

AGENDA
CITY COUNCIL MEETING
SPECIAL SESSION
Monday, December 20, 2010
7:15 P.M.

1. Call to Order

2. Bill No. 10-1180: Municipal Light & Power Franchise Tax

3. Bill No. 10-1181: MODOT Contract for Downtown Connection STP-9900(044) Grant

4. Bill No. 10-1182: 2011 Transit Grant Application

CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
 - B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration there for (RSMo 610.021.2)
 - C. Hiring, firing, disciplining or promoting or particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
 - E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
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5. Additional items, if requested.

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF NEW MADRID, MISSOURI TO MUNICIPAL LIGHT AND POWER, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE ELECTRICAL POWER, WATER AND SEWER SERVICES TO THE CITY AND ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE ELECTRICAL POWER, WATER AND SEWER SERVICES TO THE CITY AND IN THE TERRITORY ADJACENT THERETO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS, RIGHTS OF WAY AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE TERMS AND CONDITIONS THEREOF.

WHEREAS, the Mayor and the Board of Aldermen of the City of New Madrid, Missouri have determined it is in the best interest of the citizens of the City of New Madrid, Missouri to establish a franchise agreement between the City of New Madrid and the entity known as Municipal Light and Power, which operates the electrical distribution system, the water treatment and distribution system, and the sewer treatment and distribution system within the City of New Madrid, Missouri,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI, AS FOLLOWS:

Section 1.1 Grant of Franchise

The City hereby grants to Municipal Light and Power , for the period specified, and subject to the conditions, terms and provisions contained in the ordinance, the right, privilege, franchise permission and authority to construct, maintain, operate and extend, in the present and future streets, alleys, avenues, bridges and public rights-of-way and public places as are now within the present or future limits of the City an electrical distribution system, water treatment and distribution system and sewer treatment and collection system for the purpose of furnishing, selling, and distributing said utility services to the City and all persons, businesses and industries within the City and beyond the limits of the City, including the right to acquire, construct , install, locate, maintain, operate and extend into within and through all streets, avenues, alleys, bridges and public rights-of-way and public places of the City, all facilities, mains, services, electrical distribution lines, transformers, poles, switches, meters, pipes, conduits, lift stations and appliances reasonably necessary for the transmitting, transporting, distribution, collection, treatment and supplying the said utilities to the City and to all persons, businesses, industries,

both within the City and beyond the limits of the City or to any other point, through or beyond the City limits of the City.

Section 1.2 Term of Franchise

The term of this franchise shall be for Ten (10) years, beginning January 1, 2011 and ending December 31, 2020.

Section 1.3 Effective Date

This Ordinance shall become effective upon its final passage and approval by the City in accordance with all applicable laws and regulations.

Section 1.4 Franchise Fee

In consideration for the grant of this franchise, Municipal Light and Power shall collect and remit to the City a sum equal to five percent (5%) of the gross revenues derived from the prior month's actual collections from the sale of electricity, water and sewer services within the City, which fee Municipal Light and Power agrees is adequate compensation. Franchise payments shall be made on the 15th of the month to the City of New Madrid, Missouri.

Section 1.5 Rates

Municipal Light and Power shall furnish utilities within the City to the City and all persons, businesses and industries within the City at the rates established by the Board of Aldermen.

Section 1.6 Service to New Areas

If during the term of this franchise the boundaries of the City are expanded, then any extension of service to the newly incorporated areas shall be in accordance with the rates and terms of service then in effect.

Section 1.7 Restoration of Services

In the event Municipal Light and Power's electrical distribution system, water treatment and distribution system or sewer treatment and collection system, or any part thereof, is partially or wholly destroyed or incapacitated, Municipal Light and Power shall use due diligence to restore its system to satisfactory service within the shortest practicable time. It shall not be a breach or default under this ordinance if either party fails to perform its obligations hereunder due to Force Majeure.

Section 1.8 Severability

If any portion of this Franchise Ordinance is declared illegal or void by a court of competent jurisdiction, the remainder of the ordinance shall be severable and not be affected thereby.

Section 1.9 Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

READ TWO TIMES AND DULY PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI THIS _____ DAY OF DECEMBER, 2010.

APPROVED:

DONNIE BROWN, MAYOR

ATTEST:

MARIAN B. BOCK, CITY CLERK

APPROVED AS TO FORM:

LYNN N. BOCK
CITY ATTORNEY

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF NEW MADRID AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR DOWNTOWN CONNECTION STP – 9900(044) SIDEWALK CONSTRUCTION ON MAIN STREET FROM RIVERFRONT TO VIRGINIA AVENUE AND PEDESTRIAN LIGHTING ON MAIN STREET FROM RIVERFRONT TO TENNESSEE AVENUE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID AS FOLLOWS:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of New Madrid a contract with the Missouri Highway and Transportation Commission providing for Downtown Connection STP – 9900(044) Sidewalk Construction on Main Street from Riverfront to Virginia Avenue and Pedestrian Lighting on Main Street from Riverfront to Tennessee Avenue.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

TITLE READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF DECEMBER, 2010.

APPROVED AS TO FORM:

City Attorney

Donnie Brown, Mayor

Attest:

City Clerk

BILL NO. 10-1182
City of New Madrid

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL FINANCIAL ASSISTANCE ON BEHALF OF THE CITY OF NEW MADRID AND TO EXECUTE ANY CONTRACT(S) RESULTING FROM SUCH APPLICATION FOR ANY GRANTS BETWEEN THE CITY OF NEW MADRID AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR CAPITAL, OPERATING, AND/OR MARKETING ASSISTANCE, COMPRISED OF FEDERAL FUNDS TO BE EXPENDED FOR COMMISSION APPROVED TRANSIT PROJECTS.

Be it ordained by the Board of Aldermen of the City of New Madrid as follows:

Section 1. That the Mayor is hereby authorized to apply for federal financial assistance on behalf of the City of New Madrid and to execute any contract(s) resulting from such application for any grants between the City of New Madrid and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THE _____ DAY OF DECEMBER, 2010.

Donnie Brown, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney