

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
February 16-February 23, 2009**

Monday, February 16

President's Day Holiday-LFUCG Offices Closed-No Meetings

Tuesday, February 17

Neighborhood Development Bond Fund Oversight Committee Meeting....8:30 am
Conference Room-5th Floor Government Center

Landscape Review Committee Meeting.....9:30 am
Conference Room-7th Floor Phoenix Building

Parks Master Plan Workshop.....10:00 am
Conference Room-5th Floor Government Center

Water Resources Oversight Committee Meeting.....11:30 am
Conference Room-5th Floor Government Center

Planning Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chambers-2nd Floor Government Center

Mayor's Youth Council Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Wednesday, February 18

Greenspace Commission Meeting.....3:00 pm
Council Chambers-2nd Floor Government Center

Town and Gown Commission Meeting.....4:00 pm
Maxwell St Presbyterian Church, 180 E Maxwell St

Thursday, February 19

Planning Committee/Planning Commission Workshop.....11:30 am
Basement Conference Room-Central Library

Friday, February 20

Infill & Redevelopment Steering Committee Meeting.....8:30 am
Conference Room-7th Floor Phoenix Building

Monday, February 23

Human Rights Commission Community Relations Meeting.....4:30 pm
Conference Room-5th Floor Government Center

Human Rights Commission Monthly Meeting.....5:30 pm
Conference Room-5th Floor Government Center

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
WORK SESSION AGENDA

February 17, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, February 10, 2009, pp.10-16**
- IV. Budget Amendments – None**
- V. New Business, pp.20-74**
- VI. Continuing Business / Presentations**
 - A. Corridors Committee**
 - B. Intergovernmental Committee, pp.81-82**
 - C. Ten-Year Update to Parks & Recreation Master Plan
and Hisle Park Master Plan Presentation**
*Mr. Chris Camp, President, Lose and Associates,
Nashville TN*
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Release of Easement at Property Located at 316 – 320 Silverbell Trace (Sunny Slope Farm). (116-09) (Askew)
This request will authorize a release of a streetlight easement for property located at 316 – 320 Silverbell Trace (Sunny Slope Farm). There is no budgetary implication for LFUCG.**p.20**
- B. Authorization of Release Easements on Properties Located in Units 4A, 4B, and 3B of Denton Farms, Inc. (121-09) (Askew)
This request will authorize a release of a storm sewer easement and four (4) streetlight easements on properties located in Units 4A, 4B, and 3B of Denton Farms, Inc. There is no budgetary implication for LFUCG.**p.21**
- C. Authorization of a Surety Bond for Donald W. Blevins, Jr., Fayette County Clerk. (123-09) (Askew)
This request will authorize a surety bond in the amount of \$400,000 for Donald W. Blevins, Jr., Fayette County Clerk, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances with the Ohio Casualty Insurance Company.**pp.22-24**
- D. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Finance and Administration, Divisions of Accounting and Human Resources. (115-09) (Allen/Koch)
This request will authorize an Amendment to Section 21-5 of the Code of Ordinances to transfer one (1) position of Administrative Specialist (Grade 110N), and incumbent, from the Division of Accounting to the Division of Human Resources. This action is budget neutral.**p.25**
- E. *Authorization to Advertise for Bids Regarding Taxable General Obligation Bonds for the Policemen's and Firefighters' Retirement Fund. (118-09) (Koch)
This request will authorize the advertisement for bids for \$70,000,000 in taxable general obligation bonds for the Policemen's and Firefighters' Retirement Funds. An annual debt service of approximately \$5,900,000 will be budgeted in the 2009 – 2010 Budget and for the subsequent 19 years. The bonds were authorized in the 2008 – 2009 Budget.
Requesting two readings at February 26 Council Meeting.p.26-29
- F. Authorization to Issue Taxable General Obligation Bonds Regarding the Policemen's and Firefighters' Retirement Fund. (119-09) (Koch)
This request will authorize the issue of \$70,000,000 in taxable general obligation bonds regarding the unfunded liability in the Policemen's and Firefighters' Retirement Funds. An annual debt service of approximately

\$5,900,000 will be budgeted in the 2009 – 2010 Budget and for the subsequent 19 years. The bonds were authorized in the 2008 – 2009 Budget.**pp.30-48**

G. Authorization of a Reimbursement Resolution Regarding the Lyric Theatre Project. (120-09) (Koch)

This request will authorize a reimbursement resolution for \$6,000,000 to allow spending on the Lyric Theatre project prior to the sale of bonds. Expenditure will be from the General Fund and reimbursed on the sale of the bonds.**p.49**

H. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (126-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,300 for 2,595.1 square feet at property located at 3353 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.50**

I. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (127-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,000 for 667.2 square feet at property located at 3432 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.51**

J. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (128-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,375 for 907.9 square feet at property located at 3433 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.52**

- K. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (129-09)
(P. King/Webb)
This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$675 for 448 square feet at property located at 3436 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.53**
- L. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (130-09)
(P. King/Webb)
This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$975 for 644.4 square feet at property located at 3444 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.54**
- M. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (131-09)
(P. King/Webb)
This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$350 for 223.5 square feet at property located at 3445 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.55**
- N. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (132-09)
(P. King/Webb)
This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$725 for 468.2 square feet at property located at 3448 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.56**

- O. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (133-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,650 for 1,085 square feet at property located at 3449 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.57**

- P. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (134-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$850 for 565.6 square feet at property located at 3452 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.58**

- Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (135-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,500 for 989.9 square feet at property located at 3453 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.59**

- R. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (136-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$825 for 541.5 square feet at property located at 3456 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.60**

S. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (137-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$2,250 for 1,500 square feet at property located at 3457 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.61**

T. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (138-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$675 for 444.6 square feet at property located at 3460 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.62**

U. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (139-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$600 for 396.6 square feet at property located at 3464 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.63**

V. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (140-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,550 for 1,024.9 square feet at property located at 3465 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.64**

W. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (141-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$650 for 431.6 square feet at property located at 3468 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. **p.65**

X. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Stormwater Easement for the Clays Mill Road Improvements Project. (142-09) (P. King/Webb)

This request will authorize a deed of acceptance at a cost of \$3,125 for a temporary construction easement of 766.2 square feet and a permanent stormwater easement of 524 square feet at property located at 3469 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. **p.66**

Y. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (143-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$600 for 385 square feet at property located at 3470 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. **p.67**

Z. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (144-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,575 for 1,040.3 square feet at property located at 3473 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. **p.68**

AA. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (145-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,050 for 684.3 square feet at property located at 3506 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.69

BB. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (146-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$3,975 for 2,344.8 square feet at property located at 3510 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.70

CC. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (147-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$1,400 for 932.2 square feet at property located at 3514 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.71

DD. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (148-09)
(P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$575 for 381.1 square feet at property located at 3561 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.72

- EE. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Sidewalk Easement for the Georgetown Street Sidewalk Improvements Project. (149-09) (Ravan/Webb)
This request will authorize a deed of acceptance at a cost of \$100 for 42.09 square feet for a temporary construction easement and 5.39 square feet of permanent sidewalk easement at property located at 385 Georgetown Street for the Georgetown Street Sidewalk Improvements project. Funds are budgeted.**p.73**
- FF. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Sidewalk Easement for the Georgetown Street Sidewalk Improvements Project. (150-09) (Ravan/Webb)
This request will authorize a deed of acceptance at a cost of \$100 for 48.04 square feet for a temporary construction easement and 7.1 square feet of permanent sidewalk easement at property located at 387 Georgetown Street for the Georgetown Street Sidewalk Improvements project. Funds are budgeted.**p.74**
- GG. Authorization of Change Order No. 2 to Contract with Bluegrass PRIDE Regarding the Waste Buster Recycling Program and Anti-Litter Public Education Campaign. (125-09) (Feece/Taylor)
This request will authorize Change Order No. 2 to contract with Bluegrass PRIDE to increase the amount by \$80,000 regarding the Waste Buster Recycling Program and the Anti-Litter Public Education Campaign. The original program included ten (10) schools but has grown to 72 schools, 125 businesses, and 46 apartment complexes. This change order will allow the addition of 22 schools. New contract amount is \$337,475. Funds are budgeted.**pp.75-77**
- HH. Authorization of Change Order No. 1 to Contract with Gershman Brickner and Bratton, Inc., Regarding the Master Plan Recycling Program. (124-09) (Feece/Taylor)
This request will authorize Change Order No. 1 to contract with Gershman Brickner and Bratton, Inc., to increase amount by \$17,965 regarding the Master Plan Recycling Program. This change will require the contractor to prepare and submit an interim report with the result of the December / January waste sorting event, and prepare and present to Council a summary of the salient points of the project and the conclusions of the study. New contract amount is \$271,566. Funds are budgeted.**pp.78-80**

***Requesting two readings at February 26 Council Meeting.**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

February 10, 2009

Mayor Newberry chaired the meeting. All Council Members were present except CM Henson.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezonings / Docket Approval-Yes

A motion by CM Blues to place on the docket for the Thursday, February 12, 2009, Council Meeting a resolution authorizing and directing the Mayor to execute a Letter of Commitment and the application of the Lexington Downtown Development Authority to the Kentucky Heritage Council for continuation of the Lexington Main Street program, seconded by CM Gorton, passed without dissent.

CM Crosbie started a discussion about separating the item referencing Comm. Koch's increase salary adjustment out of #53 of the docket. The Parliamentarian stated that it could not be done at work session but there could be a motion made at Thursday's Council Meeting before that item gets its first reading.

A motion by CM Ellinger to approve the amended docket, seconded by CM Myers, passed without dissent.

- III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary of 2/3/09, seconded by CM Beard, passed with 1 abstention: CM Martin.

- IV. Budget Amendments-Yes

A motion by CM Gorton to approve the budget amendments, seconded by CM Ellinger, passed without dissent.

- V. New Business

- A. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (069-09) (Allen/Koch)

- B. *Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management. (070-09) (Allen/Taylor)
- C. Authorization of Change Order No. 1 to Contract with Todd Johnson Contracting, Inc., for the Coleman House and AG Extension Office Pump Station Elimination Project. (109-09) (Martin/Taylor)
- D. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Office of the Mayor and the Department of General Services. (084-09) (Allen/Kelly)
- E. Authorization of an Inducement for Industrial Revenue Bonds (IRBs) for the Transylvania University Projects. (107-09) (Wright/Kelly)
- F. Authorization of a Commonwealth of Kentucky Lease Renewal Agreement for Space at 162 E Main Street. (108-09) (Cole)
- G. Authorization of Lease Agreements of LFUCG-Owned Properties Managed by the Department of General Services, Division of Parks and Recreation. (110-09) (Hancock/Cole)
- H. **Authorization to Submit Grant Application to the Kentucky Department for Local Development (DLG) on Behalf of the Department of General Services, Division of Parks and Recreation for the Raven Run Nature Sanctuary Center Project. (111-09) (P. King/Cole)
- I. Authorization of a Modification to Agreement with the Kentucky Office of Homeland Security Regarding the 2010 Alltech FEI World Equestrian Games™ Disaster / Security Planning Project on behalf of the Department of Public Safety, Division of Emergency Management / 911. (112-09) (P. King/Bennett)
- J. Authorization to Accept Award from the Kentucky State Police on Behalf of the Department of Public Safety, Division of Police, for the Enforcing Underage Drinking Laws (EUDL) Project. (113-09) (P. King/Bennett)
- K. Authorization to Accept Award from the National Police Athletic / Activities League, Inc., on Behalf of the Department of Public Safety, Division of Police, for the Continuation of a Police Athletic Leagues Youth Enrichment Program (PALYEP). (114-09) (P. King/Bennett)
- L. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (071-09) (Rayan/Webb)
- M. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (072-09) (Rayan/Webb)

- N. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (073-09) (Rayan/Webb)
- O. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (074-09) (Rayan/Webb)
- P. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (075-09) (Rayan/Webb)
- Q. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (076-09) (Rayan/Webb)
- R. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (077-09) (Rayan/Webb)
- S. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (078-09) (Rayan/Webb)
- T. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (079-09) (Rayan/Webb)
- U. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (080-09) (Rayan/Webb)
- V. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (081-09) (Rayan/Webb)
- W. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (082-09) (Rayan/Webb)
- X. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (083-09) (Rayan/Webb)
- Y. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (085-09) (P. King/Webb)

- Z. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (086-09) (P. King/Webb)
- AA. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (087-09) (P. King/Webb)
- BB. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (088-09) (P. King/Webb)
- CC. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (089-09) (P. King/Webb)
- DD. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (090-09) (P. King/Webb)
- EE. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (091-09) (P. King/Webb)
- FF. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (092-09) (P. King/Webb)
- GG. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (093-09) (P. King/Webb)
- HH. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (094-09) (P. King/Webb)
- II. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (095-09) (P. King/Webb)
- JJ. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (096-09) (P. King/Webb)
- KK. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (097-09) (P. King/Webb)

- LL. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (098-09) (P. King/Webb)
- MM. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (099-09) (P. King/Webb)
- NN. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (100-09) (P. King/Webb)
- OO. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (101-09) (P. King/Webb)
- PP. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (102-09) (P. King/Webb)
- QQ. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (103-09) (P. King/Webb)
- RR. Authorization of a Deed of Acceptance for a Temporary Construction Easement Regarding the Clays Mill Road Improvements Project. (104-09) (P. King/Webb)
- SS. Authorization to submit Grant Application to the Kentucky Heritage Council on Behalf of the Department of Public Works and Development, Division of Historic Preservation. (105-09) (P. King/Webb)
- TT. Authorization of a Supplemental Agreement No. 1 to Agreement with the Commonwealth of Kentucky Transportation Cabinet (KYTC), Department of Highways, regarding the Newtown Pike Extension Project. (106-09)(P. King/Webb)

A motion by CM Gorton to approve new business items A-TT, seconded by CM Beard, passed with 2 recusals on item "E": VM Gray and CM Martin.

VI. Continuing Business / Presentations

A. Budget & Finance Committee Update

This update was given by new chair CM Stinnett. There were no motions to come forward. CM Stinnett did state that they are looking at a new format with Comm Koch.

B. Services Committee Update

This update was given by CM Ellinger. There were no motions to come forward.

VII. Council Report

CM Gorton- Stated that the Storm Water Fee Task Force met on 2/5 and had a presentation on credits and incentives; the next meeting will be on this Thursday at 9 am in the Council Chambers, continuing with credits and incentives; reminded the Council of the confirmation hearing on Thursday at 6:30 pm; also stated that she has had several calls from neighborhood associations in reference to the occupational fee; if anyone has a question, please call 258-3340.

CM Stinnett- Asked the Mayor if the deadline for the community grant could be extended until 3/31 since some associations could not meet within the last 2 weeks. Comm. Taylor said that would be ok; reminded everyone of the Liberty Park meeting tonight at 6:30 pm at Eastland Church of God and the 6th Dist. Presidents' meeting on 2/23 at Spencerian College also at 6:30 pm.

CM Beard- Asked Mayor Newberry if he had rescheduled the retreat; the mayor asked Council how did 3/13 sound; 12/14 present could attend.

A motion to place the occupational fee into the Budget & Finance Committee, seconded by CM McChord, passed without dissent.

CM McChord- Asked Jerry Hancock about the workshop next week- Parks Master Plan workshop on 2/17 at 10 am in 5th floor conference room; asked Comm. Dhuwaraha if he would advise 311 of the correct information on the debris removal; stated that there will be a Quality Based Selection (QBS) workshop on 3/26 at 5 pm; also expressed sympathy to the family of Scott Brown.

CM Crosbie- Announced that the Eastlake Neighborhood Association will meet tonight at 7 pm at the Eagle Creek Library; stated that Lexington will be hosting the Green River Firefighters' School on 2/26-2/29; stated that she has been getting complaints about the debris removal; suggested to VM to appoint a task force on the land bank property issue.

CM Blues-Announced 2 neighborhood association meetings: tonight at 7 pm, Meadowthorpe and on Monday, 2/16, Winburn at 6:30 pm.

CM James-Extended condolences to Robert Finn's family-Mr. Finn was the 1st CM for the 2nd Dist after the merger; helped celebrate HIV/AIDS Day last weekend; extended her thanks for cards, food, and prayers for the loss of her sister-n-law.

A motion by CM James to approve the NDF list, seconded by CM Myers passed without dissent.

CM Ellinger-Reminded Council of the Affordable Housing workshop today at 5 pm.

VIII. Mayor's Report-Yes

A motion by CM Lane to approve the Mayor's Report, seconded by VM Gray, passed without dissent.

Comm. Webb gave an update on the debris removal. He also thanked Streets, Roads, & Forestry, those who supported LFUCG: National Guard, chainsaw Maintainers, plow repairers (Fleet Mgmt). Comm. Taylor was also asked several questions. Several CMs asked questions.

Mayor Newberry spoke of the sudden loss of LFUCG employee Scott Brown.

IX. Public Comment-Issues not on the agenda-Yes

Chief Brown, from Fire, spoke about no burning in open areas.

A motion by CM Ellinger to adjourn work session, seconded by CM Myers, passed without dissent.

Work Session was adjourned at 4:07 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

February 17, 2009 Work Session

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If the item listed below is on the Agenda, approval of the listed Item includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
115-09	KC 0068	Accounting/ Human Resources	To provide funds for one position of Administrative Specialist in Human Resources by deleting funds for one position of the same in Accounting.
D			1101 15,240 1101 15,240CR* 0*

EFFECT ON FUND BALANCES

FUND 1101 0* NO EFFECT ON: GENERAL SERVICES DISTRICT

Budget Information For New Business Items
February 17, 2009 Work Session

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Item	Number	Amount	Fund	Name / Description
A	116-09	NA		
B	121-09	NA		
C	123-09	NA		
D	115-09	NA	1101	General Service District – General Fund Budget Journal
E	118-09	NA		
F	119-09	NA		
G	120-09	NA		
H	126-09	1,300	3160	US Department of Transportation
I	127-09	1,000	3160	US Department of Transportation
J	128-09	1,375	3160	US Department of Transportation
K	129-09	675	3160	US Department of Transportation
L	130-09	975	3160	US Department of Transportation
M	131-09	350	3160	US Department of Transportation
N	132-09	725	3160	US Department of Transportation
O	133-09	1,650	3160	US Department of Transportation
P	134-09	850	3160	US Department of Transportation
Q	135-09	1,500	3160	US Department of Transportation
R	136-09	825	3160	US Department of Transportation
S	137-09	2,250	3160	US Department of Transportation
T	138-09	675	3160	US Department of Transportation
U	139-09	600	3160	US Department of Transportation
V	140-09	1,550	3160	US Department of Transportation
W	141-09	650	3160	US Department of Transportation
X	142-09	3,125	3160	US Department of Transportation

Budget Information For New Business Items

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February 17, 2009 Work Session

Y	143-09	600	3160	US Department of Transportation
Z	144-09	1,575	3160	US Department of Transportation
AA	145-09	1,050	3160	US Department of Transportation
BB	146-09	3,975	3160	US Department of Transportation
CC	147-09	1,400	3160	US Department of Transportation
DD	148-09	575	3160	US Department of Transportation
EE	149-09	100	2514	2005 Bond Projects Fund
FF	150-09	100	2514	2005 Bond Projects Fund
GG	125-09	80,000	1115	Urban Services District
HH	124-09	17,965	1115	Urban Services District



116-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: February 9, 2009

RE: Release of Easement
316-320 Silverbell Trace (Sunny Slope Farm)

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement, releasing a streetlight easement on property located at 316-320 Silverbell Trace (Sunny Slope Farm).

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office

EWG/X:\Cases\ENGINEER\08-CC2009\COR\00198180.DOC



121-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: February 9, 2009

RE: Releases of Easements
Denton Farms

This memo is to request a Resolution authorizing the Mayor to sign five (5) Releases of Easements, releasing a storm sewer easement and four (4) streetlight easements on properties located in Units 4A, 4B, and 3B of Denton Farms, Inc.

The proposed Releases have been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office

EWG/X:\Cases\ENGINEER\09-CC0138\LEG\00198303.DOC

HORSE CAPITAL OF THE WORLD



123-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Urban County Council


FROM: Department of Law

DATE: February 10, 2009

RE: Request Council Approval for a County Clerk
Surety Bond for Donald W. Blevins, Jr.

This is a request for approval of a surety bond for County Clerk, Donald W. Blevins, Jr. pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances. The statute and code require a bond amount of \$400,000 for the County Clerk for an urban-county form of government.

Mr. Blevins has presented Bond No. 4-004-362-1 with the Ohio Casualty Insurance Company for approval, a copy of which is attached.


Leslye M. Bowman
Director of Litigation

cc: Thomas Sweeney, Claims Manager

LMB X:\Cases\LAW\09-LE0029\MEMO\00198435.DOC

Historical and Statutory Notes

Note: 1995 2nd ex s, c 4, § 5, eff. 1-27-95, reads: Whereas, it appears that some officers mentioned in Section 105 of the Constitution of Kentucky have not secured bond as required by the statutes and are in jeopardy of removal from office if the situation is not corrected, an emergency is declared to

exist, and this Act shall become effective upon its passage and approval by the Governor and its provisions, except for the fine increase in KRS 62.050, shall be deemed retroactive to November 1, 1991.

62.055 Bonds of county clerks; minimum; record

- (1) Every county clerk, before entering on the duties of his office, shall execute bond to the Commonwealth, with corporate surety authorized and qualified to become surety on bonds in this state. Any county clerk holding office as of January 1, 1978, who has not executed bond as provided herein shall do so within thirty (30) days from February 9, 1978.
- (2) In counties containing a consolidated local government or a city of the first class, the amount of the county clerk's bond shall be at least five hundred thousand dollars (\$500,000). In counties containing a city of the second class but not containing consolidated local governments and in counties containing an urban-county form of government, the amount of county clerk's bond shall be at least four hundred thousand dollars (\$400,000). In counties containing a city of the third class but not a city of the first or second class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least one hundred thousand dollars (\$100,000). In counties containing a city of the fourth or fifth class, but not a city of the first, second, or third class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least seventy-five thousand dollars (\$75,000). In counties containing a city of the sixth class, but not a city of the first, second, third, fourth, or fifth class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least fifty thousand dollars (\$50,000).
- (3) The bond of the county clerk shall be examined and approved by the fiscal court, which shall record the approval in its minutes. The fiscal court shall record the bond in the county clerk's records and a copy of the bond shall be transmitted within one (1) month to the Department of Revenue, where it shall be recorded and preserved. Except in those counties where the fees of the county clerk are paid into the State Treasury, the premium on the county clerk's bond shall be paid by the county.
- (4) Where circumstances in a particular county indicate that the amount of the bond may not be sufficient, the Department of Revenue may request the fiscal court to increase the bond as provided in KRS 62.060. The fiscal court shall then require a bond of sufficient amount to safeguard the Commonwealth.

HISTORY: 2005 c 85, § 88, eff. 6-20-05; 2002 c 346, § 16, eff. 7-15-02; 1996 c 86, § 2, eff. 7-15-96; 1982 c 387, § 1, eff. 7-15-82; 1978 c 4, § 1

Cross References

County clerk to give bond before entering upon duties, Ky Const §103
Premium on bond paid by state, when, 62.140

Library References

Counties ~~64~~.
Westlaw Topic No. 104.
C.J.S. Counties § 99 to 100.

Notes of Decisions and Opinions**Constitutional issues 1****1. Constitutional issues**

Constitutional and statutory provisions which state that county clerk, before entering on duties of

office, "shall" post bond are mandatory in nature both as to the requirement of filing a bond and as to the requirement of filing it before taking office, and alleged substantial compliance, by subsequently filing predated bond, was not sufficient, nor was

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Sec. 22-55.1. Local constitutional officers.

(1) Every local constitutional officer listed below shall execute a bond for the faithful performance of the duties of his office in the amount specified below:

County judge/executive . . . \$ 10,000

County clerk . . . 400,000

Sheriff (KRS 70.020) . . . 1,000,000

Sheriff (KRS 134.250) . . . 5,000,000

County surveyor . . . 10,000

Coroner . . . 10,000

Deputy coroners . . . 10,000

Constables . . . 10,000

(2) Each local constitutional officer listed in subsection (1) of this section who is in office on January 1, 1998, shall have presented his bond with sureties to the division of risk management for approval by the urban county council prior to that date. Each person elected to a local constitutional office listed in subsection (1) of this section after that date shall present his bond with sureties to the division of risk management for approval by the urban county council before the day the term of office to which he has been elected begins. Each person appointed to a local constitutional office listed in subsection (1) of this section after that date shall present his bond with sureties to the division of risk management for approval by the urban county council within thirty (30) days after he receives notice of his appointment.

(3) Whenever the urban county council approves a bond with sureties pursuant to this section, the clerk of the urban county council shall record the approval of the bonds and sureties in the council's minutes.

(4) The division of risk management shall record bonds approved pursuant to this section in the Fayette County clerk's records.

(5) The division of risk management shall reimburse the premiums on the bonds of the local constitutional officers approved pursuant to this section from urban county government funds appropriated by the urban county council for that purpose, if a claim is made with a supporting affidavit by a local constitutional officer. However, pursuant to KRS 62.155, the premium on the sheriff's KRS 70.020 bond shall be paid or reimbursed by the Commonwealth of Kentucky and not by the division of risk management.

(6) The KRS 70.020 bond of the sheriff shall be renewed annually and the bond of each constable shall be renewed biennially. All other bonds of the local constitutional officers listed in subsection (1) of this section shall be renewed for the term of any person elected or appointed to that office. However, the urban county council may at any time authorized by law require additional sureties of any local constitutional officers listed in subsection (1) of this section.

(Ord. No. 253-97, § 1, 12-11-97; Ord. No. 113-98, § 1, 4-30-98)



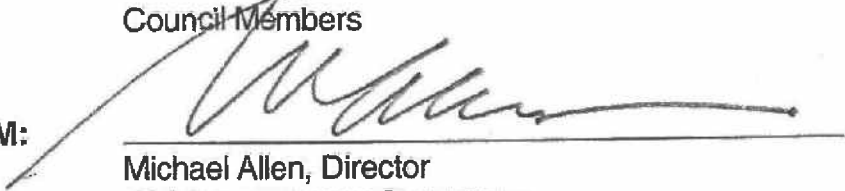
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Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Human Resources

M E M O R A N D U M

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: February 3, 2009

SUBJECT: Transfer Position- Division of Accounting to Division of Human Resources;

The attached action amends Section 21-5 of the Code of Ordinances, transferring one (1) position of Administrative Specialist (Grade 110N), and its incumbent, from the Division of Accounting to the Division of Human Resources, effective upon passage by Council.

With the implementation of People Soft, only one position is needed to manage the payroll process. It has been determined the position of Administrative Specialist will be better utilized in the Division of Human Resources where it was located originally.

This action is budget neutral.

If there are any questions, please call Daniel H. Fischer at 258-3030.

df

attachment

cc: Kyna Koch, Commissioner – Department of Finance and Administration
Mary Fister-Tucker, Director – Division of Accounting
Darrylyn Combs, HR Manager - Division of Human Resources
James Dodson, Payroll Analyst – Division of Accounting

Log # 09-0049



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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Finance and Administration

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Kyna Koch, Commissioner *K. Koch*
Department of Finance and Administration

DATE: February 10, 2009

SUBJECT: Resolution to Authorize Advertisement for Bids for Pension Bonds

Authorization is requested to advertise for bids for \$70 million in taxable general obligation bonds for the Policemen's and Firefighters' Retirement Fund. The bonds were authorized in the 2008-09 Budget. Annual debt service of approximately \$5.9 million will be budgeted in the 2009-10 Budget and for the subsequent nineteen years. A companion ordinance is also requested to authorize the sale. Both the ordinance and the resolution are required documents for this bond sale.

Attachment

kk/lyb

RESOLUTION NO. ____

A RESOLUTION OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AUTHORIZING THE ADVERTISEMENT FOR BIDS AND THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF THE PRINCIPAL AMOUNT OF ITS \$70,000,000 TAXABLE GENERAL OBLIGATION PENSION FUNDING BONDS, SERIES 2009B (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY AN AMOUNT OF UP TO TEN PERCENT (10%))

WHEREAS, the Lexington-Fayette Urban County Government has previously determined, pursuant to actuarial reports prepared for the Lexington-Fayette Urban County Government, that unfunded liabilities to the Lexington-Fayette Urban County Government's Policemen's and Firefighter's Pension Fund (the "Pension Fund") exist and that there is a need to fund such unfunded liabilities (the "Project"); and

WHEREAS, the Lexington-Fayette Urban County Government has determined to proceed with the advertisement of bids for the purchase of its Taxable General Obligation Pension Funding Bonds, Series 2009B in the principal amount of \$70,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) (the "Series 2009B Bonds"), in order to provide funds to (i) fund a portion of such unfunded liabilities to the Pension Fund and (ii) pay the costs of issuing the Series 2009B Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE URBAN COUNTY COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (THE "URBAN COUNTY COUNCIL"):

SECTION 1. The Lexington-Fayette Urban County Government, an urban county government and political subdivision of the Commonwealth of Kentucky, shall issue its \$70,000,000 Taxable General Obligation Pension Funding Bonds, Series 2009B (which amount may be increased or decreased by an amount of up to ten percent (10%)).

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The Series 2009B Bonds are being issued for the purpose of (i) funding unfunded liabilities to the Lexington-Fayette Urban County Government's Policemen's and Firefighter's Pension Fund and (ii) paying the costs of issuance of the Series 2009B Bonds

SECTION 2. The Lexington-Fayette Urban County Government shall comply with the requirements of KRS Chapter 66 and Chapter 424 by advertising for bids for the purchase of the Series 2009B Bonds. The Mayor, the Clerk of the Urban County Council and the Commissioner of Finance are hereby authorized to prepare such instruments and to distribute such information as shall be necessary to accomplish the foregoing, including preparation of a Preliminary Official Statement (the "Preliminary Official Statement") which Preliminary Official Statement is to be deemed final in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). In order to enable prospective purchasers to submit bids for the purchase of the Series 2009B Bonds, the Lexington-Fayette Urban County Government hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate (the "Continuing Disclosure Certificate") in connection with the issuance of the Series 2009B Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Series 2009B Bonds; however, any holder of the Series 2009B Bonds, including the beneficial owners of the Series 2009B Bonds, may take such action as may be necessary and appropriate, including seeking specific performance, to cause the Lexington-Fayette Urban County Government to comply with its obligations under the Continuing Disclosure Certificate. Further the Mayor is hereby authorized and directed on behalf of the Lexington-Fayette Urban County Government to execute all such instruments as shall be necessary to accomplish all of the foregoing.

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SECTION 3. Such proposals shall be opened and reviewed by the Commissioner of Finance and/or the Mayor, and shall be acted upon by the Mayor on that same day, without the need for further action by this Urban County Council. The Lexington-Fayette Urban County Government hereby approves the "Notice of Bond Sale," substantially in the form attached hereto as *Exhibit A*, to be published as required by law.

SECTION 4. The Mayor of the Lexington-Fayette Urban County Government shall, in a Certificate of Award accepting the successful bid for the Bonds, determine the exact rate or rates of interest which said Series 2009B Bonds shall bear, and the interest rate or rates on said Series 2009B Bonds shall be automatically fixed at the rate or rates set out in the successful bid accepted by said Certificate of Award. The proceeds of the sale of said Series 2009B Bonds shall be applied to the funding of a portion of the unfunded liabilities in the Pension Fund and expended as provided in the Ordinance authorizing the Series 2009B Bonds.

SECTION 5. In the event that no bid shall be accepted for the purchase of the Series 2009B Bonds, bids may again be solicited for the purchase of the Series 2009B Bonds at a future date and hour at the discretion of the Mayor and/or the Commissioner of Finance, without the necessity of further authorization by the Urban County Council.

SECTION 6. All resolutions or orders or parts thereof, if any, in conflict with the provisions of this Resolution, are to the extent of such conflict, hereby repealed.

SECTION 7. This Resolution shall become effective upon the date of its passage.



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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Finance and Administration

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Kyna Koch, Commissioner *Kyna Koch*
Department of Finance and Administration

DATE: February 10, 2009

SUBJECT: Ordinance Authorizing Issuance of Bonds

Authorization is requested to issue \$70 million in taxable general obligation bonds to begin addressing the unfunded liability in the Policemen's and Firefighters' Retirement Fund. The bonds were authorized in the 2008-2009 Budget. Annual debt service of approximately \$5.9 million will be budgeted in the 2009-2010 Budget and for the subsequent nineteen years. A companion resolution is also requested to authorize advertising for bid. Both the ordinance and the resolution are required documents for this bond sale.

Attachment

kk/lyb

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ORDINANCE NO. _____-2009

AN ORDINANCE OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AUTHORIZING THE ISSUANCE OF TAXABLE GENERAL OBLIGATION PENSION FUNDING BONDS, SERIES 2009B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$70,000,000 (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY AN AMOUNT OF UP TO TEN PERCENT (10%)) FOR THE PURPOSE OF FINANCING THE COSTS OF FUNDING UNFUNDED LIABILITIES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT; APPROVING THE FORM OF THE SERIES 2009B BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE SERIES 2009B BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE SERIES 2009B BONDS; CREATING BOND PAYMENT FUNDS; MAINTAINING THE HERETOFORE ESTABLISHED SINKING FUND; AUTHORIZING ACCEPTANCE OF THE BID OF THE BOND PURCHASER FOR THE PURCHASE OF THE SERIES 2009B BONDS; AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, the Lexington-Fayette Urban County Government (the "Lexington-Fayette Urban County Government"), pursuant to actuarial reports prepared for the Lexington-Fayette Urban County Government, has previously determined that there exist unfunded liabilities to the Lexington-Fayette Urban County Government's Policemen's and Firefighter's Pension Fund (the "Pension Fund") and that there is a need to fund such unfunded liabilities (the "Project"); and

WHEREAS, the Lexington-Fayette Urban County Government has determined that it is in the best interests of the Lexington-Fayette Urban County Government that the Project be financed through the issuance by the Lexington-Fayette Urban County Government of its Taxable General Obligation Pension Funding Bonds, Series 2009B in the principal amount of \$70,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) (the "Series 2009B Bonds"); and

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WHEREAS, pursuant to the Constitution and Laws of the Commonwealth of Kentucky, and particularly KRS 66.011 et. seq. (the "Act"), an urban county government may issue bonds, subject to the requirements of the Act, to fund unfunded liabilities; and

WHEREAS, the Lexington-Fayette Urban County Government desires to finance the Project through the issuance of the Series 2009B Bonds, to be sold and awarded to the successful bidder (the "Purchaser") at public, competitive sale in accordance with the provisions of Section 66.141 et seq. and Chapter 424 of the Kentucky Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE URBAN COUNTY COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, AS FOLLOWS:

SECTION 1. Necessity, Authorization and Purpose. The Lexington-Fayette Urban County Government hereby declares that it is necessary to issue and authorizes the issuance of its Taxable General Obligation Pension Funding Bonds, Series 2009B, in an aggregate principal amount of \$70,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) (the "Permitted Adjustment") for the purpose of (i) funding unfunded liabilities to the Lexington-Fayette Urban County Government's Policemen's and Firefighter's Pension Fund and (ii) paying the costs of issuance of the Series 2009B Bonds.

The Series 2009B Bonds shall be offered for sale in accordance with the provisions hereof, and the determination of the best bids for the Series 2009B Bonds shall be made on the basis of all bids submitted for \$70,000,000 principal amount of Series 2009B Bonds; provided however, the Permitted Adjustments are reserved by the Lexington-Fayette Urban County Government hereunder, with such increases or decreases to be made in any principal maturity so that the total principal amount of Series 2009B Bonds awarded to the best bidder may be a maximum of \$77,000,000 or a minimum of \$63,000,000. In the event of any such Permitted

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Adjustment, no rebidding or recalculation of a submitted bid will be required or permitted; the price at which such adjusted principal amount of Series 2009B Bonds will be sold shall be at the same price per \$1,000 of Series 2009B Bonds as the price per \$1,000 of the \$70,000,000 of Series 2009B Bonds bid.

SECTION 2. Form. The Series 2009B Bonds shall be issued as fully registered bonds, shall be designated "Taxable General Obligation Pension Funding Bonds, Series 2009B", shall express upon their faces the purpose for which they are issued, that they are issued under the Act and shall be substantially in the form set forth in *Annex A*.

The Series 2009B Bonds shall be in denominations as requested by the Purchaser, which shall be in integral multiples of five thousand dollars (\$5,000). The Series 2009B Bonds shall each be dated their date of initial issuance and delivery, or such other date as is determined in a certificate of award accepting the bids of the Purchaser (the "Certificate of Award") to be executed by the Mayor following the sale of the Series 2009B Bonds.

Interest on the Series 2009B Bonds shall be payable each [February 1 and August 1 (an "Interest Payment Date"), commencing August 1, 2009], at the stated interest rate or rates on the principal amounts thereof.

The Series 2009B Bonds shall be serial or term bonds maturing, on the basis of substantially level debt service, on [February 1, 2010 and each February 1] thereafter in the years and in the amounts to be established in the Certificate of Award after advertised competitive sale of the Series 2009B Bonds based on the interest rates set forth in the successful bid (the "Series 2009B Bid") and the provisions of this Section 2, provided that the final maturity date of the Series 2009B Bonds shall be as set forth in the Certificate of Award but shall be no later than [February 1, 2034.] The interest rate or rates on the Series 2009B Bonds shall be

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determined in the Certificate of Award based on the Series 2009B Bid; provided that the aggregate true interest cost of the Series 2009B Bonds shall not exceed ten percent (10.0%).

The Series 2009B Bonds maturing on and after [February 1, 2019] shall be subject to optional redemption prior to their maturity on any date on or after [February 1, 2018], in whole or in part, in such order of maturities as shall be designated in writing by the Lexington-Fayette Urban County Government, and by lot within a maturity, at the election of the Lexington-Fayette Urban County Government upon 45 days' written notice to the Paying Agent and Registrar (hereinafter defined) at a redemption price equal to the par amount thereof, plus accrued interest to such date of redemption or such other redemption date as determined in the Certificate of Award establishing the redemption provisions for the Series 2009B Bonds.

At least thirty (30) days before the optional or mandatory sinking fund redemption date of any Series 2009B Bonds, the Paying Agent and Registrar (as hereinafter defined) shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, first class, postage prepaid, to all registered owners of the Series 2009B Bonds to be redeemed at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure to mail any such notice shall not affect the validity of the proceedings for such redemption of Series 2009B Bonds for which such notice has been sent. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the Series 2009B Bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive series, number or letters, if any, of such Series 2009B Bonds to be redeemed.

On the date so designated for redemption, notice having been mailed in the manner under the conditions hereinabove provided and moneys for payment of the redemption price being held

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in the Series 2009B Bond Payment Fund by the Paying Agent and Registrar for the registered owners of the Series 2009B Bonds to be redeemed, the Series 2009B Bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such Series 2009B Bonds on such date, interest on the Series 2009B Bonds so called for redemption shall cease to accrue, and the registered owners of such Series 2009B Bonds shall have no right in respect thereof except to receive payment of the redemption price thereof.

The Series 2009B Bonds may be issued in book-entry-only form through the services of the Depository Trust Company ("DTC"). If the Lexington-Fayette Urban County Government determines to issue the Series 2009B Bonds in book-entry-only form the Designated Officers (hereinafter defined) are authorized to execute all documents necessary to accomplish such form of issuance.

SECTION 3. Execution and Delivery. The Series 2009B Bonds shall be executed by the manual or facsimile signature of the Mayor and duly attested by the manual or facsimile signature of the Urban County Council Clerk (which, together with any other person as may be authorized by resolution are referred to as "Designated Officers"), shall have the seal of the Lexington-Fayette Urban County Government or a facsimile thereof affixed thereto, and shall bear the manual authenticating signature of an authorized representative of the bank designated in the Certificate of Award as the Paying Agent and Registrar for the Series 2009B Bonds (the "Paying Agent and Registrar"). The Designated Officers are further authorized and directed to deliver the Series 2009B Bonds to the Purchaser, upon the terms and conditions provided herein, in the Certificate of Award and in the Bid, receive the proceeds therefor, execute and deliver such certificates and other closing documents and take such other action as may be necessary or

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appropriate in order to effectuate the proper issuance, sale and delivery of the Series 2009B Bonds.

The Lexington-Fayette Urban County Government hereby authorizes and directs the Paying Agent and Registrar to authenticate the Series 2009B Bonds and to deliver the Series 2009B Bonds to the Purchaser upon payment of the purchase price thereof.

SECTION 4. Filing. The Designated Officers are hereby authorized to undertake and cause all filings of notices or information which may be required by law to be filed by the Lexington-Fayette Urban County Government, including, but not limited to, the filing with the State Local Debt Officer required by law.

SECTION 5. Series 2009B Bond Payment Fund; Payment of Series 2009B Bonds.

There is hereby established with the Paying Agent and Registrar a bond payment fund in the name of the Lexington-Fayette Urban County Government to be known as Taxable General Obligation Pension Funding Bonds, Series 2009B Bond Payment Fund (the "Series 2009B Bond Payment Fund"), into which the Lexington-Fayette Urban County Government covenants to deposit, and into which the Designated Officers are hereby authorized and directed to deposit from the Sinking Fund (heretofore established or created), on or before the twenty-fifth day of each month which precedes an Interest Payment Date, the amounts required to pay principal of and interest due on the Series 2009B Bonds on such Interest Payment Date. The Paying Agent and Registrar shall, without further authorization from the Lexington-Fayette Urban County Government withdraw from the Series 2009B Bond Payment Fund, on such Interest Payment Date, the amounts necessary to pay principal of, and interest on, the Series 2009B Bonds to the registered owner of the same.

Payment of or on account of the interest on and principal of the Series 2009B Bonds shall be made directly to the Paying Agent and Registrar for the account of the registered owner. Interest on the Series 2009B Bonds shall be payable by check, mailed to the person whose name appears on the fifteenth day preceding an Interest Payment Date on the bond registration records as the registered owner, on each Interest Payment Date or by other transfer of funds acceptable to such registered owner and the Paying Agent and Registrar. Principal shall be payable in such coin or currency of the United States of America as shall be legal tender for the payment of public and private debts at the time and place of payment upon delivery of the Series 2009B Bonds to the Paying Agent and Registrar or by other transfer of funds acceptable to the Paying Agent and Registrar and such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2009B Bonds to the extent of the sum or sums so paid.

The Paying Agent and Registrar is hereby appointed depository of the Series 2009B Bond Payment Fund with respect to the Series 2009B Bonds.

If the Lexington-Fayette Urban County Government shall fail or refuse to make any required deposit in the Series 2009B Bond Payment Fund from the Sinking Fund, the Paying Agent and Registrar shall (i) notify any agency of the Commonwealth of Kentucky or any political subdivision thereof which may collect and distribute taxes or revenues for the Lexington-Fayette Urban County Government to seek any available necessary or proper remedial action; and (ii) upon being indemnified against cost and expense, exercise any remedy provided in the Act or at law or in equity for the benefit of the owner of the Series 2009B Bonds or its assignee, and shall disburse all funds so collected to the owners of the Series 2009B Bonds as payment of the Series 2009B Bonds.

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SECTION 6. General Obligation. The Bonds shall be full general obligations of the Lexington-Fayette Urban County Government and, for the payment of said Bonds and the interest thereon, the full faith, credit and revenue of the Lexington-Fayette Urban County Government are hereby pledged for the prompt payment thereof. During the period the Series 2009B Bonds are outstanding, there shall be and there hereby is levied on all the taxable property in the Lexington-Fayette Urban County Government, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the principal of and interest on the Series 2009B Bonds when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof provided, however, that in each year to the extent that the other lawfully available funds of the Lexington-Fayette Urban County Government are available for the payment of the Series 2009B Bonds and are appropriated for such purpose, including the proceeds of the Series 2009B Bonds, the amount of such direct tax upon all of the taxable property in the Lexington-Fayette Urban County Government shall be reduced by the amount of such other funds so available and appropriated.

SECTION 7. Maintenance of Sinking Fund. There has heretofore been established with the Lexington-Fayette Urban County Government a sinking fund (the "Sinking Fund"), which is hereby ordered maintained so long as any of the Series 2009B Bonds shall remain outstanding. The funds derived from the tax levy required by Section 7 hereof or other lawfully available funds shall be placed in the Sinking Fund and, together with interest collected on the

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same, are irrevocably pledged for the payment of the interest on and principal of all bonds issued under the Act and Tax-Supported Leases, as defined in the Act, when and as the same fall due. Amounts shall be transferred from the Sinking Fund to the Series 2009B Bond Payment Fund at the times and in the amounts required by Section 6 hereof.

SECTION 8. Sale of Bonds; Certificate of Award. The Designated Officers are hereby directed to sell the Series 2009B Bonds to the Purchaser at advertised competitive sale, the final principal amount of, the principal amortization of and the interest rate or rates on the Series 2009B Bonds to be established in accordance with the requirements of Sections 1 and 2 hereof by adoption of the Certificate of Award. The Mayor of the Lexington-Fayette Urban County Government is hereby authorized to execute the Certificate of Award establishing the terms of the Series 2009B Bonds described herein and any other provisions required by and not inconsistent with this Bond Ordinance without any further action by the Urban County Council.

SECTION 9. Registered Owner; Transfer; Exchange. As long as the Series 2009B Bonds executed and delivered hereunder shall remain outstanding, the Paying Agent and Registrar shall maintain an office for the registration of such Series 2009B Bonds and shall also keep at such office books for such registration and transfers. The registered owners of the Series 2009B Bonds, as set forth in the registration books maintained by the Paying Agent and Registrar on the fifteenth day preceding the Interest Payment Date, or its assignees, for purposes of this Bond Ordinance, to the extent of its interest, shall be treated as the owner of the applicable Series 2009B Bonds and shall be entitled to all rights and security of the owner of the applicable Series 2009B Bonds hereunder.

Upon surrender for registration of transfer of Series 2009B Bonds at the office of the Paying Agent and Registrar with a written instrument of transfer satisfactory to the Paying Agent

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and Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, the Paying Agent and Registrar shall execute and deliver, in the name of the designated transferee or transferees, one or more Series 2009B Bonds of any authorized denomination and of a like tenor and effect.

All Series 2009B Bonds, upon surrender thereof at the office of the Paying Agent and Registrar, may, at the option of the registered owner thereof be exchanged for an equal aggregate principal amount of Series 2009B Bonds of the same series of any authorized denomination.

In all cases in which the privilege of exchanging or transferring Series 2009B Bonds is exercised, the Paying Agent and Registrar shall execute and deliver Series 2009B Bonds in accordance with the provisions of this Section. Every such exchange or transfer of Series 2009B Bonds, whether temporary or definitive, shall be without charge; provided that the Paying Agent and Registrar may impose a charge sufficient to reimburse it or the Lexington-Fayette Urban County Government for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

SECTION 10. Book-entry System. For purposes of this Bond Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Series 2009B Bonds may be transferred only through a book entry, and (ii) physical Series 2009B Bond certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Series 2009B Bonds "immobilized" to the custody of the Depository, and the book entry

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maintained by others than the Lexington-Fayette Urban County Government or the Paying Agent and Registrar is the record that identifies the owners of beneficial interests in those Series 2009B Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Series 2009B Bonds or principal and interest, and to effect transfers of Series 2009B Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

All or any portion of the Series 2009B Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section 9 shall apply to such Series 2009B Bonds, notwithstanding any other provision of this Bond Ordinance. If and as long as a book entry system is utilized with respect to any such Series 2009B Bonds: (i) there shall be such number of Series 2009B Bonds of each maturity as the Depository shall specify; (ii) those Series 2009B Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Series 2009B Bonds in book entry form shall have no right to receive Series 2009B Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Series 2009B Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Series 2009B

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Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Urban County Council. Debt service charges on Series 2009B Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the Lexington-Fayette Urban County Government's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Series 2009B Bonds as provided in this Bond Ordinance.

The Paying Agent and Registrar may, with the approval of the Lexington-Fayette Urban County Government, enter into an agreement with the beneficial owner or registered owner of any Series 2009B Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Series 2009B Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Bond Ordinance, without prior presentation or surrender of the Series 2009B Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to the Lexington-Fayette Urban County Government. That payment in any event shall be made to the person who is the registered owner of that Series 2009B Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for Series 2009B Bonds and to the Lexington-Fayette Urban County Government. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Bond Ordinance.

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The Mayor of the Lexington-Fayette Urban County Government is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Lexington-Fayette Urban County Government a letter agreement among the Lexington-Fayette Urban County Government, the Paying Agent and Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Series 2009B Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as depository for the Series 2009B Bonds for use in a book entry system, the Lexington-Fayette Urban County Government and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Bond Ordinance. If the Lexington-Fayette Urban County Government and the Paying Agent and Registrar do not or are unable to do so, the Lexington-Fayette Urban County Government and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Series 2009B Bonds from the Depository and authenticate and deliver Series 2009B Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Series 2009B Bonds), if the event is not the result of action or inaction by the Urban County Council or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 11. Disposition of Proceeds. The proceeds of the sale of the Series 2009B Bonds shall be deposited, together with other available funds of the Lexington-Fayette Urban County Government, as follows: (a) accrued interest, if any, shall be deposited to the Series 2009B Bond Payment Fund created in Section 5 hereof, (b) an amount to fund a portion of the unfunded liabilities in the Pension Fund shall be deposited therein; and (c) the remainder of

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SECTION 16. Effective Date. This Bond Ordinance shall become effective immediately upon the date of its passage.

INTRODUCED AND GIVEN FIRST READING at a duly convened meeting of the Urban County Council of the Lexington-Fayette Urban County Government on the ____ day of _____, 2009.

GIVEN SECOND READING, ENACTED AND ADOPTED at a duly convened meeting of the Urban County Council of the Lexington-Fayette Urban County Government on the ____ day of _____, 2009.

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT**

By: _____

Jim Newberry
Mayor

ATTEST:

By: _____

Susan Lamb
Urban County Council Clerk

1990-07

1990-07

1990-07-01 to 1990-07-31

1990-07

1990-07-01 to 1990-07-31

1990-07-01 to 1990-07-31

1990-07-01 to 1990-07-31

1990-07-01 to 1990-07-31

1990-07-01 to 1990-07-31

1990-07-01 to 1990-07-31

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Statutes, and pursuant to an ordinance duly adopted by the Urban County Council of the Lexington-Fayette Urban County Government on the ____ day of February, 2009 (the "Bond Ordinance") upon the affirmative vote of at least a majority of the members of its Urban County Council at a public meeting duly and regularly held and after filing proper notice with the State Local Debt Officer of the Commonwealth of Kentucky.

This Series 2009B Bond and the issue of which it forms a part is a general obligation of the Lexington-Fayette Urban County Government and the full faith, credit and revenue of the Lexington-Fayette Urban County Government are pledged to the payments due hereunder. THIS SERIES 2009B BOND IS CONTINUALLY SECURED BY THE FAITH, CREDIT AND REVENUE OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.

The Series 2009B Bonds mature on the first day of February of the following years, in the respective principal amounts and bear interest at the following rates of interest:

<u>Maturity Date</u>	<u>Amount</u>	<u>Interest Rate Per Annum</u>
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The Series 2009B Bonds maturing on and after [February 1, 2019 shall be subject to optional redemption prior to their maturity on any date on or after February 1, 2018], in whole or in part, in such order of maturity as shall be designated in writing by the Lexington-Fayette Urban County Government, and by lot within a maturity, at the election of the Lexington-Fayette Urban County Government upon 45 days' written notice to the Paying Agent and Registrar (hereinafter defined) at a redemption price equal to the par amount thereof, plus accrued interest to the date of redemption.

At least thirty (30) days before the redemption date of any Series 2009B Bonds the Paying Agent and Registrar shall cause a notice of such redemption signed by the Paying Agent and Registrar, to be mailed, first class, postage prepaid, to all registered owners of the Series 2009B Bonds to be redeemed at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure to mail any such notice shall not affect the validity of the proceedings for such redemption of Series 2009B Bonds for which such notice has been sent. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the Series 2009B Bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive number or letters, if any, of such Bonds to be redeemed.

On the date so designated for redemption, notice having been published in the manner under the conditions hereinabove provided and moneys for payment of the redemption price being held in the Series 2009B Bond Payment Fund by the Paying Agent and Registrar for the registered owners of the Series 2009B Bonds to be redeemed, the Series 2009B Bonds so called for redemption shall become and be due and payable at the redemption price provided for

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redemption of such Bonds on such date, interest on the Series 2009B Bonds so called for redemption shall cease to accrue, and the registered owners of such Series 2009B Bonds shall have no right in respect thereof except to receive payment of the redemption price thereof.

No recourse shall be had for the payment of the principal of or the interest on this Series 2009B Bond, or for any claim based hereon, against any officer, agent or employee, past, present or future, of the Lexington-Fayette Urban County Government, as such, either directly or through the Lexington-Fayette Urban County Government, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise; all such liability of such officers, agents or employees is hereby renounced, waived and released as a condition of and as consideration for the issuance, execution and acceptance of this Series 2009B Bond.

It is hereby certified that all acts, conditions and things required to be done, to occur or be performed precedent to and in the issuance of this Series 2009B Bond, or in the creation of the obligations of which this Series 2009B Bond is evidence, have been done, have occurred and have been performed in regular and due form and manner as required by law; that the faith, credit and revenue of the Lexington-Fayette Urban County Government are hereby irrevocably pledged for the prompt payment of the principal hereof and interest hereon; that the repayment obligation represented by this Series 2009B Bond is not in excess of any constitutional or statutory limitation; and that due provision has been made for the levy and collection of a tax sufficient in amount to pay the interest on this Series 2009B Bond as it falls due and to provide for the redemption of this Series 2009B Bond at maturity or upon earlier redemption.



120-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Finance and Administration

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Kyna Koch, Commissioner
Department of Finance and Administration

DATE: February 10, 2009

SUBJECT: Reimbursement Resolution for Lyric Theatre Bonds

The purpose of this reimbursement resolution is to allow spending on the Lyric Theatre project, approved in the amount of \$6 million in the 2008-2009 Budget. This resolution provides a mechanism for the project to move forward prior to the sale of the bonds. Expenditures for the project will be from the General Fund and reimbursed upon the sale of the bonds later this fiscal year. Most of the other 2009 projects were approved in a prior resolution. However, the Lyric project was not, awaiting a business plan from AMS Planning and Research which is now complete. The practice of approval of a reimbursement resolution is consistent with prior practice and is a generally accepted mechanism in the accounting community.

Attachment

kk/lyb

HORSE CAPITAL OF THE WORLD



126-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM STONEWALL WESLEYAN CHURCH AT
3353 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**

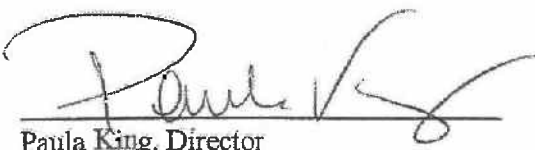
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 2595.1 square feet of temporary construction easement at 3353 Clays Mill Road from Stonewall Wesleyan Church in the amount of \$1,300.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSEPH AND MARGARET FOX AT 3432 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

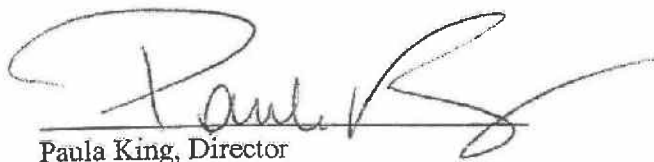
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 667.2 square feet of temporary construction easement at 3432 Clays Mill Road from Joseph and Margaret Fox in the amount of \$1,000.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM GRETCHEL AND JANE HIGNITE AT 3433 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 907.9 square feet of temporary construction easement at 3433 Clays Mill Road from Gretchel and Jane Hignite in the amount of \$1,375.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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129-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM HELEN LATHAM AT 3436 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

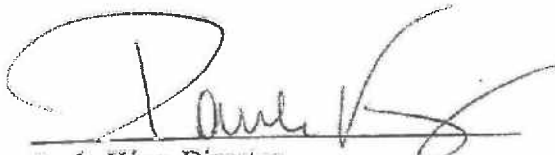
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 448 square feet of temporary construction easement at 3436 Clays Mill Road from Helen Latham in the amount of \$675.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM DONNA ROUSEY AT 3444 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

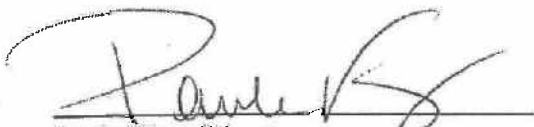
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 644.4 square feet of temporary construction easement at 3444 Clays Mill Road from Donna Rousey in the amount of \$975.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM DAVID NOYES AT 3445 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

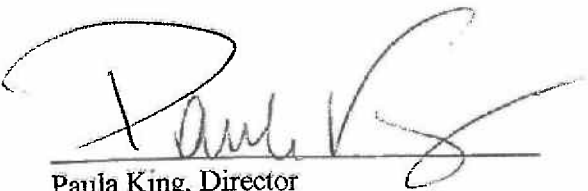
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 223.5 square feet of temporary construction easement at 3445 Clays Mill Road from David Noyes in the amount of \$350.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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132-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM JOSEPH MOORE AT 3448 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 468.2 square feet of temporary construction easement at 3448 Clays Mill Road from Joseph Moore in the amount of \$725.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works



133-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM STERLING AND REBECCA WELCH AT
3449 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 1085 square feet of temporary construction easement at 3449 Clays Mill Road from Sterling and Rebecca Welch in the amount of \$1,650.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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134-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM MARY ANN TERRY AT 3452 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 565.6 square feet of temporary construction easement at 3452 Clays Mill Road from Mary Ann Terry in the amount of \$850.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works



135 - 09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM CAMERON AND MARY PECK AT 3453
CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 989.9 square feet of temporary construction easement at 3453 Clays Mill Road from Cameron and Mary Peck in the amount of \$1500.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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136-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM CLAUDIA JOHNSON AND JANET
CARTER AT 3456 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD
IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 541.5 square feet of temporary construction easement at 3456 Clays Mill Road from Claudia Johnson and Janet Carter in the amount of \$825.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD



137-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM JACK C. ROOKARD, JR., AT 3457 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

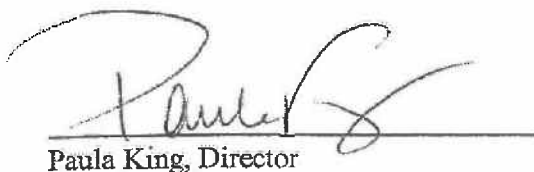
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 1500 square feet of temporary construction easement at 3457 Clays Mill Road from Jack C. Rookard, Jr., in the amount of \$2250.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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139-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM ROY PRATER AT 3464 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 396.6 square feet of temporary construction easement at 3464 Clays Mill Road from Roy Prater in the amount of \$600.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD
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100-100

NATIONAL RIFLE ASSOCIATION OF AMERICA

TO:

JIM

FROM:

THE NATIONAL RIFLE ASSOCIATION OF AMERICA

SUBJECT:

THE NATIONAL RIFLE ASSOCIATION OF AMERICA

DATE:

100-100

The National Rifle Association of America is a non-profit organization that is dedicated to the promotion of the responsible use of firearms. We are committed to the safety and security of our members and the public. We are also committed to the preservation of the Second Amendment to the United States Constitution.

We are currently seeking members who are interested in the responsible use of firearms. If you are interested, please contact us at 100-100.

We are also seeking members who are interested in the preservation of the Second Amendment to the United States Constitution.

100-100	100-100	100-100	100-100	100-100	100-100
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We are currently seeking members who are interested in the responsible use of firearms. If you are interested, please contact us at 100-100.

Paul

THE NATIONAL RIFLE ASSOCIATION OF AMERICA



141-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM DIANNE AND JOHN GERSTEL AT 3468
CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**

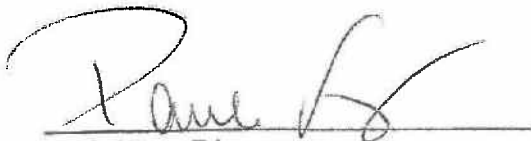
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 431.6 square feet of temporary construction easement at 3468 Clays Mill Road from Dianne and John Gerstel in the amount of \$650.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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142-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF PERMANENT STORM WATER EASEMENT AND A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM ZACH AND LINDA CARTER AT 3469 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 524 square feet of permanent storm water easement and 766.2 square feet of temporary construction easement at 3469 Clays Mill Road from Zach and Linda Carter in the amount of \$3,125.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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143-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM DAMIEN AND CATHLEEN MOORE AT 3470 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 385 square feet of temporary construction easement at 3470 Clays Mill Road from Damien and Cathleen Moore in the amount of \$600.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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144-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM EVELYN NAPIER AT 3473 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 1040.3 square feet of temporary construction easement at 3473 Clays Mill Road from Evelyn Napier in the amount of \$1,575.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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145-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM CRISS R. AND REBECCA A
CHANCELLOR AT 3506 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD
IMPROVEMENTS PROJECT**


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 684.3 square feet of temporary construction easement at 3506 Clays Mill Road from Criss R. and Rebecca A. Chancellor in the amount of \$1,050.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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146-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM MAURICE AND DEBORAH REED AT 3510 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 2344.8 square feet of temporary construction easement at 3510 Clays Mill Road from Maurice and Deborah Reed in the amount of \$3,975.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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147-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: FEBRUARY 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM ROSE GRIDER AT 3514 CLAYS MILL
ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

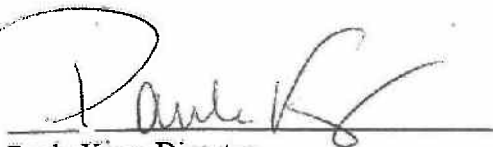
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The Division of Engineering has negotiated a purchase of 932.2 square feet of temporary construction easement at 3514 Clays Mill Road from Rose Grider in the amount of \$1,400.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

200 East Main Street 6th Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com



148-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM DAVID AND SANDRA EVANS AT 3561
CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT

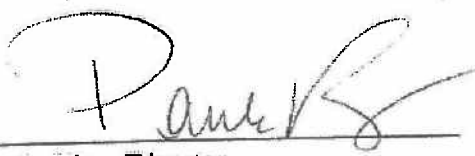
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 381.1 square feet of temporary construction easement at 3561 Clays Mill Road from David and Sandra Evans in the amount of \$575.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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149-09

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: February 6, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 - Georgetown Street Sidewalk Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from James & Linda Godfrey at a cost of \$100.00 for the acquisition of 5.39 square feet of permanent sidewalk easement and 42.09 square feet of temporary construction easement from the property located at 385 Georgetown Street.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

Marwan Rayan, P.E.
Urban County Engineer

James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 385 Georgetown Street

HORSE CAPITAL OF THE WORLD



150-09

Mayor Jim Newberry
LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: February 6, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 - Georgetown Street Sidewalk Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from James & Linda Godfrey at a cost of \$100.00 for the acquisition of 7.1 square feet of permanent sidewalk easement and 48.04 square feet of temporary construction easement from the property located at 387 Georgetown Street.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

Marwan Rayan, P.E.
Urban County Engineer

James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 387 Georgetown Street

HORSE CAPITAL OF THE WORLD



125 -09


Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Commissioner's Office

Department of Environmental Quality

TO: Mayor Jim Newberry
Urban County Council

FROM:


Steve Feese, Director of Waste Management

DATE: January 15, 2009

RE: Change Order No. 2 for Consulting Services for Environmental Public
Education

The Division of Waste Management is requesting approval of a Change Order No.2 to the contract with Bluegrass PRIDE, the consulting firm for Waste Buster recycling program and anti-litter public education.

The original scope of services was for a comprehensive recycling and education pilot program in 10 schools; however in the last three years the program has grown to 72 school, 125 businesses, and 46 apartment complexes. The original budget for schools was \$257,475; PRIDE is requesting an additional \$80,000 to cover the addition of 22 schools.

The change order is for \$80,000 and the money is budgeted in account 1115 303506 0001 71299

The Division of Waste Management recommends approval.

HORSE CAPITAL OF THE WORLD

CONTRACT HISTORY FORM**125 -09**Contractor: Bluegrass PRIDEProject Name: WasteBustersContract Number and Date: 116-200631-May-06Responsible LFUCG Division: Waste Management**CHANGE ORDER DETAILS**

<u>Summary of Previous Change Orders To Date</u>	<u>Dollar Amount</u>	<u>Percent Change to Original Contract</u>
A. Original Contract Amount:	\$ <u>257,475.00</u>	
B. Cumulative Amount of Previous Change Orders:	\$ <u>No Change to ORIGINAL AMT</u>	<u>0%</u> % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	\$ _____	
<u>Current Change Order</u>		
D. Amount of This Change Order:	\$ <u>80,000.00</u>	<u>31%</u> % (Line D / Line A)
E. New Contract Amount Including this Change Order:	\$ <u>337,475.00</u>	<u>131%</u> % (Line E / Line A)

SIGNATURE LINESProject Manager: Steve Feese by JPDate: 2/11/09

Reviewed by: _____

Date: _____

Division Director: Steve Feese by ACDate: 2/11/09

LEXINGTON - FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER
Page 1 of 2

Date: 2/11/2009 125-0977

Project: WasteBusters

Location:

To (Contractor) Bluegrass PRIDE

Contract No 116-2006

Change Order No. 2

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Addition to services for WasteBuster recycling program and anti-litter public education. The program has grown to 72 schools, 125 businesses, and 46 apartment complexes.		\$80,000.00
2			
3			
4			
5			
6			
	Change in contract price due to this Change Order:		80000
	Total decrease	\$0.00	XXXXXXXXXXXXXX
	Total increase	XXXXXXXXXXXXXX	\$80,000.00
	Net (increase) contract price		\$337,475.00

The sum of _____ is hereby added to the total contract price, and the total adjusted contract price to date thereby is:
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Steve Feess *by SF* (Project Mgr) Date 2/11/09
Accepted by _____ (Contractor) Date _____
Approved by _____ (Director) Date _____
Approved by Cheryl Taylor *by AC* (Commissioner) Date 2/11/09
Approved by _____ (Mayor or SAM) Date _____



124-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Commissioner's Office

Department of Environmental Quality

TO: Mayor Jim Newberry
Urban County CouncilFROM: Steve Feese
Steve Feese, Director of Waste Management

DATE: February 4, 2009

RE: Change Order No. 1 for Gershman, Brickner & Bratton, Inc. for
Consulting Services for the Master Plan Recycling Program

The Division of Waste Management is requesting approval of a Change Order No.1 to the contract with Gershman, Brickner & Bratton, Inc., the consulting firm, for the Master Plan Recycling Program.

Gershman, Brickner & Bratton, Inc. has revised the existing scope of work to include two additional work products:

1. Preparation and submittal of a interim report to present the results of the December/January waste sorting event, and
2. Preparation and presentation to the Council a summary of the salient points of the project and the conclusions of the study.

The change order is for \$17,965 and the money is budgeted in account 1115 303501 0001 71299.

The Division of Waste Management recommends approval.

HORSE CAPITAL OF THE WORLD

CONTRACT HISTORY FORM**124-09**

79

Contractor: Gershman, Bricker & BrattonProject Name: Master Plan Recycling ProgramContract Number and Date: 6226 NovemberResponsible LFUCG Division: Waste Management**CHANGE ORDER DETAILS****Summary of Previous Change
Orders To Date****Dollar Amount****Percent Change to
Original Contract**A. Original Contract Amount: \$ 253,601.00B. Cumulative Amount of
Previous Change Orders: \$ 0% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ **Current Change Order**D. Amount of This Change Order: \$ 17,965.00 7% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 271,566.00 107% %
(Line E / Line A)**SIGNATURE LINES**Project Manager: Date: Reviewed by: Date: Division Director: Steve Fese by ACDate: 2/11/09

LEXINGTON - FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER
Page 1 of 2

Date: 2/14/09 80
Project: Master Plan 124-09
Recycling

Location:

To (Contractor)

Contract No

Change Order No. 1

You are hereby requested to comply with the following changes from
the contract plans and specifications:

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Preparation and submittal of interim report to present the results of the December/ January Waste sorting event		\$17,965.00
2	Preparation and presentation to Council a summary of salient points of the project and the project and the conclusions of study.		
3			
4			
5			
6			
7			
	Change in contract price due to this Change Order:		
	Total decrease	\$0.00	XXXXXXXXXXXXXX
	Total increase	XXXXXXXXXXXXXX	\$ 17,965.00
	Net (increase) contract price		\$271,566.00

The sum of _____ is hereby added to the total contract price, and the total adjusted contract price to date thereby is:

The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by _____ (Project Mgr) Date _____

Accepted by _____ (Contractor) Date _____

Approved by Steve Fenn by AC (Director) Date 2/11/09

Approved by Cheryl Taylor by AC (Commissioner) Date 2/11/09

Approved by _____ (Mayor or SAM) Date _____

URBAN COUNTY COUNCIL

Inter-Governmental Committee

February 10, 2009

CM James chaired the meeting, calling it to order at 1:05 pm. All members were present except Gray, Henson and Myers. CM James told the committee; CM Feigel has agreed to serve as Vice Chair of the Intergovernmental Committee.

I. Grievance Procedures

CM James who referred this item to committee asked Leslie Jarvis, HR Department to provide an update. Mr. Jarvis said her staff was asked to review the grievance procedure outlined in the ordinance for obstacles or issues that might need improvement in order to make the process more effective. She asked 10 business and local governments about their grievance process and with that a survey is in draft form, however, has not yet been finalized. They have consulted PIO about providing employees an electronic version of the survey when it becomes available.

CM Blues asked about a timeline for completion of the survey. Ms. Jarvis responded that in order to maintain the current work load, and work on People soft Project Synergy, it was not possible to give the survey full attention at this time. Blues told HR he thought review of the grievance process and a survey were important and he would like to see it given priority.

CM James asked Comm. Koch about completion. Koch told the committee due to staff shortages and People soft implementation she would take responsibility for why the survey was not done. She explained there were many HR processes that needed to be reviewed in order to take advantage of the People soft software, installation and many HR staff have been directed towards that effort. CM James asked how the Intergovernmental Committee or council could assist in completion of these types of legislative requests. She expressed concern that the survey was not completed and grievances still coming in from employees, Koch assured her this was a high priority of the administration as well.

II. Citizens Advocate Policy & Procedures

Joan Beck gave the update telling the committee the SOP information was passed along to the Law Department and a review is currently on-going. She is working with the IT Department to identify software to track and record cases,

issues, etc. Glenda George, Law Department commented telling the committee she hopes to have a draft of the changes available in approx. one week.

CM Blues asked if the draft would go back to the sub-committee which was chaired by CM Myers or directly to Intergovernmental Committee. CM James and Blues agreed the draft of the review should come before Intergovernmental Committee when it was ready.

III. Update on Committee Items

Paul Schoninger, Council Staff advised the committee there were three items on the list he was waiting for advice from CM Myers to delete or not. CM James mentioned the list now contained a "status column" to assist with tracking purposes.

No motions came from any issues on today's agenda.

A motion by CM James to adjourn seconded by CM Beard, passed without dissent.

The meeting adjourned at 1:23 p.m.