

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**12-8-09
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor J. Richard Heaton and the following Councilmen:

Councilman Reed
Councilman Williams
Councilman Lydian
Councilman Royalty
Councilman Sheckles
Councilman Simpson

Others present: Police Chief Marksbury, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, The Kentucky Standard reporter Stephanie Hornback, Kay Clark, Richard Nest, Mary Oney and Pat Whelan.

PROPOSED FOOD KITCHEN

Mary Oney, 516 North Fourth Street, was recognized and she stated her desire to open a Food Kitchen for the homeless and people in need. She announced that she was working with St. Monica Church to host a Christmas Day dinner from 8:00 a.m. until 8:00 p.m. with food being served between 2:00 p.m. and 6:00 p.m. She asked for assistance with obtaining a 501 c3, non-profit exemption from the state and approval from the Council. The Mayor informed her that this project did not require any official action by the City Council and City Attorney Donan suggested that she contact the Internal Revenue Service to check on obtaining the 501 3c exemption. Councilman Royalty and Councilman Williams suggested that she call other cities that have food kitchens to confirm the process. Mayor Heaton asked that Ms. Oney return sometime in the future to give the Council an update on her progress.

MUNICIPAL ORDER NO. 2009-21 - 2010 SEPA AGREEMENT

Public Works and Engineering Director Hamilton presented the following resolution for power energy delivery with Owensboro Municipal Utilities to be adopted as Municipal Order No. 2009-21:

MUNICIPAL ORDER NO. 2009-21

RESOLUTION

A RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY, APPROVING THE 2010 SEPA POWER ENERGY DELIVERY ARRANGEMENT WITH OWENSBORO MUNICIPAL UTILITIES.

WHEREAS, the City of Bardstown, Kentucky, (City) executed a contract dated December 31, 1996 with the U.S. Department of Energy, acting by and through the Southeastern Power Administration (SEPA), for purchase of power from the Cumberland hydropower projects; and

WHEREAS, due to problems with the Wolf Creek Dam facility operations because of the lowering of the lake water level during dam repairs prevents scheduling of the hydropower delivery; and

WHEREAS, Kentucky Utilities has permanently declined to participate in any further SEPA-related transactions;

WHEREAS, it is in the best interest of the City to work together with the other Kentucky municipals receiving SEPA power allotment;

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City Council authorizes the Mayor to finalize a delivery arrangement for the SEPA allocation with Owensboro Municipal Utilities as per the attached draft term sheet working with the Kentucky Municipals group, and its legal counsel and consultant.
2. The City Council authorizes Mr. Brown Thornton of R. W. Beck, consultant for the City in this matter, to sign the agreement for the transfer of SEPA allocations with Owensboro Municipal Utilities on behalf of the Kentucky Municipals group.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-21 WAS APPROVED. The Mayor thanked Councilman Simpson for his work with the Municipal Electric Power Association of Kentucky (MEPAK).

BACKHOE RECOMMENDATION

City Civil Engineer Greenwell presented the quotes from the State Price Contracts. The state advertised for bids and awarded contracts to companies with the lowest bid on selected criteria. Because the state did the advertising and awarding of the bid prices, the City did not have to obtain bids. The City may purchase the machine that best fits its requirements. Holt Equipment Company offered a John Deere backhoe, Hunt Tractor offered a Case 580 Series loader backhoe and Wayne Supply Company offered a 416-E Caterpillar backhoe. Public Works Superintendent Mike Burba and staff recommended the award to Wayne Supply Company in the amount of \$70,674.00 because of the following reasons:

- Greater Horsepower than current Public Works machines.
- Hydraulic system provides a safer working environment for crew.
- Load sensing hydraulics system operates slowly and with maximum power at idle speed.
- Hydraulic safety features in cab controls to prevent accidental movement of backhoe operations.
- Heavier duty tires.
- Higher resale and trade in value than other competitors.
- 2 year bumper to bumper warranty.
- Parts Department open 24/7
- Hydraulic hoses built while you wait.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE BACKHOE FROM WAYNE SUPPLY COMPANY IN THE AMOUNT OF \$70,674.00 WAS APPROVED. This equipment will replace a 1986 Ford backhoe.

LEE UTILITY CONSULTING CONTRACT

Chief Financial Officer Abell presented and recommended acceptance of the contract from Carryn Lee, Lee Utility Consulting, to do a rate study on the City's water, sewer and System Development Charges (SDC) for a total amount of \$17,500.00. This work should be completed by March, 2010. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

MINUTES

The minutes from the 11-24-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

SECOND READING - CATV ORDINANCE AMENDMENT-LATIN TIER AND TV JAPAN

The ordinance that would add a Latin tier and TV Japan to the Bardstown Cable TV system was presented. Subscribers will need expanded basic service and a cable box. The Latin tier will cost \$5.00 per month and TV Japan will cost \$15.00 per month. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE

THE MAYOR DECLARED ORDINANCE NO. B2009-22 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING - SECOND AMENDMENT TO LOAN AGREEMENT-ORBIS CORPORATION

The second reading was presented of an ordinance to substitute the borrower, Orbis Corporation, for a 1999 Industrial Revenue Bond. The bond structure will remain the same and the City will have no financial responsibility. Linpac Materials was the original borrower. This will amend the loan agreement between the City and Orbis Corporation relating to the \$6,200,000 City of Bardstown adjustable rate Industrial Building Revenue Bonds, Series 1999. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SIMPSON	-	AYE

THE MAYOR DECLARED ORDINANCE NO. B2009-21 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

"NO OUTLET" SIGN-INDIAN TRAIL

Councilman Williams reported that he had received some requests that a "No Outlet" sign be installed on Indian Trail in the Springhill Subdivision. After a brief discussion of the area, **COUNCILMAN WILLIAMS MADE A MOTION TO INSTALL THE "NO OUTLET" SIGN. SAID MOTION WAS DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0.**

RE-APPOINTMENTS

The Mayor informed the Council that he recommended that Christina Bradford be re-appointed to another 3-year term on the Joint City/County Ethics Board. This will be a joint appointment with the County. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

Mayor Heaton said that he recommended the re-appointment of Chuck Montgomery to another 3-year term on the Property Maintenance Board. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

2009 CITY SAFETY AWARDS - 4TH QUARTER

Chief Financial Officer Abell reported that City Risk Manager Forsee had talked with the City Department Heads and asked them to recommend employees for the 4th Quarter Safety Awards for 2009. The following employees will receive their safety awards this month: Crystal Wallin with the Meter Department, Jeff Miller with the Electric Department, Shane McMahan with the Cable TV Department, John Yates with the Public Works Department and Billy Curtsinger with the Recreation Department.

CEMETERY COMMITTEE MEETING

Councilman Simpson reported on the Cemetery Committee meeting that was held on Wednesday, November 11, 2009. There is a new car pull-off parking area for people to use near the back entrance to the Bardstown Cemetery. Two large trees, one in the Bardstown Cemetery and one in the Pioneer Cemetery, have been cut down by Asplundh Tree Service. Vandalism has caused concern and the City Police Department will increase patrols in the cemetery. Police Chief Marksbury stated that the vandalism was not just in the cemetery but in other locations in the City.

WATER AND SEWER COMMITTEE MEETING

Public Works and Engineering Director Hamilton reported that the amended design agreement with O'Brien & Gere for changes to the Phase I construction for the Water Treatment Plant had been executed and sent to the engineers. The changes would add the renovation of low service pumps for treatment units 1 and 2, including new pumps, piping and electrical renovation to facilitate that

all low service pumps have the ability to fill the proposed 1.0-MG Clearwell tank. Hamilton then updated the Council on the Town Creek Interceptor Project. The contractors have finished the line except for the additional 300 foot segment. A punch list is being prepared. The trails and bridge in the Jaycee Park location will need to be repaired.

RECREATION BOARD MEETING

Councilman Reed reported that the Recreation Board meeting had been postponed due to the Christmas Parade and will now be held in January, 2010.

POLICE DEPARTMENT REPORT

Police Chief Marksby reported that during the holiday season, car thefts increase and he reminded everyone to lock their cars and not leave articles of value in them.

The Police Chief said that the Christmas Parade went well on Thursday, December 3, 2009. There were a total of 106 entrants which set a record. Mayor Heaton thanked the Police Department and Public Works Department for their assistance with the parade and the Town and Country Bank for its sponsorship.

DOWNTOWN STREETSCAPE PROJECT/NEIGHBORHOOD STABILIZATION PROJECT

Assistant City Administrator Green reported that the streetscape project was moving along and that interviews will soon be held for a resident engineer. The Mayor said that the downtown merchants had reacted favorably to the updated design. The next step for the Neighborhood Stabilization Project will be to buy some houses in the area to rehabilitate prior to the deadline.

CITY WEBSITE

Green then reported that Dr. Carol Armstrong was working on the City website in order to make it more user friendly. Kim Huston, President of NCEDA, will donate some of her time to add tourist and economic information on the City's website.

CITY OF BLOOMFIELD AGREEMENT

Chief Financial Officer Abell reported that he was working with the Public Works and Engineering Director and Bloomfield representatives on updating the sewer line agreement. The electric cost figures have almost doubled since the original agreement was drafted four years ago. Director Hamilton said that there will be a meeting with the state next week to discuss the Bloomfield sewer line scheduling. The engineers have started on the design work.

Hamilton reported that he was working on capital improvements for the sewer which included proposed sewer cleaning and televising procedures in order to see what needs to be replaced to recapture capacity and eliminate sewer overflows.

MUNICIPAL ORDER NO. 2009-20-ASSESSMENT MORATORIUM CERTIFICATE-301 EAST DAUGHERTY

Mayor Heaton presented the following resolution to be adopted as Municipal Order No. 2009-22:

MUNICIPAL ORDER NO. 2009-22

RESOLUTION

A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 301 EAST DAUGHERTY AVENUE, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY:

SECTION 1

That the "Application for Assessment Moratoriums Certificate" for the property located at 301 East Daugherty Avenue, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

SECTION 2

That this order shall take effect and be in full force when passed and recorded according to law.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-22 WAS APPROVED.

Councilman Royalty personally thanked Assistant City Administrator Green with assisting the owner with the assessment moratorium information.

WORKING SESSION CHANGE

The Mayor reminded the Council that the Working Session will be changed from the first Tuesday in January, 2010 to the third Tuesday in January, 2010 at 5:00 p.m.

CITY ANNIVERSARY

It was announced that Anthony J. Skube with the Fire Department was celebrating his five-year anniversary with the City of Bardstown this month.

WELCOME TO COMMUNITY

Mayor Heaton expressed his welcome to Richard Nest, 110 Westview, who moved to Bardstown from Maine. He said that he had visited Bardstown for one of the festivals and he and his wife decided

to move here. He was tired of dealing with snow. He said that he had been impressed with the City from the very beginning and he added that he was amazed that a town of the size of Bardstown had had such an outstanding Christmas Parade.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:25 PM.**

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk