

PLEASE TURN OFF YOUR CELL PHONE
DURING COMMISSION MEETING

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

October 2, 2007
5:00 p.m.

INVOCATION/PLEDGE - Commissioner David Johnson

PROCLAMATIONS:

October 3 - "ENERGY STAR Change a Light, Change the
World Day"
October 7-13 - "Firefighters Appreciation Week"
October - "Down Syndrome Awareness Month"

RECOGNIZE:

Karen Miller, Executive Director
Owensboro-Daviess County Tourist Commission

PRESENTATIONS:

Mischelle Miller
(Buckle Up for Megan Miller)

Tim Bradshaw, Airport Manager
(Airline Service/Runway Expansion Project)

1. Consider approval of minutes of September 18, 2007
2. Consider appointments
3. UPDATE: Paul Kissinger
Edward D. Stone, Jr. & Associates (EDSA)
(Riverfront Development)

ORDINANCES - 2nd reading

4. **CONSIDER ON 2ND READING ORDINANCE NO. 36-2007, AMENDING POLICIES 201 AND 815 OF THE CITY OF OWENSBORO PERSONNEL POLICY MANUAL ESTABLISHING A NON-CIVIL SERVICE "CITY CLERK" POSITION**

BACKGROUND: The Administration Department is eliminating the Administrative Aide position and integrating its duties and responsibilities in with the City Clerk position that will be exempted from civil service law.

RECOMMENDATION: Adopt Ordinance No. 36-2007.

5. **CONSIDER ON 2ND READING ORDINANCE NO. 37-2007, AMENDING THE 2007-2008 ANNUAL BUDGET OF THE CITY OF OWENSBORO**

BACKGROUND: This amendment budgets for additional stormwater projects, emergency fuel tanks, funding for the Imagination Library and a city leadership program; and corrects two budget carry-overs.

RECOMMENDATION: Adopt Ordinance No. 37-2007.

ORDINANCES - 1st reading

6. **CONSIDER ON 1ST READING ORDINANCE NO. 38-2007, PROVIDING FOR THE CREATION AND SALE OF A NON-EXCLUSIVE, FIVE-YEAR FRANCHISE TO FURNISH ELECTRIC POWER AND ENERGY TO THE INDUSTRIAL, COMMERCIAL AND RESIDENTIAL CUSTOMERS WITHIN THE CITY OF OWENSBORO**

BACKGROUND: The term of the existing Electric Franchise Agreement between the City and Kenergy Corp. will expire on December 20, 2007. The Kentucky Constitution and Kentucky Revised Statutes stipulate that all new municipal franchises shall be bid after advertising and notice in the local newspaper. Bids shall be sealed, presented to the City in writing, and upon bid opening, the franchise shall be sold to the highest and best bidder, subject to approval by the Board of Commissioners. Ordinance 38-2007 creates a non-exclusive franchise under which the successful bidder shall be entitled to utilize public right-of-way within the City to furnish electric utility services to industrial, commercial and residential customers within the City of Owensboro. The term of the franchise shall be five (5) years from the date the City Commission approves the award of the bid. The successful franchisee shall pay to the City annually 2% of its gross revenues derived from the sale of electric power and energy transmitted on, under and across the City's public right-of-way. The franchise fee shall be paid quarterly. The City shall retain the right to inspect the franchisee's electrical distribution system installed under the terms of this franchise and also franchisee's books and records to verify the accuracy of the franchise fee being paid to the

City. This ordinance details all terms and conditions relative to the construction, operation, maintenance and repair of the electrical distribution system and franchisee's responsibilities while using the City's public right-of-way and infrastructure to provide electric power and energy to our citizens.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

7. **CONSIDER ON 1ST READING ORDINANCE NO. 39-2007, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3, SECTIONS 2-146 AND 2-152 OF THE OWENSBORO MUNICIPAL CODE TO INCREASE THE MAXIMUM AMOUNT OF SMALL PURCHASE ITEMS OR CONTRACTS FROM \$500 TO \$1,000**

BACKGROUND: The Kentucky Model Procurement Code has been adopted and incorporated into the City's Municipal Code. It imposes a limit on small department purchases of \$10,000 at the discretion of each municipality that adopts it. The Board of Commissioners for the City of Owensboro previously established a \$500 "small purchase" limit. Because of inflation, the \$500 in procurement authority has actually been reduced and is decreasing the efficiency of routine department purchases of goods and services. By adopting this ordinance, paperwork will be greatly reduced and departments will be able to purchase needed items in a more efficient and convenient manner.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDER - one reading

8. **CONSIDER MUNICIPAL ORDER NO. 35-2007, SUPPORTING THE CITY'S APPLICATION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR CLEANUP GRANT FUNDS IN THE AMOUNT OF \$240,000.00, THE PROCEEDS OF WHICH WILL BE USED TO REMEDIATE CONTAMINANTS ON A BROWNFIELD SITE LOCATED AT 911 ALLEN STREET**

BACKGROUND: The City of Owensboro is applying for a US EPA Brownfield Cleanup Grant in the amount of \$200,000.00 with a match from the City of \$40,000.00 which is required by the grant guidelines. If awarded, the grant funds will be used to clean up a Brownfield located at 911 Allen Street. This property is part of the master plan for a consolidated dispatch building to be located adjacent to the Owensboro Police Department. The grant application will be submitted on October 12, 2007. Grant awards will be made in the spring of 2008.

RECOMMENDATION: Adopt Municipal Order No. 35-2007.

9. City Manager's items:

- A. Consider the probationary full-time non-Civil Service promotional appointment of Beverly Lovan to City Clerk, Administration Department, effective October 1, 2007.

ADMINISTER OATH OF OFFICE TO BEVERLY LOVAN AS CITY CLERK

- B. Consider the regular full-time Civil Service appointment of Melissa Knight to Bus Driver, Transit Department, effective October 23; and the probationary full-time Civil Service appointment of Angela Hamric to Deputy Finance Director, Finance Department, effective October 8, 2007.

- C. **City Manager's comments.**

10. OPEN PUBLIC FORUM

Members of the audience are invited to address the City Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Clerk's record, and limit their remarks to under five (5) minutes. As an unagendized item, no response is required from City staff or the Commission, and no action can be taken; however, the Commission may instruct the City Manager to agendize the item for a future meeting.

11. COMMUNICATIONS FROM ELECTED OFFICIALS

12. Adjournment