Current project budget will accommodate change order amount.*

d. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDMENT TO TASK ORDER 2018-02 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND HDR ENGINEERING, INC. REGARDING THE PHASE 2 STORMWATER MS4 COMPLIANCE REPORT IN AN ADDITIONAL AMOUNT OF \$4,060.00 FOR PREPARATION AND SUBMISSION TO THE KENTUCKY DIVISION OF WATER.*

*FISCAL NOTE: Original task order and change order total \$19,140. A budget adjustment needs to be completed. This will complete the compliance report required to be submitted to the Kentucky Division of Water.*

e. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING THROWING, PLACING, BLOWING OR ALLOWING NOXIOUS WEEDS, RANK VEGETATION, GRASS CLIPPINGS OR LEAVES UPON ANY STREET, ROADWAY, AVENUE, HIGHWAY OR ALLEY AND/OR INTO ANY GUTTER STORM DRAIN OR WATERCOURSE WITHIN THE CITY OF ASHLAND; PROVIDING A FINE FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING R.O. 1939, SECTION 1441.*

*FISCAL NOTE: There is no fiscal impact to the City.*

f. *Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, CLOSING AN UNIMPROVED PORTION OF CEDAR STREET LOCATED BETWEEN JENKINS STREET AND BLACKBURN AVENUE AND RUNNING PARALLEL TO 6TH STREET IN THE CITY OF ASHLAND, KENTUCKY.*

*FISCAL NOTE: No cost to City for unimproved street closure.*

*g. Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND TRIPLE B CONSTRUCTION FOR THE 5TH STREET LIFT STATION RENOVATION PROJECT IN THE AMOUNT OF \$41,125.50 FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WASTEWATER COLLECTION.*

*FISCAL NOTE: Lowest bid accepted = \$41,125.50. This was not a budgeted project and an adjustment will be needed. Total project cost including engineering is \$53,925.50. The lift station is not functioning properly at this time.*

*h. Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SOUTHERN OHIO TRENCHING & EXCAVATING FOR THE WATERLINE REPLACEMENT ON U.S. 23 FROM 43RD STREET (ASHLAND) TO 11TH STREET (CATLETTSBURG) IN THE AMOUNT OF \$429,705.00 FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER DISTRIBUTION.*

*FISCAL NOTE: Only bid received for waterline replacement, \$429,705. This is part of waterline replacement project budgeted at \$740,000 with \$964,798 spent / contractually obligated if this bid is awarded. Emergency repairs have already been completed on this section of line and leak studies indicate additional ones detected.*

*i. Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRIBUTION-IN-AID-OF-CONSTRUCTION AGREEMENT FOR ELECTRIC DISTRIBUTION SERVICE BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND KENTUCKY POWER COMPANY FOR THE INSTALLATION OF NEW THREE-PHASE LINE, 3 -25 KVA 120/240 V XFMR WITH 2/04 SERVICE AND THE REMOVAL OF THE OLD PRIMARY LINE, ONE LARGE TREE AND SIDE CUT ONE TREE AT THE 24-MILLION GALLON RAW WATER RESERVOIR FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER DISTRIBUTION, AT A COST OF \$3,655.06.*

*FISCAL NOTE: Electric service line amount= \$ 3,655.06. This item was not budgeted and will need to be included with the budget adjustment for the aerating fountains. The need for these aerating fountains was discovered during the Kentucky Division of Water Comprehensive Performance Evaluation (CPE) performed in Summer 2018.*

*j. Second reading and adoption of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND HORIZON BROTHERS PAINTING CORPORATION FOR THE REPAIR AND PAINTING OF THE SUMMIT WATER STORAGE TANK IN THE AMOUNT OF \$215,800.00 FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER DISTRIBUTION.*

*FISCAL NOTE: Lowest bid awarded = \$215,800. This project is included in the FY 2018-2019 budget at a total cost of \$300,000.00. The \$300,000.00 includes the \$4,500.00 to Dixon Engineering for design and specifications. Engineering for inspection services not yet determined. Total FY 19 budget for this project is \$300,000 with \$220,300 spent / encumbered if bid is awarded.*

k. *Other Old Business*

**IX. CONSENT AGENDA - Reading and adoption of a resolution adopting, authorizing and approving the course of action recommended by the City Manager on items appearing on the Consent Agenda.**

1. *City Manager recommends authorizing payment in the amount of \$27,204.60 to Planet Technologies for Microsoft 365 software subscription renewal that includes Microsoft Office packages, email, archiving for use City wide.*

*FISCAL NOTE: City wide renewal of Office 365 = \$27,204.60. This is a budgeted expense.*

2. *City Manager recommends approval to award the bid for the placement and replacement of bituminous asphalt material for the 2019 street paving season in the amount of \$865,375 to Mountain Enterprises, Inc., Department of Public Services.*

*FISCAL NOTE: Bid increased from prior year 17.4%. FY 19 current budget is \$1,199,120 with \$852,950 remaining. Mountain Enterprises was the only bid received.*

3. *City Manager recommends authorizing the Mayor to sign a Certification of Local Approval for Non-Profit Organizations for projects proposed by Shelter of Hope, Inc., applying with Kentucky Housing Corporation for Emergency Solutions Grant Funds from the Department of Housing and Urban Development.*

*FISCAL NOTE: There is not any direct fiscal impact as this grant will go directly to recipient to serve our citizens by preventing homelessness.*

4. *City Manager recommends authorizing the Mayor to sign a Certification of Local Approval for Non-Profit Organizations for projects proposed by Safe Harbor of Northeast KY, applying with Kentucky Housing Corporation for Emergency Solutions Grant Funds from the Department of Housing and Urban Development.*

*FISCAL NOTE: There is not any direct fiscal impact as this grant will go directly to recipient to prevent homelessness in our community.*

5. *City Manager recommends authorizing the Mayor to sign a Certification of Local Approval for Non-Profit Organizations for projects proposed by CARES, applying with Kentucky Housing Corporation for Emergency Solutions Grant Funds from the Department of Housing and Urban Development.*

*FISCAL NOTE: There is not any direct fiscal impact as this grant will go directly to recipient to prevent homelessness in our community.*

6. *City Manager recommends the rescission of Water Distribution Operator I, Water Distribution/Meter Services Division, Public Services & Utility Operations Department.*

*FISCAL NOTE: Fiscal impact is minimal and related to additional administrative costs related to hiring costs with another candidate.*

7. *City Manager recommends the appointment of Part-time Corporation Counsel, Grade 117, contingent upon satisfactory completion of a physical examination.*

*FISCAL NOTE: This is an authorized and budgeted position. Salary for this position = \$45,000.*

8. *Other Consent Items*

## **X. NEW BUSINESS**

- a. *First reading and approval of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING AMENDMENT 9 FOR CITY EMPLOYEES AND AMENDMENT 8 FOR THE FIRE DEPARTMENT UNION FOR THE CITY OF ASHLAND, KENTUCKY MEDICAL CARE PLAN AND SUMMARY PLAN ADOPTED BY ORDINANCE 46, 2012 AND PREVIOUSLY AMENDED, DUE TO THE NAME CHANGE OF THE ORGAN AND TRANSPLANT POLICY PROVIDER.*

*FISCAL NOTE: Policy provider name change due to sale of company with no additional premiums.*

- b. *First reading and approval of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MOUNTAIN ENTERPRISES, INC. FOR THE PLACEMENT AND REPLACEMENT OF BITUMINOUS ASPHALT MATERIAL FOR THE 2019 STREET PAVING PROGRAM IN THE AMOUNT OF \$865,375.00 FOR THE CITY OF ASHLAND, DEPARTMENT OF PUBLIC WORKS.*

*FISCAL IMPACT: Bid increased from prior year 17.4%. FY 19 current budget is \$1,199,120 with \$852,950 remaining. Mountain Enterprises was the only bid received.*

- c. *First reading and approval of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND TAYLOR SIEFKER WILLIAMS DESIGN GROUP LLC IN THE AMOUNT OF \$32,980.00 FOR THE PREPARATION OF A COMPREHENSIVE PLAN FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.*

*FISCAL NOTE: Contract cost = \$32,980 of which 50% to be paid by CDBG funds and 50% by the General Fund. The budget will be adjusted to include costs of Comprehensive Plan. There are adequate funds available to fund this plan. Estimated 50% will be paid during this Fiscal Year.*

- d. *First reading and approval of an ordinance entitled:*

*AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND DIXON ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PROJECT ADMINISTRATION AND INSPECTION SERVICES FOR THE COATING, PAINTING AND REPAIRING OF THE 1,000,000 GALLON SUMMIT WATER STORAGE TANK IN AN AMOUNT NOT TO EXCEED \$67,522.65.*

*FISCAL NOTE: Inspection services= \$67,522.65. The total amount will include the cost of the painting and rehabilitation \$215,800 by Horizon Brothers, the design and specification cost from Dixon*

Engineering of \$4,500. Total FY 19 budget for this project is \$300,000 with \$287,823 spent / committed if bid is awarded.

e. First reading and approval of an ordinance entitled:

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED, TO INCLUDE A SMOKING/TOBACCO USE POLICY.

FISCAL NOTE: Fiscal Impact is minimal. The cost of publishing ordinance and updating personnel policy is only known fiscal impact.

f. First reading and approval of an ordinance entitled:

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED APRIL 18, 2019 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND SUMMIT FENCE COMPANY, INC. INCREASING THE CONTRACT AMOUNT BY \$6,050.00 FOR THE INSTALLATION OF FENCING, GATES AND ALL APPURTENANCES FOR THE NEW MILL STREET FACILITY FOR THE DEPARTMENT OF UTILITIES.

FISCAL NOTE: Change order for fencing contract exceeds project budget of \$570,000. Total spent / committed with proposed change order \$577,771.

g. First reading and approval of an ordinance entitled:

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING BY REFERENCE UPDATED "PROCUREMENT REGULATIONS FOR THE CITY OF ASHLAND, KENTUCKY, MAY 2019" AND REPEALING ORDINANCE NO. 87, SERIES OF 1992, AND ALL AMENDMENTS THERETO.

FISCAL NOTE: Administrative procurement changes to reflect updates in Kentucky Revised Statutes and Federal Procurement Regulations. This is administrative in nature and has no fiscal impact.

h. Other New Business

## **XI. EXECUTIVE SESSION**

a. Pending Litigation

## **XII. ADJOURNMENT OR RECESS**