

MINUTES OF MEETING HELD JULY 13, 2020

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday July 13, 2020 at 6:00 p.m. with the following present: Council Members; David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Donna Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent; Tom Eastham.

Mr. Godsey moved to approve the minutes of the regular meeting held on June 22, 2020 along with reports as mailed. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

Mr. J. Eastham made a motion to give AMVETS Post 125 \$1,000 for TV ads. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

Mr. Burdine made a motion to approve the following Resolution Number 20-15: Adoption of Procurement Code for the Sky Hope Women's Recovery Center. Mr. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

RESOLUTION 20-15
OF
SOMERSET CITY COUNCIL

WHEREAS the City of Somerset is the conduit grant sponsor for Sky Hope Recovery Center.
WHEREAS the Department of Local Government requires sponsors like the City of Somerset to enact written procurement policy for its grant recipients and has made a specimen policy available to Somerset which is attached in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Somerset City Council finds adoption of the attached procurement policies is proper in intent and purpose.

RESOLVED FURTHER, that the Mayor of Somerset is hereby authorized, directed and empowered to execute the written policy document found in Exhibit A on behalf of the City and in its name.

Motioned and Voted Successfully on the day of July 13th, 2020 as proven and executed by the officers below.



Albert Kopp, Mayor of the City of Somerset

And Attested by:



Nick Bradley, Clerk of the City of Somerset

Res. 20-17

KCDBG PROCUREMENT CODE

All procurements made by City of Somerset (hereafter referred to as "Grantee/Subrecipient") involving the expenditure of local, state and federal funds on KCDBG Project Sky Hope Recovery Center, shall be made in accordance with the following procurement standards:

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The Grantee/Subrecipient shall not engage in procurement practices that may be considered restrictive in trade.

Purchases will be reviewed by the Treasurer to prevent duplication and to insure that costs are reasonable.

1. Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

A. SMALL PURCHASES

For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.

Purchases that cost more than \$50 but less than \$20,000 require quotations of take, price, etc., but no legal advertisement is required. The Grantee/Subrecipient will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.

The Grantee/Subrecipient will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.

B. COMPETITIVE SEALED BIDS

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 services other than those personal or professional exceeds \$20,000, an Invitation for Bids (IFB) notice will generally be prepared. Per KRS 424.120, the notice will be published at least once in a qualifying official newspaper.

1

Res. 20-15

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. In addition, the Grantee/Subrecipient must solicit sealed bids from responsible prospective suppliers by distributing a copy of such notices to them.

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 that calls to the attention of bidders all applicable requirements that must be complied with such as 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 Devo-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFB. The Grantee/Subrecipient will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the Grantee/Subrecipient. The Grantee/Subrecipient will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the Grantee/Subrecipient makes the bid award, 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.

The Grantee/Subrecipient may cancel an invitation for bid or reject all bids if it is determined in writing that such is in the best interests of the Grantee/Subrecipient. The Grantee/Subrecipient 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.

Bid Coverage.

The following options are available for awarding a bid following an overage.

- 1) Obtaining additional funds from another source and continuing with the original IFB.

2

Res. 20-15

- 2) Rejecting all bids, revising project scope and bid specifications, and issuing a revised IFB (competitive sealed bid) open to the entire public; or
- 3) Conducting competitive negotiations with all bidders (Grantees must seek pre-approval from DLG for this option).

Competitive negotiations under option (3) must take place under the following criteria:

1. If discussions pertaining to the revision of the specifications or quantities are held with any bidder, all of the bidders shall be afforded an opportunity to take part in such discussions.
2. After discussions with the bidders, the grantee shall revise the scope of work accordingly and reissue an RFP open to all bidders, providing for expedited proposals. No advertisement is required, but the grantee shall allow at least seven days for bidders to submit proposals.
3. The RFP shall be awarded on the basis of lowest bid price.

C. COMPETITIVE NEGOTIATION

The Grantee/Subrecipient may utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. 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, bidding is not feasible);
2. The services to be procured are professional or personal in nature.

The use of the competitive negotiations procurement method for contracts other than architectural, engineering, planning or administrative services must be pre-authorized by DLG. With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement, additionally, a Request for

3

Proposals (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. Requests for proposals will always include cost as a selection factor except for engineering services.

- 2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal 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.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The Grantee/Subrecipient may publish a Request for Qualifications. RFPs are handled in a similar method to RFPs with the addition that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by 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.

D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiation is procurement through solicitation of a proposal from one source, and is often referred to as sole source procurement. A contract may be awarded by noncompetitive negotiation only when the award is infeasible under small purchase procedures, competitive sealed bids, or competitive negotiations and one of the following circumstances applies:

- 1. There is some public emergency that will not permit delay resulting from competitive solicitation (the grantee must declare an emergency as authorized by law), or
- 2. The results of the competitive negotiations are inadequate, or
- 3. The product or service is available only from a single source.

Caution: The use of the non-competitive negotiations procurement method must be authorized by DLO.

The following requirements apply to the non-competitive negotiations procurement process:

- 1. Negotiations must be conducted with the selected company regarding a scope of work and price, and
- 2. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

III. DOCUMENTATION

All source documents supporting any given transaction (invoices, purchase orders, invoices, RFP/RIFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible 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.). Whichever form of documentation and filing is employed, the purpose of this section is to insure 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.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The Grantee/Subrecipient shall make and document efforts to solicit participation of locally owned, minority owned, female owned and small businesses. Where

feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and updated when issuing RFBs, RFPs and RIFQs. The Grantee/Subrecipient shall also consult this list when making small purchases.

VI. SECTION 3

Grantee/Subrecipient shall abide by its Section 3 action plan and shall, to the maximum extent feasible, as required by 24 CFR Part 135, award contracts to businesses that provide economic opportunities for low and very low-income persons residing in the project area.

VII. CODE OF CONDUCT

A. CONFLICTS OF INTEREST

In addition to the prohibitions set forth in 24 CFR 570.459(h) and 24 CFR 85.36(b)(3), the following prohibitions shall apply:

It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:

- (1) He, or any member of his immediate family has a financial interest therein, or
- (2) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party, or
- (3) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.
- (4) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard,

rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(3) It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(4) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefor.

(5) It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

B. PENALTIES

Any elected official, employee or designated agent of the Grantee/Subrecipient who knowingly and deliberately violates the provisions of the code will be open to civil suit without the legal protection of the Grantee/Subrecipient. Furthermore, such a violation of these procurement standards is grounds for dismissal by the Grantee/Subrecipient.

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

ADOPTED THIS ___ DAY OF June, 2020.

Alan Keck, Mayor

Mr. Wheeldon made a motion to approve the following Ordinance Number 20-12: Annexing by Consent Property as Described Below as Described by Reference Referred to as "The Proposed SPEDA Industrial and or Commerce Park". Mr. J. Eastham seconded the motion. Upon roll call

the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

ORDINANCE NUMBER 20-12

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNERS, AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS VAILABLE, AND THE PROPERTY OWNERS EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE, AND

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY,

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE, ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS

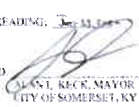
EXHIBIT A - TRACT 1 (19.66 ACRES) AND TRACT 2 (22.91 ACRES) OF A PLAT TITLED FOR THIS ORDINANCE AND BEARING THE OWNERS NAME "SPEDA PROPERTIES 1, LLC" CURRENTLY REFERRED TO AS "THE PROPOSED SPEDA INDUSTRIAL AND/OR COMMERCE PARK", AND BEARING THE PVA DESIGNATION B9-0-03.1 (BOTH TRACTS)

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW

68g, 748.4

FIRST READING: June 22, 2020

SECOND READING: July 13, 2020

APPROVED:  ALAN L. BECK, MAYOR
CITY OF SOMERSET, KY


ATTEST:  NANCY BRADLEY, CITY CLERK

EXHIBIT "A"

City of Somerset, KY, Annexation Ordinance No. _____

DESCRIPTION-TRACT 1


TRACT 1 (19.66 ACRES) AND TRACT 2 (22.91 ACRES) OF A PLAT TITLED FOR THIS ORDINANCE AND BEARING THE OWNERS NAME "SPEDA PROPERTIES 1, LLC" CURRENTLY REFERRED TO AS "THE PROPOSED SPEDA INDUSTRIAL AND/OR COMMERCE PARK", AND BEARING THE PVA DESIGNATION B9-0-03.1 (BOTH TRACTS)

BOUNDING

TRACT 1 (19.66 ACRES) AND TRACT 2 (22.91 ACRES) OF A PLAT TITLED FOR THIS ORDINANCE AND BEARING THE OWNERS NAME "SPEDA PROPERTIES 1, LLC" CURRENTLY REFERRED TO AS "THE PROPOSED SPEDA INDUSTRIAL AND/OR COMMERCE PARK", AND BEARING THE PVA DESIGNATION B9-0-03.1 (BOTH TRACTS)

1

POINT OF BEGINNING

 Judy Dwyer

6-3-2020
Date

STATE OF KENTUCKY
COUNTY OF JEFFERSON
CITY OF SOMERSET

EXHIBIT "A"


City of Somerset, KY. Annexation Ordinance No. _____

DESCRIPTION-TRACT 2

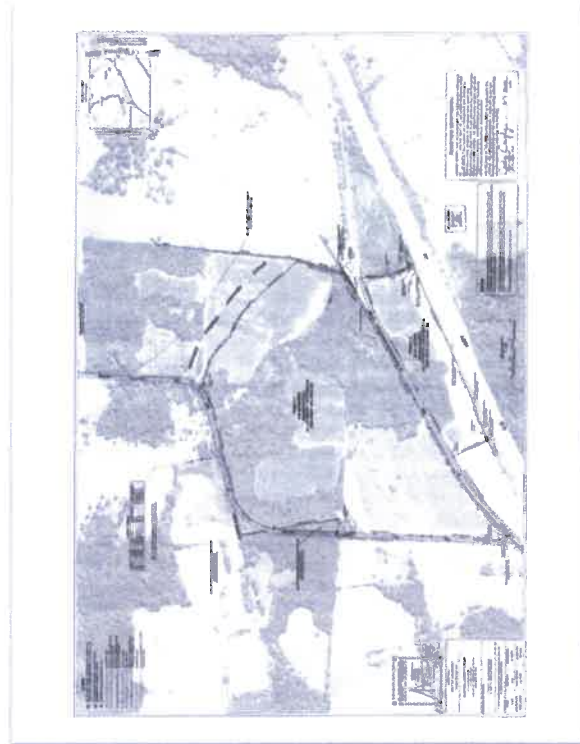
All of the land described in the following description, to-wit:


BORDERING

BODY OF BOUNDING **22.91 Acres**


 Jody Oakley
 Mayor

Date **6-3-2020**





Somerset
 DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
 Planning & Zoning Commission
 305 E. and 3000 N. Hwy 137
 P.O. Box 900
 Somerset, KY 40382
 Phone: 606/432-2122
 Fax: 606/432-0881
 www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Sharon Public Economic Development Authority (SPETA) formally request annexation of my property located at the northeast intersection of Peach Hill Rd. (Hwy 137), Bermingham Rd. (Old Hwy 80) along with a parcel lying on the south right of way of Bermingham Rd. (Old Hwy 80) *SEE EXHIBIT A* into the City of Somerset.

I also request that the 60 day waiting period be waived.

I also request that this property be zoned "I-2 Heavy/General Industrial"


 Chris Gindler - Assistant / CEO

Date **6/5/2020**


First reading was given the following Ordinance Number 20-13: Causing the Transfer of Property, 84 Kentucky Highway 914, Ferguson Kentucky from within the City of Ferguson

Boundaries to within the City of Somerset Boundaries via KRS 81.500 and the Findings Pursuant to KRS 81.500.

<p style="text-align: center;">City of Somerset, Kentucky Ordinance 20-13</p> <p>An ordinance causing the transfer of property, 84 Kentucky Highway 914, Ferguson, Kentucky, from within the City of Ferguson boundaries to within the City of Somerset boundaries via KRS 81.500 and the findings of fact pursuant to KRS 81.500.</p> <p>Whereas the City of Ferguson and the City of Somerset, Kentucky have adjoining boundaries, Whereas the City of Somerset has purchased in December 2019 the former B4 Lumber facility lying south of Kentucky Highway 914 and east of the Norfolk Southern Railroad, Whereas said property is legally defined by the metes and bounds description found in Exhibit A, and being all of Parcels A, C, & D of Plat Number C- Side 550 of record in the Pulaski County Clerk's Office, Whereas there are no residents living on or in the property herein described, Whereas part of said property appears to be currently annexed into the corporate boundaries of Ferguson, Kentucky, Whereas said property is currently zoned Commercial Industrial, and would be best categorized for use under City of Somerset Zoning Ordinance as I-2, Whereas both the City of Ferguson and the City of Somerset agree that under the City of Somerset title and ownership, no property taxes would be paid to the City of Ferguson, and there be no taxes due and owing on the property in the City of Ferguson, transferring the property would be "revenue neutral" (after December 2019) to the City of Ferguson, Whereas the intent of this Ordinance is the "Transfer of Incorporated Areas between Cities of the Home Rule Class" by KRS 81.500, Whereas the City of Somerset agrees to pay all transaction and notice costs associated with this "transfer of property" under KRS 81.500.</p> <p>Now therefore be it ordained by the City Council of City of Somerset:</p> <p>A. the Council finds pursuant to KRS 81.500:</p> <ol style="list-style-type: none"> 1. The City of Ferguson and City of Somerset have adjoining boundaries. 2. The property to be transferred, the former B4 Lumber facility, is properly defined in Exhibit A and the record to plat and surveys in the Pulaski County Clerk's office above. 3. The financial considerations between City of Ferguson and City of Somerset are properly stated in the above recitals. All tax and revenue issues have been resolved. 4. The property would be properly zoned I-2 by the City of Somerset under its Zoning Ordinance. 5. There are no voters or residents residing on the herein described property. <p>B. The property has met all the requirements of KRS 81.500, as by this Ordinance transferred from the City of Ferguson to the City of Somerset's incorporated boundary as being in the City of Somerset.</p>	<p>First Reading July 13, 2020, Second Reading date _____, Successful passage after the second reading and on the same date or _____ As proven by the executive signature and attestation.</p> <p>_____ Attested by Nick Bradley, Mayor of Somerset, Kentucky _____ Clerk of Somerset, Kentucky</p>
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Mr. Wheeldon made a motion to approve a refund for property taxes to William B & Deborah A Denny for a Homestead Exemption in the amount of \$51.09. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

There being no further business the meeting adjourned at 6:49 p.m.

APPROVED:  **MAYOR**

ATTEST:  **CITY CLERK**