

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 21, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 21st day of September 2009 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, NEAL WILLIS
 JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD
ABSENT: NONE

Richard Williams, City Clerk, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

At this time, Mayor Bradford read aloud a proclamation declaring September 17th - 23rd, 2009 as "Constitution Week" in the City

At this time, Mayor Bradford read aloud a proclamation declaring October, 2009 as "Firefighter Appreciation Month" in the City.

Upon motion duly made by Council Member Holland, seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 8, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award bids for asphalt.

Council Member Willis introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2413-09

BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama, as follows:

[1] That advertisements for bids for the purchase of asphalt and binder for the fiscal year beginning October 1, 2009 were distributed, the bid opening set for the 15th day of September, 2009, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

NAME OF BIDDER	424A- 3/8" Asphalt / ton	424A - 1/2" Asphalt / ton	424A- 3/4" Asphalt / ton	424B - 1" Binder/ton
APAC	\$52.00	\$50.00	\$48.00	\$47.60
ROGERS GROUP	\$60.25	\$47.33	\$43.07	\$39.65

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for all categories of asphalt and binder with the exception of 3/8" asphalt is Rogers Group., and the lowest, responsive, responsible bidder submitting a bid for 3/8" asphalt is APAC-Southeast Inc. The Council hereby elects to award the bid to multiple vendors. Rogers Group shall be awarded the bid as the primary supplier for asphalt and binder with the exception of 3/8" asphalt which shall be awarded to APAC-Southeast Inc. as the primary supplier. APAC-Southeast Inc. shall be awarded the bid as the secondary supplier for all categories of asphalt and binder with the exception of 3/8" asphalt which shall be awarded to Rogers Group as the secondary supplier. In the event that the primary vendors cannot provide product at time of notification, product may be purchased from the secondary supplier.

Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to award bids for coarse aggregates.

Council Member Noles introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2414-09

BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama, as follows:

[1] That advertisements for bids for the purchase of coarse aggregates for the fiscal year beginning October 1, 2009 were distributed, the bid opening set for the 10th day of September, 2009, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

Name of Bidder:	No. 57 /ton	Crusher Run / ton	Rip Rap / ton
Rogers Group	\$8.75	\$8.25	\$ 9.75
Vulcan Materials	9.65	9.32	10.80

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Rogers Group with a bid price of \$8.75 per ton for No. 57 coarse aggregate; \$8.25 per ton for crusher run; and \$9.75 per ton for rip rap. The lowest, responsive and responsible bidder, Rogers Group is now awarded the bid for the purchase of coarse aggregates. Award shall begin on October 1, 2009, and shall end on September 30, 2010.

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to award bids for drainage pipe products.

Council Member Grissom introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2415-09

BE IT RESOLVED by the City Council of the City of Muscle Shoal, Alabama, as follows:

[1] That advertisements for bids for the purchase of various types of construction pipes were distributed, the bid opening set for the 18th day of September, 2009, at the City Hall of the city of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

BID NO.	895-09			
DESCRIPTION	POLYETHYLENE PIPE with SMOOTH INTERIOR			
DESCRIPTION OF PIPE SIZE	% usage	EAGLE WHOLESALE 95%	HARVEY CULVERT 0 %	J & G CULVERT 5%
		\$ Price per foot	\$ Price per foot	\$ Price per foot
12"	49	3.69	4.50	4.50
15"	10	5.21	6.45	6.25
18"	26	6.81	7.75	8.00
24"	5	11.77	13.85	13.00
30"	5	16.67	18.20	18.50
36"	5	22.05	22.65	21.00

[3] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as Eagle Wholesale based upon lowest price on 95% of City usage. The apparent low, responsive and responsible bidder, Eagle Wholesale is now awarded the bid for polyethylene pipe, with said bid being awarded for a six-month period beginning October 1, 2009, with the option to renew for an additional six-month period.

BID NO.	897-09			
DESCRIPTION	CORRUGATED METAL PIPE			
DESCRIPTION OF PIPE SIZE	% usage	CONTECH CONSTRUCTION 0 %	HARVEY CULVERT 54%	J & G CULVERT 46%
		Price: \$ per foot	Price: \$ per foot	Price: \$ per foot
12"	49	9.38	7.23	7.78
15"	10	10.88	9.00	8.50
18"	26	12.58	10.76	10.50
24"	5	16.23	14.24	14.22
30"	5	19.95	17.70	18.51
36"	5	26.25	21.16	20.81

[4] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as Harvey Culvert based upon lowest price on 54% of City usage. The apparent low, responsive and responsible bidder, Harvey Culvert is now awarded the bid for corrugated metal pipe, with said bid being awarded for a six-month period beginning October 1, 2009, with the option to renew for an additional six-month period.

BID NO.	896-09		
DESCRIPTION	CONCRETE PIPE		
DESCRIPTION OF PIPE SIZE	%	HARVEY CULVERT 0%- see below exceptions	SET-A-STEPS 100%
		Price per foot	Price per foot
12"	41	7.85	9.97
15"	10	9.54	12.13
18"	34	11.48	14.59
24"	5	18.38	23.35
30"	5	27.26	34.63
36"	5	37.12	47.15

EXCEPTION: Harvey Culvert has exception to terms of the bid. Harvey Culvert states requirement of truck load only for delivery, or City can pick up small load in Athens for same price. This exception changes the terms of the bid deemed to be unacceptable to the best interest of the City, therefore making the bid of Harvey Culvert non-responsive.

[5] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as Set-a-Steps based upon lowest price on 100% of City usage. The apparent low, responsive and responsible bidder, Set-A-Steps is now awarded the bid for concrete pipe, with said bid being awarded for a period of one year beginning October 1, 2009, and ending September 30, 2010.

Council Member Pampinto seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to award bids for fuel products.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2416 - 09

BE IT RESOLVED, by the Council of the City of Muscle Shoals, Alabama as follows:

[1] That the Procurement Agent did send out advertisements for bids for the purchase of fuel products, the bid openings being held September 21, 2009 at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>MARK-UP ABOVE RACK PRICE:</u>
Baggett Oil Company	\$.05199
Tatum Oil Company	\$.0489
W.H. Thomas Oil Co.	\$.0825

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$.0489 per gallon profit markup above rack price for regular conventional gasoline, diesel fuel, and 87-E10. The apparent low, responsive and responsible bidder, Tatum Oil Company is now awarded the bid for the purchase of fuel products, with said bids being awarded for a twelve month period. Award shall begin on October 1, 2009, and shall end on September 30, 2010.

Council Member Holland seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2008-2009 General Fund Budget.

Council Member Holland introduced the following amended budget in writing:

Council Member Holland moved for adoption of the amended general fund budget. Council Member Willis seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Bradford announced that the amended general fund budget had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to name the trustee for the City of Muscle Shoals Post Employment Benefits Trust and to authorize the transfer of funds to the Trust.

Council Member Willis introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2417 - 09

WHEREAS, the City is a political subdivision of the State of Alabama exempt from federal income tax under the Internal Revenue Code of 1986; and

WHEREAS, the City seeks to provide for the security and welfare of its Retirees by funding one or more post-retirement welfare benefit plans, programs or arrangements to provide for life, medical and other similar benefits through insurance and self-funded reimbursement plans (collectively a “Plan”); and

WHEREAS, it is an essential function and integral part of the exempt activities of the City to assist Retirees by making contributions to and accumulating assets in the trust, a segregated fund, for post-retirement welfare benefits under such a Plan; and

WHEREAS, the authority to provide for the investment and general administration of assets to be used to fund such a Plan is vested in the City or its designee, who has the authority and shall be subject to the duties with respect to the trust specified in the Declaration of Trust of the City of Muscle Shoals Post Employment Benefits Trust; and

WHEREAS, the City wishes to establish this trust to hold assets and income to be used for the exclusive purpose of funding post-retirement welfare benefits under a Plan for its Retirees; now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that the Bank of New York Mellon Trust Co. is appointed as Trustee of the City of Muscle Shoals Post Employment Benefits Trust (hereinafter referred to as the “Trust”), and

BE IT FURTHER RESOLVED that the City Clerk-Treasurer is authorized to transfer \$1.2 million from the general fund to the “Trust” in order to meet the financial obligations of the “Trust”.

Council Member Noles seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to establish the meeting dates for the City Council for fiscal year 2009 - 2010.

Council Member Noles introduced the following resolution in writing in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2418 - 09

WHEREAS, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

WHEREAS, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

WHEREAS, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2009 and ending on September 30, 2010 as noted on Exhibit "A" of this resolution, and

BE IT FURTHER RESOLVED that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

BE IT FURTHER RESOLVED that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

BE IT FURTHER RESOLVED that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

BE IT FURTHER RESOLVED that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

EXHIBIT “A”
Schedule of Regular Meetings/Work Sessions
Muscle Shoals City Council

Monday, October 5, 2009
Monday, October 19, 2009
Monday, November 2, 2009
Monday, November 16, 2009
Monday, December 7, 2009
Monday, December 21, 2009
Monday, January 4, 2010
Tuesday, January 19, 2010 (Conflict with Martin Luther King Federal Holiday)
Monday, February 1, 2010
Monday, February 15, 2010
Monday, March 1, 2010
Monday, March 22, 2010 (Conflict with NLC meeting - Washington 3/13 - 3/17)
Monday, April 5, 2010
Monday, April 19, 2010
Monday, May 3, 2010
Monday, May 24, 2010 (Conflict with AL League - Mobile 5/15 - 5/18)
Monday, June 7, 2010
Monday, June 21, 2010
Tuesday, July 6, 2010 (July 4th holiday observed on 5th)
Monday, July 19, 2010
Monday, August 2, 2010
Monday, August 16, 2010
Tuesday, September 7, 2010 (Conflict with Labor Day Holiday)
Monday, September 20, 2010

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Bradford announced that the Resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK