

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 7, 2013**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:30 p.m. on the 7<sup>th</sup> day of October, 2013 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART,  
          JAMES HOLLAND, ALLEN NOLES  
ABSENT: NONE

James Holland, President of the Council, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 16, 2013 meeting and approved the minutes as written.

At this time Mayor Bradford presented several a proclamation which was read aloud in the meeting declaring October 6 - 12<sup>th</sup> as "Mental Illness Awareness Week" in the City.

President Holland announced that the next item of business was the award of bids for drainage pipe.

Council Member Lockhart introduced the following resolution and moved for its adoption:

STATE OF ALABAMA  
COUNTY OF COLBERT

**RESOLUTION NO. 2648-13**

**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 3rd day of October, 2013, at the City Hall of the city of Muscle Shoals, Alabama.

[2] **BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

DESCRIPTION		POLYETHYLENE PIPE with SMOOTH INTERIOR		
PIPE SIZE	CONSTRUCTION MATERIALS		SET-A-STEPS	
	Pipe per Lft	Each Band	Pipe per Lft	Each Band
12"	\$4.65	\$7.36	\$7.00	\$8.50
15"	\$5.79	\$12.26	\$9.25	\$11.80
18"	\$7.38	\$20.90	\$12.00	\$19.17
24"	\$12.85	\$29.48	\$19.00	\$21.68
30"	\$18.37	\$58.51	\$24.00	\$60.42
36"	\$24.14	\$95.33	\$32.00	\$105.00

[3] **BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder has been determined as Construction Materials. The apparent low, responsive and responsible bidder, Construction Materials is now awarded the bid for polyethylene pipe with a smooth interior, with said bid being awarded for a one-year period ending September 30, 2014.

DESCRIPTION		CORRUGATED ALUMINIZED METAL PIPE		
SIZE	CONTECH ENGINEERED SOLUTIONS		SET-a-STEPS	
	Price Per LFT	Each Band	Price Per LFT	Each Band
12"	\$7.90`	\$7.90	\$9.58	\$12.00
15"	\$9.48	\$9.48	\$11.45	\$14.00
18"	\$11.84	\$11.84	\$14.91	\$18.00
24"	\$15.01	\$15.01	\$18.20	\$25.00
30"	\$18.96	\$18.96	\$24.28	\$27.00
36"	\$22.91	\$22.91	\$28.98	\$30.00
28"X20" arch pipe	\$20.39 (14 gauge)	\$20.39	\$24.58 (14 Ga)	\$28.00
	\$16.13 (16 gauge)	\$16.13	\$20.02 (16 Ga)	\$24.00

[4] **BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder after evaluation of the bid has been determined as Contech Engineered Solutions. The apparent low, responsive and responsible bidder, Contech Engineered Solutions is now awarded the bid for aluminized corrugated metal pipe, with said bid being awarded for a one-year period ending September 30, 2014.

DESCRIPTION		CONCRETE PIPE - CLASS III CIRCULAR
PIPE SIZE per LFT	CONSTRUCTION MATERIALS	SET-A-STEPS
12"	\$13.30	11.52
15"	\$8.97	14.92
18"	\$12.25	18.02
24"	\$19.58	27.41
30"	\$28.63	39.61
36"	\$40.42	51.62
18" x 29" Arch	\$29.93	\$31.59

[5] **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder after evaluation of the bid has been determined as Construction Materials. The apparent lowest, responsive and responsible bidder, Construction Materials is now awarded the bid for circular concrete pipe and arch concrete pipe, with said bid being awarded for a period of one year ending September 30, 2014.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was the award of a bid for a construction project for CDBG Project # LR-ED-PF-13-008 for the CBC INGS America Inc. development.

Council Member Noles introduced the following resolution and moved for its adoption:

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2649-13**

**RESOLUTION AUTHORIZING THE SELECTION OF A CONTRACTOR  
FOR CDBG PROJECT LR-ED-PF-13-008**

**WHEREAS**, the City of Muscle Shoals has duly advertised and received construction bids for CDBG Project # LR-ED-PD-13-008; and

**WHEREAS**, Golden Construction Company of Muscle Shoals, Alabama has submitted the lowest bid for this project; and

**WHEREAS**, this contractor has been determined not to be on the List of Ineligible Contractors; and

**WHEREAS**, the complete bid tabulation is attached to this Resolution; now

**THEREFORE, BE IT RESOLVED** that the City of Muscle Shoals does hereby authorize its Mayor, David H. Bradford, to sign contract documents with the above mentioned contractor for the completion of CDBG project LR-ED-PF-13-008 for a contract amount of \$143,420.10.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to rescind Resolution # 2632-13.

Council Member Willis introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2650 - 13**

**WHEREAS**, the City Council has been informed Irby Development Company presented a petition for vacation of certain streets and alleyways within the City at the August 19, 2013 regular meeting of the City Council; and

**WHEREAS**, it is determined that Irby Development Company was not the owner of the property abutting said streets and alleyways at the time of the presentment of the petition; and

**WHEREAS**, the said Irby Development Company had no standing to bring the petition before the Council prior to becoming the owner of the property abutting the streets and alleyways;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the action taken by the Council on the petition of Irby Development Company for the vacation of certain streets and alleyways within the City, same being Resolution Number 2632-13, is hereby repealed and held for naught.

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Council Member Pampinto seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Willis moved that the resolution be adopted as presented. Council Member Pampinto seconded the motion and upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the sale of dirt to Irby Development.

Council Member Pampinto introduced the following resolution and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2651 - 13**

**WHEREAS**, the City Council has been informed that it has a surplus of dirt that is currently stockpiled on City property and that said quantity of dirt is in greater amounts than necessary to meet the needs of the City for its current or anticipated future use; and

**WHEREAS**, the City Council has caused the value of the dirt to be ascertained and is informed that a fair price for the surplus dirt is \$0.50 per cubic yard; and

**WHEREAS**, the City Council has received a proposal to purchase surplus dirt from the City and has determined that it is in the best interest of the City to dispose of the excess dirt; and

**WHEREAS**, the City Council is desirous of doing so and that the excess dirt shall be sold in its "as is, where is", condition and location to Irby Development Company in such quantity as may be purchased by said Irby Development Company so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City's engineer for future or anticipated projects; and

**WHEREAS**, the City Council is informed that there is no current need of the surplus dirt for future or anticipated projects at this time;

**WHEREAS**, the City Council has determined that the City has no current or anticipated use for said dirt and that the removal of the dirt from the current stockpile is not detrimental to the City's interests and the receipt of the funds for the purchase of the said surplus dirt is beneficial to the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the sale of the surplus dirt up to 35,000.00 cubic yards which currently stockpiled by the City is hereby approved. The price of the surplus dirt shall be \$0.50 per cubic yard and shall be calculated per cubic yard of dirt removed from the City's stockpile. The terms of the sale shall include that the City shall not transport or deliver the dirt but shall require the purchaser to accept the dirt in its "as is, where is" condition. The Purchaser shall be responsible for loading and transporting the dirt and shall maintain accurate records of the number of loads and amounts of dirt removed from the City's stockpile. Further terms shall include that the quantity of dirt obtained by the Purchaser shall be limited to the quantity as may be purchased by said Irby Development Company so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City's engineer for future or anticipated projects. The City shall require payment of the surplus dirt based upon the calculation of the quantity of dirt removed from the City's stockpile and said payment shall be due upon presentment of the invoice for the surplus dirt.

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

President Holland 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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK