



**CALLED CITY COMMISSION MEETING
AGENDA FOR APRIL 14, 2020
5:30 PM
VIDEO TELECONFERENCE MEETING**

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

DELETIONS

Items on the Consent Agenda are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Agenda and considered separately. The City Clerk will read the items recommended for approval.

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for March 31, 2020
	B.	Receive & File Documents
	C.	Personnel Actions
	II.	<u>ORDINANCE(S) - EMERGENCY</u>
	A.	Small Business Relief Grant Criteria & Expenditure Approval - J ARNDT
	B.	Authorize Contract for Emergency Repairs of the building located adjacent to the Kresge Building - S KYLE
	III.	<u>ORDINANCE(S) - ADOPTION</u>
	A.	Closure of a Portion of an Alley Between 160 and 200 Bruce Avenue - R MURPHY
	B.	Approval of contract with Jim Smith Contracting, LLC in the amount of \$479,350.50 for the Greenway Trail Phase V project - R MURPHY
	C.	Approval of a Professional Services Contract with BFW Engineering & Testing, Inc. in the amount of \$250,000 for the Environmental Assessment Services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant) - R MURPHY

	IV.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Zone Change three lots located at 1128 & 1140 Broadway and 1143 Kentucky Ave from B-3 General Business Zone to M-2 Heavy Industrial Zone - T TRACY
		B.	Fiscal Year-End Business License Due Date Clarification - J PERKINS
		C.	Authorize a professional services agreement with Kroll Associates in the amount of \$45,000 for Endpoint IT Protection Services & Threat Monitoring - S CHINO
	V.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
	VI.	<u>EXECUTIVE SESSION</u>	

March 31, 2020

At a Called Meeting of the Board of Commissioners, held on Tuesday, March 31, 2020, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Harless presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5).

In order to keep the Commission and public safe in the midst of the COVID-19 outbreak and in accordance with Kentucky Executive Order 2020-243, Commissioners Abraham, McElroy and Watkins participated using video teleconferencing. Further, this meeting was not open to the public. The public was invited to view the meeting on Youtube at <https://www.youtube.com/user/paducahkygov> or on the government access channel Government 11 (Comcast channel 11).

INVOCATION:

Commissioner McElroy led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Harless led the pledge.

CONSENT AGENDA

Mayor Harless asked if the Board wanted any items on the Consent Agenda removed for separate consideration. There were no items removed. Mayor Harless asked the City Clerk to read the items on the Consent Agenda.

I(A)	Approve Minutes for the March 10, 2020 Meeting of the Board of Commissioners of the City of Paducah
I(B)	Receive and File Documents: <i>Minute File:</i> <ol style="list-style-type: none">1. Downtown Paducah Parking Assessment – Concepts 212. Geotechnical Subsurface Investigation – City Block Development3. HDR – Phase II Preliminary Environmental Site Investigation (PSI)4. Declaration of Local State of Emergency – February 17, 2020 Flooding5. Revocation – State telecom distribution fund – cable franchise fee – February 27, 20206. Certificate of Liability Insurance – Murtco, Inc.7. Certificate of Liability Insurance – McClusky Concrete Construction, Inc.8. Certificate of Liability Insurance – Coast to Coast Signs, LLC9. Paducah Parks and Recreation Master Plan – (MO#2324) <i>Deed File:</i> <ol style="list-style-type: none">1. Deed of Conveyance – City of Paducah to James M. Hardin and Jackie K. Bradford – 164 Clements Street (MO #2309)2. Deed of Conveyance – Michael and Tina Tolbert to City of Paducah – 1314 Oscar Cross (MO #2314)

	<p><u>Contract File:</u></p> <ol style="list-style-type: none"> 1. Agreement between City of Paducah and Adams Contracting LLC for Perkins Creek Pedestrian Bridge Project (ORD 2020-03-8619) 2. Engineering for Various Floodwall Closures – BFW Engineering & Testing (ORD 2020-03-8620) 3. Amendment to Tyler Technologies Contract (911)– (MO #2329) 4. American Queen Steamboat Company Docking Agreement (Signed by CM) 5. Grant Agreement – City of Paducah – Yeiser Art Center – Kentucky Arts Council Grant (MO #2312) <p><u>Financials File:</u></p> <ol style="list-style-type: none"> 1. GPEDC, Inc. – Financial Statement for year ended June 30, 2019 <p><u>Bids File:</u></p> <ol style="list-style-type: none"> 1. Bids for Rough Mower for Paxton Park Golf Course <ol style="list-style-type: none"> a. Hutson b. ERB Turf Equipment, Inc. *Bid Winner c. Kenney Machinery 2. Bids for Greens Mower for Paxton Park Golf Course <ol style="list-style-type: none"> a. Kenney Machinery *Bid Winner b. ERB Turf Equipment, Inc.
I(C)	<p>Appointment of Mary Katz, April Cochran, Steven Page, Cindy Ragland, and Shand Stamper to the Paducah Creative and Cultural Council. Mary Katz and April Cochran’s terms shall expire March 24, 2021; Steven Page and Cindy Ragland’s terms shall expire March 24, 2022; and Shand Stamper’s term shall expire March 24, 2023.</p>
I(D)	<p>Appointment of Deborah Edmonds to the Paducah Convention and Visitors Bureau. Said term shall expire December 31, 2023</p>
I(E)	<p>Reappointment of Paul King, Brad Arterburn and Shirley Walker and Appointment of Melissa Yates to the Forest Hills Village, Inc., Board. The term of Paul King shall expire May 6, 2024, the terms of Brad Arterburn and Shirley Walker shall expire November 4, 2024. Melissa Yates will fulfill the term of James C. Tidwell, who resigned. That term expires May 6, 2023.</p>
I(F)	<p>Personnel Actions</p>
I(G)	<p>A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS THROUGH THE KENTUCKY DEPARTMENT FOR LIBRARIES & ARCHIVES (KDLA) FOR A FY2020 LOCAL RECORDS PROGRAM GRANT IN THE AMOUNT OF \$33,529 BASED ON THE BIDS RECEIVED, FOR SERVICES RELATED TO DIGITIZING RECORDS FOR THE PADUCAH POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS RELATED TO SAME. (MO #2330, BK 11)</p>

March 31, 2020

I(H)	A MUNICIPAL ORDER ACCEPTING GRANT FUNDS THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR A 2019 U.S. BULLETPROOF VEST PARTNERSHIP GRANT AWARD IN AN AMOUNT OF \$4,367.71 FOR THE PURCHASE OF BODY ARMOR VESTS FOR USE BY THE PADUCAH POLICE DEPARTMENT (MO #2331, BK 11)
I(I)	A MUNICIPAL ORDER AUTHORIZING AN APPLICATION FOR A 2020-2021 KENTUCKY HOUSEHOLD HAZARDOUS WASTE GRANT THROUGH THE KENTUCKY DIVISION OF WASTE MANAGEMENT IN AN AMOUNT OF \$25,500 TO ASSIST IN FUNDING THE CITY/COUNTY ANNUAL SPRING CLEAN-UP DAY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2332, BK 11)
I(J)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES FOR THE LICENSE OF SOFTWARE AND THE PROCUREMENT OF RELATED PRODUCTS AND SERVICES (MO #2333, BK 11)
I(K)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS THROUGH THE KENTUCKY DEPARTMENT FOR LIBRARIES & ARCHIVES (KDLA) FOR A FY2020 LOCAL RECORDS PROGRAM GRANT IN THE AMOUNT OF \$16,567 BASED ON THE BIDS RECEIVED, FOR THE PURCHASE OF SERVICES RELATED TO DIGITIZING PERMANENT RECORDS FOR THE PADUCAH CITY CLERK'S OFFICE, AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS RELATED TO SAME (MO #2334, BK 11)
I(L)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY FOR A 2020 KENTUCKY OFFICE OF HOMELAND SECURITY GRANT IN THE AMOUNT OF \$437,172.81, TO ENABLE THE PADUCAH POLICE DEPARTMENT TO PURCHASE RADIO UPGRADES TO REPLACE ALL OUTDATED HANDHELD AND MOBILE RADIOS CURRENTLY IN USE (MO #2335, BK 11)

Mayor Harless offered motion, seconded by Commissioner Wilson, that the consent agenda be adopted as presented.

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless. (5)

RESOLUTION

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt a Resolution entitled, "A RESOLUTION AUTHORIZING THE ENGINEERING PROJECT MANAGER TO EXECUTE DOCUMENTS FOR AND ON BEHALF OF THE CITY OF PADUCAH TO APPLY FOR FINANCIAL ASSISTANCE THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR ALL MATTERS PERTAINING TO SUCH FEDERAL DISASTER ASSISTANCE."

March 31, 2020

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5).

MUNICIPAL ORDER

Commissioner Wilson offered motion, seconded by Mayor Harless, that the Board of Commissioners adopt a Municipal Order entitled, “MUNICIPAL ORDER PROVIDING FOR LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.”

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5).” (MO #2336, BK 11)

ORDINANCE – EMERGENCY

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce and adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING A LOCAL ECONOMIC STIMULUS PACKAGE TO MITIGATE THE IMPACT OF THE COVID-19 PANDEMIC BY AMENDING ORDINANCE NO. 2019-6-8578; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$250,000 FROM VARIOUS PROJECTS/FUNDS TO A SMALL BUSINESS RELIEF FUND AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR SMALL BUSINESS RELIEF; APPROVING A GROSS RECEIPT TAX EXTENSION FOR CALENDAR FILERS; TEMPORARILY WAIVING TAXICAB DRIVER'S LICENSE RENEWAL REQUIREMENTS; TEMPORARILY REDUCING SOLID WASTE COLLECTION RATES FOR COMMERCIAL ACCOUNTS; AND DECLARING AN EMERGENCY TO EXIST.” This ordinance is summarized as follows: This ordinance amends the annual budget of the City of Paducah by the following re-appropriations: Transfer \$250,000 to the COVID-19 Stimulus (MR0079) Project and authorizes the Finance Director to appropriate \$150,000 of the funds transferred to the COVID-19 Stimulus (MR0079) Project for the Small Business Relief Fund Program, upon approval of applications submitted. The remaining \$100,000 will be appropriated in the same manner upon receipt of donated funds from the Community Foundation of West Kentucky, but only in the form of 1-to-1 matching funds. Further, this ordinance postpones the filing of the annual Gross Receipts License Tax (Business License Tax) to July 15, 2020, for calendar year filers. This ordinance establishes a 50% price reduction for solid waste collection for commercial (non-residential) rollouts and commercial dumpsters. This fee reduction shall be in effect for commercial solid waste collection services provided during the months of April 2020 and May 2020. This ordinance waives the requirements related to Taxicab Driver’s License renewals until July 1, 2020. Pursuant to KRS 83A.060, the City Commission suspends the requirement of a second reading of this ordinance. As grounds therefor, the City Commission does hereby declare an emergency to exist due to the need to mitigate the local economic effects of the COVID-19 pandemic.

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). (ORD 2020-03-8623, BK 36)

ORDINANCE(S) – ADOPTIONS

APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$141,000 FOR THE REPLACEMENT OF PAXTON PARK GROUNDS EQUIPMENT

March 31, 2020

Commissioner Wilson offered motion, seconded by Mayor Harless, that the Board of Commissioners adopt an Ordinance entitled, “ AN ORDINANCE AMENDING ORDINANCE NO. 2019-6-8578, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2019, THROUGH JUNE 30, 2020, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT” This Ordinance is summarized as follows: That the annual budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as adopted by Ordinance No. 2019-6-8578, be amended by the following re-appropriations:

- Transfer \$141,000 from the FY2020 Fleet Trust Fund Fund Balance to the Fleet Trust Fund.

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-03-8624, BK 36)**

APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$80,000 FOR THE BUCKER LANE BRIDGE PROJECT

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2019-6-8578, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2019, THROUGH JUNE 30, 2020, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT” This Ordinance is summarized as follows: That the annual budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as adopted by Ordinance No. 2019-6-8578, be amended by the following re-appropriations:

- Transfer \$80,000 from the FY2020 Unreserved MAP Fund fund balance to the Flood Mitigation – Bridge Design Project Account PF0077

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-03-8625, BK 36)**

APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC., IN THE AMOUNT OF \$154,036 FOR ENGINEERING SERVICES FOR THE BUCKNER LANE BRIDGE PROJECT

Commissioner Wilson offered motion, seconded by Mayor Harless, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BFW ENGINEERING & TESTING, INC. IN AN AMOUNT OF \$154,036 FOR SURVEY, ROADWAY AND STRUCTURE DESIGN FOR THE BUCKNER LANE BRIDGE REPLACEMENT OVER CROOKED CREEK”. This Ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute a professional services agreement in an amount of \$154,036 with BFW Engineering & Testing, Inc. for professional services related to the Buckner Lane Bridge Replacement Project. This expenditure shall be charged to the Flood Mitigation-Bridge Design Project No. PF0077.

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-03-8626, BK 36)**

March 31, 2020

APPROVE PROFESSIONAL SERVICE CONTRACT FOR A CLASSIFICATION AND COMPENSATION STUDY FOR A BASE FEE OF \$39,000 WITH ADDITIONAL EXPENSES NOT TO EXCEED \$1,600 WITH CBIZ BENEFITS & INSURANCE SERVICES., INC. d/b/a CBIZ TALENT AND COMPENSATION SOLUTIONS

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CBIZ BENEFITS & INSURANCE SERVICES, INC. IN AN AMOUNT OF \$39,000 PLUS DIRECT EXPENSES IN AN AMOUNT NOT TO EXCEED \$1,600 FOR A CLASSIFICATION AND COMPENSATION STUDY FOR THE CITY OF PADUCAH.” This Ordinance is summarized as follows: That the Mayor is hereby authorized to execute a professional services agreement in the amount of \$39,000, plus direct expenses in an amount not to exceed \$1,600, with CBIZ Benefits & Insurance Services, Inc., for a classification and compensation study for the City of Paducah. This expenditure shall be charged to the Pay & Class Study 2020 Project Account No. MR0077.

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-03-8627, BK 36)**

ORDINANCE(S) – INTRODUCTION

CLOSURE OF A PORTION OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE

Commissioner Wilson offered motion, seconded by Mayor Harless, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE PROVIDING FOR THE CLOSING OF A PORTION OF PORTON OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME.” This ordinance is summarized as follows: The City of Paducah does hereby authorize the closure of a portion of an alley between 160 and 200 Bruce Avenue, and authorizes, empowers and directs the Mayor to execute a quitclaim deed from the City to the property owners in or abutting the public ways to be closed.

APPROVAL OF A CONTRACT WITH JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$479,350.50 FOR THE GREENWAY TRAIL PHASE V PROJECT

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE ACCEPTING THE BID OF JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$479,350.50 FOR THE GREENWAY TRAIL PHASE V PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME.” This Ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute a professional services agreement in an amount of \$479,350.50 with Jim Smith Contracting, LLC, for the Greenway Trail Phase V project and authorizes the transfer of \$50,000 from the Boyles Estate Trust into the Greenway Trail Phase V Project Account.

March 31, 2020

APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC., IN THE AMOUNT OF \$250,000 FOR THE ENVIRONMENT ASSESSMENT SERVICES FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD GRANT)

Commissioner Wilson offered motion, seconded by Mayor Harless, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC. IN THE AMOUNT OF \$250,000 FOR ENVIRONMENTAL SERVICES FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD GRANT).” This Ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute a professional services agreement in an amount of \$250,000 with BFW Engineering & Testing, Inc. for the Environmental Assessment Services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant).

COMMENTS FROM CITY MANAGER

Praised the City team in all they are doing to follow CDC guidelines; i.e., social distancing, working from home, etc., and the Commission for its leadership during the COVID-19 crisis. Thanked Public Information Officer Pam Spencer for her daily updates.

COMMENTS FROM MAYOR

- Reminded everyone that there is still Customer Experience personnel answering the phones at City Hall
- Reminded everyone about resources that are available during this time.
- Commented on extra trash pickup services that are available at this time.

COMMENTS FROM COMMISSION

- Commissioners Abraham and Watkins offered comments of hope and encouragement. Urged everyone to continue to follow CDC Guidelines and practice social distancing.
- Commissioner McElroy asked everyone to encourage health care workers. Also stated that the Dogwood Trail starts April 8.
- Commissioner Wilson urged everyone to continue to support small local businesses, and to encourage and support one another. She also encouraged people to light up if they are on the Dogwood Trail.

ADJOURN

Mayor Harless offered motion, seconded by Commissioner Wilson, to adjourn the meeting. All in favor.

Meeting ended at approximately 6:31 p.m.

ADOPTED: April 14, 2020

March 31, 2020

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

April 14, 2020

Minute File:

1. Declaration of a Local State of Emergency – March 16, 2020
2. Notice of Cancellation of Board of Commissioners meeting on March 24, 2020
3. Notice of Called Board of Commissioners meeting on March 31, 2020
4. Certificate of Liability Insurance – 3C’s Concrete Work, LLC
5. Certificate of Liability Insurance – MP Lawson Construction, LLC
6. Notice to Rescind Invitation to Bid for the City of Paducah’s Pavement Marking Contract for 2020-2021
7. Notice to Rescind Invitation to Bid for the City of Paducah’s supply of limestone for 2020-2021

Contract File:

1. Agreement with BFW Engineering & Testing, Inc. – Professional Services for the Buckner Lane Bridge Project in the amount of \$154,036 (**ORD 2020-03-8626**)
2. Amendment to Tyler Technologies ERP Contract – Change Order (**MO #2333**)
3. Designation of Applicants Agent authorizing Engineering Project Manager as Applicant Agent for all FEMA and KYEM documentation required for Federal Disaster Assistance (Resolution Adopted 3-31-2020)

Bids File:

Clerk’s Office Digitization Project – 2020

1. DRMS
2. U.S. Imagine
3. Scanning America
4. DocScan
5. Kofile
6. Courthouse Computer Systems
7. Justin Beard (Individual)
8. Integrity One
9. Keeforce – No Bid
10. Information Systems – No Bid

Proposals:

1. MER Commercial Diving Division – proposal for Riverfront Soundings - 2020

CITY OF PADUCAH
April 14, 2020

Upon the recommendation of the City Manager, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.

Michelle Smolen

City Manager's Office

4/10/2020

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
April 14, 2020**

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

POLICE - OPERATIONS

	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Turner, Troy	Operations Sergeant \$29.26/hr	Operations Captain \$34.35/hr	NCS	Ex	April 23, 2020
Antonites, Nathan A.	Operations Sergeant \$28.72/hr	Operations Captain \$35.02/hr	NCS	Ex	July 2, 2020
Hicks, Jason	Detective \$27.19/hr	Operations Sergeant \$28.21/hr	NCS	Non-Ex	April 23, 2020

PART-TIME PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

PARKS & RECREATION

Newberry, Peyton	Recreation Leader \$11.00/hr	Park Maintenance - Laborer \$11.00/hr	NCS	Non-Ex	April 9, 2020
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TERMINATIONS - PART-TIME (P/T)

PARKS & RECREATION

	<u>POSITION</u>	<u>REASON</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Goheen, Kevin A.	Park Maintenance - Laborer	Seasonal	NCS	Non-EX	April 2, 2020
McGregory, Joseph	Sports Official	Seasonal	NCS	Non-EX	April 2, 2020

ENGINEERING

Setter, James W.	Temp - Pump Operator	Seasonal	NCS	Non-EX	April 3, 2020
Adams, David J.	Temp - Pump Operator	Seasonal	NCS	Non-EX	April 3, 2020
Yarber, Jalen C.	Temp - Pump Operator	Seasonal	NCS	Non-EX	April 3, 2020
Leneave, Clayton G.	Temp - Pump Operator	Seasonal	NCS	Non-EX	April 3, 2020

Agenda Action Form

Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Small Business Relief Grant Criteria & Expenditure Approval - **J ARNDT**

Category: Ordinance

Staff Work By: Lindsay Parish, Tammara Tracy, Jonathan Perkins, Michelle Smolen, James Arndt

Presentation By: James Arndt

Background Information: On March 31, 2020, the City Commission adopted an emergency ordinance to Amend the FY20 budget to move \$250,000 from various city accounts to a project account for relief efforts associated with the COVID-19 pandemic. The ordinance also authorized the Finance Director to appropriate \$150,000 of the funds transferred to the COVID-19 Stimulus (MR0079) Project for the Small Business Relief Fund Program, upon approval of the applications submitted. The remaining \$100,000 will be appropriated in the same manner upon receipt of donated funds from the Community Foundation of West Kentucky, but only in the form of 1-to-1 matching funds.

This ordinance establishes the criteria for businesses applying for a grant from the Small Business Relief Fund. To be eligible for a grant under the Small Business Relief Fund Program, a business must:

- (1) Be categorized as a non-essential business that was required to cease or reduce operations as a result of the Executive Orders issued by the Governor;
- (2) Exist within the city limits in a brick-and-mortar location;
- (3) Be open and operating before January 1, 2020;
- (4) Employ 25 or fewer people;
- (5) Not be a franchise or franchise-affiliated; and
- (6) Be current on its payroll and property taxes as of March 1, 2020.

If a business is awarded a grant, it must:

- (1) Use the money towards rent, mortgage, payroll and/or utility bills; and
- (2) Provide proof of eligible expenditures by September 1, 2020.c.

If a business fails to spend the grant funds on eligible expenses and provide proof of such by September 1, 2020, the Mayor and/or City Manager are authorized to take any action(s) necessary to recover all unspent and/or ineligible-spent funds.

This ordinance also authorizes the Finance Director to appropriate \$150,000 of the \$250,000 currently in the COVID-19 Stimulus (MR0079) Project for the Small Business Relief Fund Program, upon approval of applications submitted in the form of \$2,000 grants to the first 75 awarded-recipients. Further it authorizes the Finance Director to appropriate the remaining \$100,000 as a matching grant in the form of 1-to-1 matching funds received through donations. Those grants will also be in the form of \$2,000 but the number of businesses awarded will be determined by the amount of funds donated.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): E-1 Encourage and assist local business retention and expansion

Funds Available: Account Name: COVID-19 Stimulus

Account Number: MR0079

Staff Recommendation: Approve the Emergency Ordinance.

Attachments:

1. Ordinance

ORDINANCE NO. 2020-_____ - _____

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE SMALL BUSINESS RELIEF FUND IN THE FORM OF GRANT AWARDS TO BUSINESSES THAT MEET CERTAIN CRITERIA AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, the President of the United States and the Governor of Kentucky have both declared a State of Emergency in response to the novel coronavirus (COVID-19) pandemic; and

WHEREAS, the Mayor of the City of Paducah declared a State of Emergency on March 16, 2020 in responses to the COVID-19 virus pandemic; and

WHEREAS, the City of Paducah recognizes the local effects of the COVID-19 pandemic including the implementation of state and federal recommendations for social distancing, closing businesses and/or reducing operations, and self-quarantining; and

WHEREAS, the City of Paducah further recognizes the financial impact on local businesses, its employees and the citizens resulting from both the state and federal recommendations and the necessary actions implemented by Executive Orders by Governor Beshear to reduce the spread of COVID-19 in the Commonwealth of Kentucky; and

WHEREAS, as a result of the COVID-19 pandemic, the City of Paducah anticipates a shortfall of approximately 25 per cent in payroll taxes to be paid during the next Fiscal Year; and

WHEREAS, the City of Paducah desires to provide economic assistance to small businesses that have been impacted by the COVID-19 pandemic by awarding grants of \$2,000 to businesses located within the city limits of the City of Paducah that were required to cease or reduce operations by Governor Andy Beshear's Executive Order 2020-257; and

WHEREAS, in doing so, the City of Paducah hopes to help bridge the gap for those small businesses so that they can continue to operate once they are allowed to continue and/or increase operations such that the City of Paducah and its citizens will benefit in the form of payroll taxes, property taxes, lower unemployment rates, quality of life, and other benefits that will be derived as a result of the continuation of business operations within the City; and

WHEREAS, in an effort to ensure the funds are being spent towards reaching the City of Paducah's goals as set forth herein, the City will require those businesses awarded said grants to provide proof that the funds were used towards qualifying expenses; and

WHEREAS, the City of Paducah intends to benefit the public at large by limiting the amount of funds to be awarded to each business to \$2,000 in an effort to assist as many businesses as possible.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. Small Business Relief Fund Program Criteria. That the following criteria are established relating to the expenditure of the Small Business Relief Fund:

a. To be eligible for a grant under the Small Business Relief Fund Program, a business must:

- (1) Be categorized as a non-essential business that was required to cease or reduce operations as a result of the Executive Orders issued by the Governor;
- (2) Exist within the city limits in a brick-and-mortar location;
- (3) Be open and operating before January 1, 2020;
- (4) Employ 25 or fewer people;
- (5) Not be a franchise or franchise-affiliated; and
- (6) Be current on its payroll and property taxes as of March 1, 2020.

b. If a business is awarded a grant, it must:

- (1) Use the money towards rent, mortgage, payroll and/or utility bills; and
- (2) Provide proof of eligible expenditures by September 1, 2020.

c. If a business fails to expend the grant funds on eligible expenses and provide proof of such by September 1, 2020, the Mayor and/or City Manager are authorized to take any action(s) necessary to recover all unspent and/or ineligible-spent funds.

SECTION 2. Authorization to Finance Director to issue grants. That the Finance Director is hereby authorized to appropriate \$150,000 of the \$250,000 currently in the COVID-19 Stimulus (MR0079) Project for the Small Business Relief Fund Program, upon approval of applications submitted in the form of \$2,000 grants to the first 75 awarded-recipients. The Finance Director is hereby authorized to appropriate the remaining \$100,000 as a matching grant in the form of 1-to-1 matching funds received through donations. Those grants will also be in the form of \$2,000 but the number of businesses awarded will be determined by the amount of funds donated.

SECTION 3. Emergency Declared. Pursuant to KRS 83A.060, the City Commission suspends the requirement of a second reading of this ordinance. As grounds therefor, the City Commission does hereby declare an emergency to exist due to the need to mitigate the local economic effects of the COVID-19 pandemic.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by affirmative vote of 2/3 or more of the legislative body.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced & Adopted by the Board of Commissioners April 14, 2020

Recorded by Lindsay Parish, Paducah City Clerk, April 14, 2020

Published by The Paducah Sun, _____

ORD\Emergency – 2020 COVID-19 Grant Award

Ordinance Prepared Stacey Blankenship, KKHB

Agenda Action Form

Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Authorize Contract for Emergency Repairs of the building located adjacent to the Kresge Building - **S KYLE**

Category: Emergency

Staff Work By: Janet Dicke, Greg Cherry, Steve Kyle

Presentation By: Steve Kyle

Background Information: The City of Paducah recently demolished the east wall of the Kresge Building that was adjoined to an adjacent building located at 314 Broadway. The demolition of the adjoining east wall of the Kresge Building resulted in certain damages to the west wall and parapet of the adjacent building.

The City retained a consulting structural engineer, Gardner Engineering & Consulting, PLLC, to evaluate the structural integrity of the parapet wall and certain other components of the west wall of the adjacent building to determine an appropriate scope of work necessary to repair the damage. Subsequent to the consulting engineer's initial evaluation, the parapet wall on the adjacent building collapsed due to a wind and weather event which also caused additional potential damage to other areas of the west wall.

The consulting engineer has notified the City that repairs to the adjacent building are needed to be performed on an immediate basis in order to avoid further property damage to the adjoining building including roof and wall failure which if occurred, would be a threat to the public safety and welfare.

Based on the consulting engineer's opinion, the City Manager has made a written determination that an emergency exists and has further determined that in light of the emergency, a contractor cannot be selected to abate the emergent conditions on a competitive bid basis and in accordance with KRA 45A.380, any contract must be entered through non-competitive negotiations.

This Emergency Ordinance serves to ratify the City Manager's determination and authorize the execution of a contract for repairs on a non-competitive basis and in accordance with the scope of work and specifications developed by the City's consulting structural engineer.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name: Kresge Building Demolition Project

Account Number: MR0073

Staff Recommendation: Approve the emergency ordinance.

Attachments:

1. Emergency Ordinance

ORDINANCE 2020-_____

AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT THROUGH NON-COMPETITIVE NEGOTIATIONS WITH A QUALIFIED CONTRACTOR TO MAKE CERTAIN REPAIRS TO A BUILDING ADJACENT TO THE FORMER KRESGE BUILDING SITE THAT RESULTED FROM THE DEMOLITION OF THE KRESGE BUILDING AND RATIFYING THE CITY MANAGER'S DECLARATION OF AN EMERGENCY

WHEREAS, the City of Paducah recently demolished the east wall of the Kresge Building that was adjoined to an adjacent building located at 314-315 Broadway; and

WHEREAS, the demolition of the adjoining east wall of the Kresge Building resulted in certain damages to the west wall and parapet of the adjacent building; and

WHEREAS, the City retained a consulting structural engineer, Gardner Engineering & Consulting, PLLC, to evaluate the structural integrity of the parapet wall and certain other components of the west wall of the adjacent building to determine an appropriate scope of work necessary to repair the damage; and

WHEREAS, subsequent to the consulting engineer's initial evaluation, the parapet wall on the adjacent building collapsed due to a wind and weather event which event also caused additional potential damage to other areas of the west wall; and

WHEREAS, the consulting engineer has notified the City that repairs to the adjacent building are needed to be performed on an immediate basis in order to avoid further property damage to the adjoining building including roof and wall failure which if occurred, would be a threat to the public safety and welfare; and

WHEREAS, based upon the consulting engineer's opinion, the City Manager has made a written determination that an emergency exists and has further determined that in light of the emergency, a contractor cannot be selected to abate the emergent conditions on a competitive bid basis and in accordance with KRA 45A.380, any contract must be entered through non-competitive negotiations.

NOW THEREFORE, BE IT ORDAINED BY BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. Ratification of Emergency Determination. The Board of Commissioners hereby ratifies and adopts the City Manager's written determination that an emergency exists relating to the condition of the building located at 314-315 Broadway. A copy of the City Manager's written determination is attached hereto as Exhibit A.

SECTION 2. Authorization. The Board of Commissioners hereby authorizes and directs the City Manager to select and enter a contract on behalf of the City with a qualified contractor on a non-competitive basis in accordance with KRS 45A. 380 in order to abate the conditions that exist to the west wall and parapet of the building located at 314-315 Broadway. The contract shall be in accordance with the scope of work and specifications developed by the City's consulting structural engineer, Gardner Engineering & Consulting, PLLC. Once signed by the City Manager, the contract shall be given full force and effect and is hereby ratified by the City. The expenditure shall be charged to Project Account # MR0073.

SECTION 3. Emergency Declared. Pursuant to KRS 83A.060, the City Commission suspends the requirement of a second reading of this ordinance. As grounds therefor, the City Commission does hereby declare an emergency to exist due to the need for immediate action to prevent public harm and property damage that could result from the instability of the building.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon its adoption by affirmative vote of 2/3 or more of the legislative body.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced & Adopted by the Board of Commissioners April 14, 2020

Recorded by Lindsay Parish, Paducah City Clerk, April 15, 2020

Published by The Paducah Sun, _____

ORD\Emergency- Campbell Building Repairs

Prepared by Attorney David L. Kelly, KKHB

Agenda Action Form

Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Closure of a Portion of an Alley Between 160 and 200 Bruce Avenue - **R MURPHY**

Category: Ordinance

Staff Work By: Melanie Townsend

Presentation By: Rick Murphy

Background Information: The following adjacent property owners have submitted an executed application requesting that a portion of an alley located between 160 and 200 Bruce Avenue be closed:

- William Curtis
- Kelly Curtis Morgan Walker and Scott Walker

On March 2, 2020, the Planning Commission held a public hearing and made a positive recommendation to the City Commission for this closure. All of the utility companies have agreed to this closure with a 50 foot wide ingress-egress and utility easement as shown on the plat.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
Account Number:

Staff Recommendation: To adopt an ordinance authorizing the closing of a portion of an alley between 160 and 200 Bruce Avenue be closed and authorizing the Mayor to execute the closure plat and all necessary documents to complete the transfer of property to the adjacent property owners.

Attachments:

1. Ordinance
2. Planning Commission closing alley_160 Bruce Ave 2
3. 160 Bruce Ave_plat survey alley closure 2

ORDINANCE NO. 2020-_____-_____

AN ORDINANCE PROVIDING FOR THE CLOSING OF A PORTION OF
PORTION OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE, AND AUTHORIZING
THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah does hereby authorize the closing of a
portion of 160 and 200 Bruce Avenue as follows:

LEGAL DESCRIPTION
16 foot wide Alley Right of Way Closure

A portion of an existing 16 foot wide alley containing 0.1641 acres as surveyed by Ricky A. Tosh, PLS 2900 of the firm of Dummer Surveying & Engineering Services, Inc. of Paducah, Kentucky on December 30, 2019 located on the east side of Bruce Avenue and south of Pecan Drive in Block "A" of Hillcrest Subdivision in Paducah, McCracken County, Kentucky, and being more particularly described as follows:

Bearings described herein are based on a magnetic observation taken at the time of the survey.

All rebars and caps (set) are 1/2" diameter by 18" long rebar with a plastic cap stamped "R. TOSH KYPLS 2900" unless stated otherwise.

Beginning at a rebar and cap (set) in the east right-of-way of Bruce Avenue and the centerline of the 16 foot wide alley right-of-way, said rebar being 25.00 feet east of the centerline of Bruce Avenue, said centerline point be located 46.87 feet north of the centerline intersection of Valley View Drive and Bruce Avenue;

Thence with the east line of Bruce Avenue North 10 Degrees 24 Minutes 09 Seconds West for a distance of 8.13 feet to a 1/2" diameter rebar (found), said point being located 25.00 feet east at right angles from the centerline of Bruce Avenue;

Thence with a common line to the W.M. Curtis property recorded in Deed Book 1171, Page 226 and being Tract 4 of Plat Section "L", Page 1939 the following (2) two courses:

1. North 69 Degrees 28 Minutes 51 Seconds East for a distance of 148.18 feet to a 3/4" diameter iron pipe (found);
2. South 74 Degrees 49 Minutes 18 Seconds East for a distance of 302.46 feet to a rebar and cap (set);

Thence crossing the alley South 15 Degrees 10 Minutes 42 Seconds West for a distance of 16.00 feet to a 1/2" diameter rebar with a plastic cap stamped "DH Dummer PLS 1955" (found);

Thence along a common line to the Kelly Curtis Morgan Walker property described in Deed Book 900, Page 139 and being Lot 22B of Plat Section "K", Page 973 the following (2) two courses:

1. North 74 Degrees 49 Minutes 18 Seconds West for a distance of 297.31 feet to a rebar and cap (set);
2. South 69 Degrees 28 Minutes 51 Seconds West for a distance of 145.88 feet to a rebar and

cap (set), said point being located 25.00 feet east at right angles to the centerline of Bruce Avenue;

Thence with the east line of Bruce Avenue North 10 Degrees 24 Minutes 09 Seconds West for a distance of 8.13 feet to the Point of Beginning.

Together with and subject to covenants, easements, right of ways and restrictions of record and in existence.

SECTION 2. In support of its decision to close the aforesaid public way, the Board of Commissioners hereby makes the following findings of fact:

a. William Curtis, Kelly Curtis, Morgan Walker and Scott Walker, own the properties abutting the public way which the Board of Commissioners has authorized to be closed as is evidenced by the application for street and/or alley closing which is attached hereto and made part hereof.

b. On the 2nd day of March, 2020, the Paducah Planning Commission of the City of Paducah adopted a resolution recommending to the Mayor and Board of Commissioners of the City of Paducah closure of the aforesaid public way.

c. Written notice of the proposed closing was given to all property owners in or abutting the public way or the portion thereof being closed as is evidenced by the application for street and/or alley closing which is attached hereto and made a part hereof.

d. All property owners in or abutting the public way or the portion thereof being closed have given their written notarized consent to the closing as is evidenced by the application for street and/or alley closing which is attached hereto and made a part hereof.

SECTION 3. All requirements of KRS 82.405(1) and (2) having been met, the Board of Commissioners of the City of Paducah hereby concludes that the aforesaid public way, as described above, should be closed in accordance with the provisions of KRS 82.405.

SECTION 4. The Mayor is hereby authorized, empowered, and directed to execute a quitclaim deed from the City of Paducah to each of the property owners in or abutting the public way to be closed with each to acquire title to that portion of the public way contiguous to the property now owned by said property owners up to center line of the said public way. Provided, however, that the City shall reserve such easements upon the above described real property as it deems necessary. Said deed shall provide the reservation by the City of Paducah any easements affecting the herein described real property as described in Section 1 above. Further, the Mayor is hereby authorized, empowered, and directed to execute all documents related to the street closing as authorized in Section 1 above.

SECTION 5. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, March 31, 2020

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The Paducah Sun, _____

\ord\eng\st close\160 and 200 Bruce Avenue

CERTIFICATION

I, Lindsay Parish, hereby certify that I am the duly qualified and acting Clerk of the City of Paducah, Kentucky, and that the foregoing is a full, true and correct copy of Ordinance No.

_____ adopted by the Board of Commissioners of the City of Paducah at a meeting held on _____.

City Clerk

Exhibit A

City of Paducah, Kentucky
Public Right-of-Way Closure Application

A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED CLOSING OF A PORTION OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE.

WHEREAS, a public hearing was held on March 2, 2020 by the Paducah Planning Commission after advertisement pursuant to law, and

WHEREAS, this Commission has duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing, and

WHEREAS, this Commission adopted a proposal to close a portion of an alley between 160 and 200 Bruce Avenue.

NOW THEREFORE, BE IT RESOLVED BY THE PADUCAH PLANNING COMMISSION:

SECTION 1. That this Commission recommend to the Mayor and Board of Commissioners of the City of Paducah to close a portion of an alley between 160 and 200 Bruce Avenue as follows:

**LEGAL DESCRIPTION
16 foot wide Alley Right of Way Closure**

A portion of an existing 16 foot wide alley containing 0.1641 acres as surveyed by Ricky A. Tosh, PLS 2900 of the firm of Dummer Surveying & Engineering Services, Inc. of Paducah, Kentucky on December 30, 2019 located on the east side of Bruce Avenue and south of Pecan Drive in Block "A" of Hillcrest Subdivision in Paducah, McCracken County, Kentucky, and being more particularly described as follows:

Bearings described herein are based on a magnetic observation taken at the time of the survey.

All rebars and caps (set) are 1/2" diameter by 18" long rebar with a plastic cap stamped "R. TOSH KYPLS 2900" unless stated otherwise.

Beginning at a rebar and cap (set) in the east right-of-way of Bruce Avenue and the centerline of the 16 foot wide alley right-of-way, said rebar being 25.00 feet east of the centerline of Bruce Avenue, said centerline point be located 46.87 feet north of the centerline intersection of Valley View Drive and Bruce Avenue;

Thence with the east line of Bruce Avenue North 10 Degrees 24 Minutes 09 Seconds West for a distance of 8.13 feet to a 1/2" diameter rebar (found), said point being located 25.00 feet east at right angles from the centerline of Bruce Avenue;

Thence with a common line to the W.M. Curtis property recorded in Deed Book 1171, Page 226 and being Tract 4 of Plat Section "L", Page 1939 the following (2) two courses:

1. North 69 Degrees 28 Minutes 51 Seconds East for a distance of 148.18 feet to a 3/4" diameter iron pipe (found);
2. South 74 Degrees 49 Minutes 18 Seconds East for a distance of 302.46 feet to a rebar and cap (set);

Thence crossing the alley South 15 Degrees 10 Minutes 42 Seconds West for a distance of 16.00 feet to a 1/2" diameter rebar with a plastic cap stamped "DH Dummer PLS 1955" (found);

Thence along a common line to the Kelly Curtis Morgan Walker property described in Deed Book 900, Page 139 and being Lot 22B of Plat Section "K", Page 973 the following (2) two courses:

1. North 74 Degrees 49 Minutes 18 Seconds West for a distance of 297.31 feet to a rebar and cap (set);
2. South 69 Degrees 28 Minutes 51 Seconds West for a distance of 145.88 feet to a rebar and cap (set), said point being located 25.00 feet east at right angles to the centerline of Bruce Avenue;

Thence with the east line of Bruce Avenue North 10 Degrees 24 Minutes 09 Seconds West for a distance of 8.13 feet to the Point of Beginning.

Together with and subject to covenants, easements, right of ways and restrictions of record and in existence.

SECTION 2. That this Resolution shall be treated as, and is, the final report of the Paducah Planning Commission respecting the matters appearing herein.

RECEIVED
MAR 03 2020
ENGINEERING
DEPARTMENT

SECTION 3. That if any section, paragraph or provision of this Resolution shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Resolution to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 4. Any agreements between the parties that are affected by the closure of this Right-of-Way shall be forwarded to the City Commission with this Resolution.


Cathy Crecelius, Chairwoman

Adopted by the Paducah Planning Commission on March 2, 2020

CERTIFICATE OF OWNERSHIP:
I (WE), DO (HEREBY CERTIFY THAT I AM (WE ARE) THE REAL PROPERTY OWNERS SHOWN AND DESCRIBED HEREON AND FREELY GIVE OUR CONSENT TO CLOSE THE PUBLIC RIGHT OF WAY AS SHOWN AND DESCRIBED HEREON.

OWNER	DATE	OWNER	DATE
OWNER	DATE	OWNER	DATE
OWNER	DATE	OWNER	DATE
OWNER	DATE	OWNER	DATE
OWNER	DATE	OWNER	DATE

CERTIFICATION OF ACKNOWLEDGMENT STATE OF KENTUCKY, COUNTY OF McCRACKEN:

I, _____ A NOTARY PUBLIC IN THE STATE & COUNTY OF _____ AFFIRMAS DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SURVEY WAS THIS DAY PRESENTED TO ME BY _____ KNOWN TO ME TOGETHER WITH THE CERTIFICATE OF OWNERSHIP AND DEDICATION SHOWN HEREON WHICH WAS EXECUTED IN MY PRESENCE AND ACKNOWLEDGED TO BE THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 20____.

CERTIFICATION OF ACKNOWLEDGMENT STATE OF KENTUCKY, COUNTY OF McCRACKEN:

I, _____ A NOTARY PUBLIC IN THE STATE & COUNTY OF _____ AFFIRMAS DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SURVEY WAS THIS DAY PRESENTED TO ME BY _____ KNOWN TO ME TOGETHER WITH THE CERTIFICATE OF OWNERSHIP AND DEDICATION SHOWN HEREON WHICH WAS EXECUTED IN MY PRESENCE AND ACKNOWLEDGED TO BE THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 20____.

CERTIFICATION OF ACKNOWLEDGMENT STATE OF KENTUCKY, COUNTY OF McCRACKEN:

I, _____ A NOTARY PUBLIC IN THE STATE & COUNTY OF _____ AFFIRMAS DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SURVEY WAS THIS DAY PRESENTED TO ME BY _____ KNOWN TO ME TOGETHER WITH THE CERTIFICATE OF OWNERSHIP AND DEDICATION SHOWN HEREON WHICH WAS EXECUTED IN MY PRESENCE AND ACKNOWLEDGED TO BE THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 20____.

CERTIFICATION OF ACKNOWLEDGMENT STATE OF KENTUCKY, COUNTY OF McCRACKEN:

I, _____ A NOTARY PUBLIC IN THE STATE & COUNTY OF _____ AFFIRMAS DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SURVEY WAS THIS DAY PRESENTED TO ME BY _____ KNOWN TO ME TOGETHER WITH THE CERTIFICATE OF OWNERSHIP AND DEDICATION SHOWN HEREON WHICH WAS EXECUTED IN MY PRESENCE AND ACKNOWLEDGED TO BE THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 20____.

CERTIFICATE OF APPROVAL:
UNDER THE AUTHORITY PROVIDED BY CHAPTER 100, KENTUCKY REVISED STATUTES, ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, THIS PLAT HAS BEEN GIVEN APPROVAL AND ACCEPTED AS FOLLOWS:

APPROVED BY PADUCAH PLANNING AND ZONING COMMISSION MEETING HELD ON THE _____ DAY OF _____ 20____.

CHAIRMAN OF THE PLANNING AND ZONING COMMISSION _____

PUBLIC UTILITY OWNERS:
WE, THE UTILITY OWNERS INDICATED BELOW FREELY GIVE OUR CONSENT TO THE CLOSING OF THE PORTION OF THE 18 FOOT WIDE PUBLIC ALLEY RIGHT OF WAY LOCATED BETWEEN BRUCE AVENUE AND PECAN DRIVE AS SHOWN HEREON.

ATMOS ENERGY	DATE
BELLSOUTH TELECOMMUNICATIONS, INC. SIBA AT&T KENTUCKY	DATE
PADUCAH/McCRACKEN JOINT SEWER AGENCY (JSA)	DATE
DOMCAST CABLE OF PADUCAH, INC.	DATE
PADUCAH POWER SYSTEM	DATE
PADUCAH WATER	DATE
CITY OF PADUCAH STORM SEWER	DATE

MAYOR'S CERTIFICATE OF CITY APPROVAL:
IN ACCORDANCE WITH KENTUCKY REVISED STATUTES CHAPTER 82 AND BY ORDINANCE _____ I HEREBY CERTIFY THAT THE PUBLIC WAY AS SHOWN ON THIS PLAT HAS BEEN OFFICIALLY CLOSED.

MAYOR: CITY OF PADUCAH _____ DATE _____

CERTIFICATE OF RECORDING:
"STATE OF KENTUCKY, COUNTY OF McCRACKEN"
I, JULE BRIDGE, CLERK FOR THE COUNTY AND STATE AFFIRMAS DO HEREBY CERTIFY THAT THIS PLAT WAS THIS DAY LOADED IN MY OFFICE FOR RECORD AND THAT I HAVE RECORDED SAME WITH THIS AND THE FOREGOING CERTIFICATE OF MY OFFICE.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

BY _____ D.C.

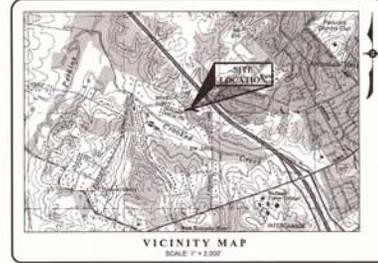
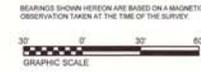
RECORDED IN PLAT SECTION _____ PAGE _____

CERTIFICATE OF ACCURACY:
I, JOE HERRBY, CERTIFY TO W.M. AND PHILIP CURTIS, KELLY CURTIS MORGAN AND THE CITY OF PADUCAH THAT THE SURVEY SHOWN AND DESCRIBED HEREON WAS PERFORMED UNDER MY SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH GISE SHORTS. THE UNADJUSTED PRECISION OF THE TRAVERSE WAS 1 M.D. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED. THIS SURVEY IS AN URBAN CLASS SURVEY AND MEETS THE ACCURACY, PRECISION AND SPECIFICATIONS OF THIS CLASS PER THE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS IN KENTUCKY (201 KAR 18.180). THIS SURVEY MEETS THE REQUIREMENTS OF THE CITY OF PADUCAH PLANNING AND ZONING COMMISSION AND ALL MONUMENTS HAVE BEEN FOUND OR SET AS SHOWN HEREON.

ROCKY A. TOSH PLS No. 2602 DATE _____

THE PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, EASEMENTS, COVENANTS, AND RESTRICTION OF RECORD AND IN EXISTENCE.

THIS DRAWING IS NOT VALID UNLESS ORIGINAL SIGNATURE AND SEAL ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED LAND SURVEYOR.



LEGEND

EXISTING MARKER - 1/4" METERS	PROPERTY LINE
12" DIA x 18" LONG REBAR WITH PLASTIC CAP STAMPED "R. TOSH KY 42001" WITH UNLESS NOTED OTHERWISE	ROAD CENTERLINE
	ADJOINING PROPERTY LINE
	EASEMENT LINE

FLOOD INFORMATION:
THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NO. 21140C030F, DATED 11/21/11.

ZONE "X" - AREA DETERMINED TO BE OUTSIDE THE 5% ANNUAL CHANCE FLOODPLAIN.

TITLE OPINION:
THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE OPINION. A DILIGENT EFFORT WAS MADE AT THE TIME OF THIS SURVEY TO OBTAIN AND SHOW RIGHT-OF-WAYS, EASEMENTS, COVENANTS, AND RESTRICTIONS PERTAINING TO THIS PROPERTY. HOWEVER, THIS SURVEY IS SUBJECT TO THE FINDINGS THAT WOULD BE REVEALED IN AN ACCURATE TITLE OPINION.

INTENT:
THE INTENT OF THIS SURVEY IS TO CLOSE A PORTION OF THE 18 FOOT ALLEY LOCATED EAST OF BRUCE AVENUE, BETWEEN BRUCE AVENUE AND PECAN DRIVE AND TO ESTABLISH A 61 FOOT WIDE INGRESS/EGRESS AND UTILITY EASEMENT AS SHOWN HEREON.

BOUNDARY SURVEY:
THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLES WITH 201 KAR 18.180.

CLIENT: WILLIAM CURTIS, 160 BRUCE AVENUE, PADUCAH, KY 42001

ADJOINING OWNERS: WILLIAM CURTIS, 100 BRUCE AVENUE, PADUCAH, KY 42001; KELLY CURTIS MORGAN WALKER, 200 BRUCE AVENUE, PADUCAH, KY 42001

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DATE	2/10/20	ADDED 5' WIDE IE & UTILITY EASEMENT	TAM	
NO. OF SHEETS	1		307	09/20/2019
DRAWN BY	T. MEADOWS	FIELD NO.	120019	SCALE: 1" = 30'
DATE	2/10/20	FIELD BOOK NO.	190, PAGE 18	COORD FILE: 2019122
APPROVED BY		REP. NO.	597002	SCREEN FILE: 2019122 REV 1

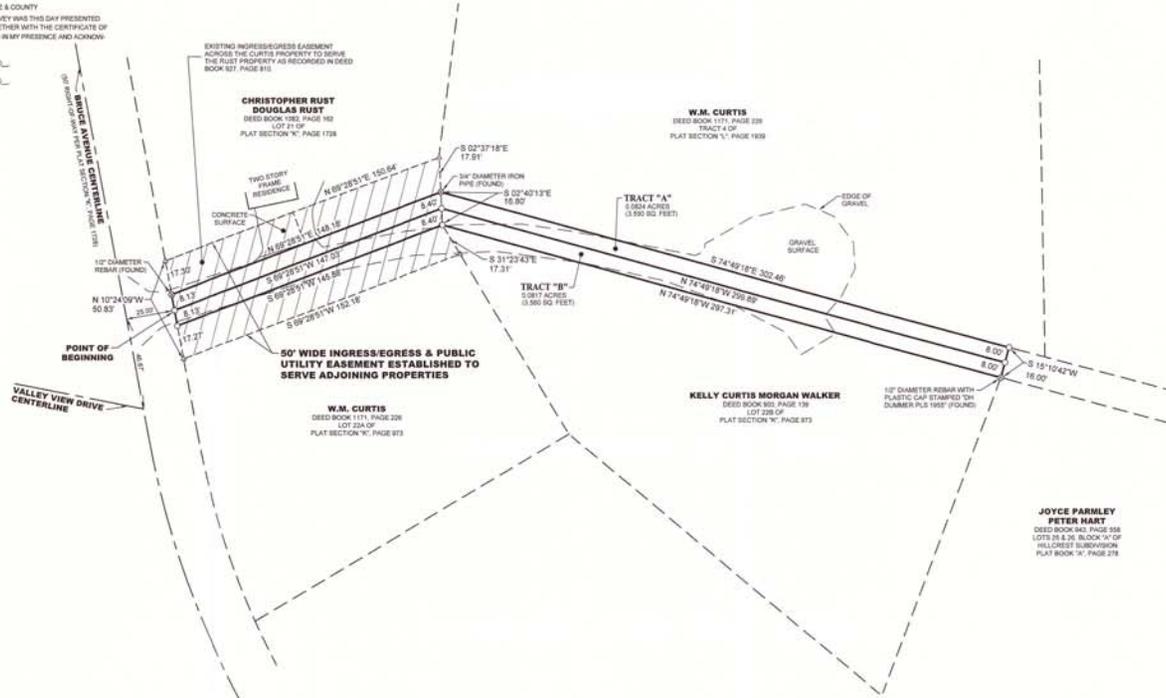
DUMMER SURVEYING & ENGINEERING SERVICES, INC.
434 South 6th Street, Paducah, Kentucky 42003
KY 275-444-0220, TN 615-624-4220, www.dseinc.com

PLAT OF SURVEY OF ALLEY CLOSING
IN BLOCK "A" OF HILLCREST SUBDIVISION
EAST SIDE OF BRUCE AVENUE, SOUTH OF PECAN DRIVE
PADUCAH, McCRACKEN COUNTY, KENTUCKY

RECEIVED FEB 12 2020 ENGINEERING DEPARTMENT

RECEIVED FEB 12 2020 Planning Department VAC 2020-021 075-1662 7436-2429

SHEET NO. **1** OF 1
JOB NO. 2019122



Agenda Action Form

Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Approval of contract with Jim Smith Contracting, LLC in the amount of \$479,350.50 for the Greenway Trail Phase V project - **R MURPHY**

Category: Ordinance

Staff Work By: Melanie Townsend

Presentation By: Rick Murphy

Background Information: On February 25, 2020, sealed bids were opened and read aloud for the Greenway Trail Phase V Project. Two responsive and responsible bids were received with Jim Smith Contracting, LLC submitting the lowest base bid in the amount of \$479,350.50. This bid was 2.4% below the engineer's construction cost estimate.

This Project is primarily funded with a FHWA Transportation Enhancement Grant administered by the Kentucky Transportation Cabinet Office of Local Programs (KYTC-OLP) in the amount of \$432,500 with a 20% City match. The estimated project cost is \$540,625.00. Per Ordinance 2018-01-8511 an initial match amount of \$100,790.00 was transferred into the project account from the Boyles Trust Fund. An additional \$50,000 will be transferred from the Boyles Trust Fund to the Greenway Trails Phase V project account to fully fund the project as currently budgeted.

As required by the FHWA grant LPA process, documentation was forwarded to the KYTC-OLP recommending the award of the Project to Jim Smith Contracting, LLC, and confirmation was received from Ms. Kim Tompkins on March 11, 2020, copy attached.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): E-4: Continue developing the riverfront from the Carson Center to the Convention Center.

Funds Available: Account Name:
Account Number:

Staff Recommendation: To receive and file the bids and adopt an Ordinance authorizing the Mayor to execute a contract with Jim Smith Contracting, LLC, in the amount of \$ 479,350.50 for construction of the Greenway Trail Phase V Project. In addition, authorizing the Finance Director to transfer \$50,000 from the Boyles Trust Fund into the Greenway Trail Phase V project account (PA0111).

Attachments:

1. 00500 - Agreement GWT5
2. 01-03201_Paducah - Greenway Trail Phase 5 - Notice to Proceed with Construction Award 2
3. Feb_2_2020_bid ads 2
4. Ordinance

**CITY OF PADUCAH, KENTUCKY
ENGINEERING-PUBLIC WORKS DEPARTMENT**

AGREEMENT FOR GREENWAY TRAILS PHASE V PROJECT

THIS AGREEMENT, made this _____ day of _____, 2020 by and between the **CITY OF PADUCAH**, hereinafter called the **OWNER**, and **JIM SMITH CONTRACTING CO.,LLC**, hereinafter called the **CONTRACTOR**, for the consideration hereinafter named, agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the construction of the **GREENWAY TRAILS PHASE V PROJECT**. All Work shall be in accordance with this Agreement, the Plans, Specifications and any Addendum(s) issued.

Throughout the performance of this Contract, the Engineering-Public Works Department of the City of Paducah shall, in all respects, be acting as both Engineer and agent for the Owner, City of Paducah. All work done by the Contractor shall be completed under the general supervision of the Engineer.

ARTICLE 2. TIME FOR COMPLETION AND LIQUIDATED DAMAGES

The Contractor hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project **within One Hundred Fifty (150)** consecutive calendar days thereafter.

Failure of the Contractor to complete the work in the time specified above plus any extensions allowed in accordance with the General Conditions shall result in the assessment of liquidated damages for the delay (not as a penalty). Liquidated damages shall be in the amount of **\$500.00** per consecutive calendar day for failure to meet the final completion date and shall be withheld from final payment.

ARTICLE 3. THE CONTRACT SUM

The Owner agrees to pay the Contractor for the performance of the Contract, subject to additions and deductions provided therein: **Four Hundred Seventy-Nine Thousand, Three Hundred Fifty and 50/100 Dollars (\$479,350.50)** as quoted in the Bid Proposal by the Contractor dated February 25, 2020 which shall constitute full compensation for the work and services authorized herein.

ARTICLE 4. PROGRESS PAYMENTS

Payments for work completed will be made in accordance with the Specifications.

ARTICLE 5. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due sixty, **(60)** days after substantial completion of the work, provided the work will then be fully completed and the Contract fully performed in accordance with the specifications.

ARTICLE 6. GOVERNING LAW

The Parties agree that this Agreement and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of the Commonwealth of Kentucky. The parties further agree that the venue for any legal proceeding relating to this Agreement shall exclusively be in McCracken County, Kentucky.

ARTICLE 7. THE CONTRACT DOCUMENTS

The Plans, Specifications and any addendum that may have been issued are fully a part of this Contract as if thereto attached or herein repeated.

IN WITNESS WHEREOF:

The parties hereto have executed this Agreement, the day and year first above written.

CONTRACTOR

BY _____
TITLE _____

ADDRESS:
1108 Dover Rd.
Grand Rivers, KY 42025

CITY OF PADUCAH, KENTUCKY

BY _____
Brandi Harless, Mayor

ADDRESS:
Post Office Box 2267
Paducah, Kentucky 42002-2267

From: [Tompkins, Kimberly J \(KYTC\)](#)
To: [Melanie Townsend](#); [Mike McGregor](#)
Cc: [Stansel, Rick L \(KYTC\)](#); [Kuntz, Chris C \(KYTC-D01\)](#)
Subject: 01-03201: Paducah - Greenway Trail Phase 5 - Notice to Proceed with Construction Award
Date: Wednesday, March 11, 2020 5:31:17 PM

READ THIS – KNOW THIS – DO THESE THINGS
and make sure the Contractor is aware of these requirements, please.

The Kentucky Transportation Cabinet, Office of Local Programs (KYTC OLP) has received and reviewed the bid documents submitted for the subject project.

Based on documents as submitted, KYTC OLP approves the award to Jim Smith Contracting

Continue to adhere to the provisions of the Federal-Aid Highway Program Project Development Guide for Local Public Agencies. Failure to follow these provisions can adversely affect your project. Any/All changes and alterations to your project must be submitted to OLP prior to construction or purchasing for review of compliance with State and Federal Regulations. Please review these reminders/requirements and forward this email/information to the contractor so they have it as well:

1. **Include the Project# on all project related paperwork and the subject line of emails: 01-03201.**
2. The amount of the construction phase award will be adjusted to reflect the amount of the successful bid. Excess funds will be returned for awards to other projects. Only pre-approved change orders may result in construction funding changes.
3. Finalize all payments for previous phases and forward so those phases may be closed.
4. Notify your OLP Project Manager of the date construction will begin.
5. Certified Payrolls must be checked by the LPA or consultant and forwarded to the KYTC PM with payment requests.
6. Daily Inspection Reports, signed by the appropriate personnel are required with test results & Buy America certs. They too, must be checked by the LPA or consultant and forwarded to the KYTC PM with payment requests.
7. Make sure the contractor knows to turn in the affidavit and copies of the invoices and cancelled checks for the DBE work during the course of the project. We must have documentation to prove the DBE goal was met and paid according to guidelines. It is understood DBEs work at different times on projects depending on their function; regardless, **copies must be turned in before the project is closed or final payment is made.**
8. Call the District Office to schedule a final inspection PRIOR to the contractor vacating the site. Any corrections must be completed before the project is closed or final payment is made.
9. **Make sure the contractor DOES NOT calculate retainage in their billing. Federal Guidelines do not allow retainage on these projects.**
10. If there is any potential deviation from the plans, short of an emergency, it needs to be approved before it is done! If you are not sure if OLP should be notified or if it will need a change order, call Mike Jones in OLP for an opinion. Changes without prior approval are not reimbursable.
11. The LPA can begin turning in reimbursement requests as early and as often as needed. We prefer monthly requests. If a payment schedule is negotiated, a copy must go to the OLP Project Manager. .

It is preferred that each Application for Payment include the invoice detailed breakdown, certified payroll, daily inspection reports (with test results or Buy America certificates), DBE paperwork if applicable and any other relevant information for the time frame being billed.

We look forward to working with you to move this project forward. If you have any questions, please contact me, rather than risk losing reimbursement

kt

Kim Tompkins

Transportation Alternatives Program (TAP) Coordinator
502-782-4737 Direct Line
Office of Local Programs
[OLP-TAP Webpage](#)

Include the project Item#, if awarded project, in the subject line of all emails.

From: Stansel, Rick L (KYTC) <Rick.Stansel@ky.gov>
Sent: Wednesday, March 4, 2020 2:36 PM
To: Tompkins, Kimberly J (KYTC) <Kimberly.Tompkins@ky.gov>

Cc: Jones, Michael R (KYTC) <MichaelR.Jones2@ky.gov>
Subject: City of Paducah - greenway Trail Phase 5 Item No. 01-3201

There were (2) two bids submitted on the subject project. The bids are as follows:

Bidder	Total Base Bid	Alt #1	Alt #2	Total Bid with Alternate(s)	Prequal? Y/N
Jim Smith Contracting	\$479,350.50	\$10,287.00	\$135,008.00	\$624,645.50	Y
Youngblood Excavating & Contr.	\$491,814.00	\$11,8713.00	\$155,398.00	\$648,083.00	Y
Engineer's Estimate	\$491,220.99	\$11,354.00	\$139,886.50	\$642,461.49	

The project will be awarded only on the Total Base Bid of \$479,350.50

-

Jim Smith Contracting's bid is (-) \$11,870.49 or (-) 2.4% below the Engineer's Estimate.

There is a **5% DBE goal** establish for the project

The project was advertised in the Paducah Sun for 23 days.

Jim Smith Contracting will utilize James Sanders Nursery a KYTC Certified and Prequalified DBE. Sanders Nursery will perform the work items, Tree Protection Zone Fencing & Signage, Shade Trees, Seeding and Protection, Excavate/Prep Planting Beds, Shrubs, Perennials/Glasses/Groundcover, Shredded Hardwood Mulch and Landscape Bed Edging for total of \$58,007.50 or 12.1% DBE participation.

Based on Jim Smith Contracting's bid being (-)\$11,870.49 or 2.4% below the Engineer's Estimate and the contractor meeting and exceeding the DBE goal of 5% with 12.1% DBE participation, it is recommended that a Notice to Proceed to Award be issued to the City of Paducah to award the subject project in the amount of \$479,350.50 to the low bidder Jim Smith Contracting.

If you have any questions, please advise.

Thank you,

Rick Stansel

KYTC Program Management

502-782-4739

Service Directory

HOME SERVICE DIRECTORY

1200 TREE SERVICE

ACE TREE & STUMP REMOVAL, LLC
Aerial Bucket Truck Insured
Free Estimates!
(270) 898-8733
(270) 210-2479

1200 TREE SERVICE

PADUCAH TREE SERVICE
(270) 210-5132
FREE ESTIMATES

1276 ROOFING

HINES ROOFING
Shingles & Metal
35 Years Experience
INSURED
All Work Guaranteed
270-443-6338
270-556-5474

1306 SERVICES

The Paducah Sun Service Directory
1x1 - 30 days
\$90.00
Call for more info
270-575-8700

PROFESSIONAL SERVICE DIRECTORY

Run a Service Directory ad for 30 days for only... \$90.00
Call The Paducah Sun Classifieds at 575-8700 or 1-800-599-1771 (outside McCracken Co.)

Read The Want Ads Daily

0605 REAL ESTATE FOR RENT

0868 CARS FOR SALE

0955 LEGALS

0955 LEGALS

LAND FOR SALE

BIDS ACCEPTED UNTIL 3 PM, MARCH 2, 2020

2 Tracts in Carlisle County - South of Bardwell.

1st Tract - CR 1229 & Hwy 51 S. (approx. 60 acres) (39.6 tillable)

2nd Tract - 975 Hwy 51 S (approx. 97.94 acres/50.7 tillable)

Properly owned by: Brenda Joles, Larie Chandler & Kim Douglas

Formerly owned by Evelyn Loney...

FINANCIAL

0910 BUSINESS OPPORTUNITIES

GOVERNMENT WILDLIFE JOBS!
Great Pay and Benefits. No Experience Necessary. The ticket to a dream job might really be a scam. To protect yourself, call the Federal Trade Commission toll-free, 1-877-FTC-HELP, or visit www.ftc.gov

A public service message from The Paducah Sun and the FTC.

0610 UNFINISHED APARTMENTS

1 BR., Clean & Quiet location in Lone Oak. 8475 me. 270-559-0211/270-217-5890

LONE OAK Phlips St. 2BR 1.5B. No pets. \$520. 270-559-1575 or 270-217-6858

0670 BUSINESS PLACES/OFFICES FOR RENT

Office space in association office park in Frankfort, near I-64 and US 127 South. Approximately 500 square feet in one portion of the building. Includes bathroom and access to kitchen area and conference room. Rent is \$750 per month and includes electricity, gas and water. Telephone and internet access is negotiable with additional monthly fee. Call Bonnie Howard at 502-223-8821 for more information or to make an appointment to see the office space.

REAL ESTATE FOR SALE

0710 HOMES FOR SALE

SEEING is believing! Don't buy property based on pictures or representations. For free information about avoiding time-share and real estate scams, write The Federal Trade Commission at Washington, DC 20580 or call the National Fraud Information Center, 1-800-876-7060.

LEGALS

0955 LEGALS

CITY OF PADUCAH REQUEST FOR QUALIFICATION ENVIRONMENTAL ASSESSMENT

The City of Paducah, Kentucky is requesting Statements of Qualifications (SOQ) from professional services firms for the purpose of providing Environmental Assessment for the Paducah BUILD Grant Project.

The Scope of Services will include full environmental assessment for NEPA compliance and a FONSI designation for the project site. The services will also include permitting necessary for NEPA compliance.

Information about the project and a complete Request for Qualifications (RFQ) package can be obtained by contacting Ty Wilson, Grants Administrator, at twilson@paducahky.gov or on the City of Paducah website www.paducahky.gov.

Six (6) individual copies of the proposal should be submitted to City of Paducah, Attn: BUILD RFQ, City Clerk's Office, 300 South 5th Street, P.O. Box 2267, Paducah, KY 42002-2267 and clearly marked on the outside with Firm name, Project Title, and RFQ number. Proposals must be received no later than 4:30 p.m. CST on Tuesday, February 25, 2020.

Inquiries regarding this RFQ should be directed to Ty Wilson, Grants Administrator, at twilson@paducahky.gov.

Funding for the Paducah BUILD project is provided by the US Department of Transportation through the BUILD grant program.

0955 LEGALS

RECEIPT OF PROPOSALS

The City of Paducah, Engineering Department will receive sealed bids for the "GREENWAY TRAIL PHASE V PROJECT" on Tuesday, February 25, 2020, at 2:00 p.m. CST. All Bids received will be publicly opened and read aloud in the Commission Chambers, Second Floor, City Hall, 300 South 5th Street, Paducah, Kentucky. A MANDATORY PRE-BID MEETING will be held at the City of Paducah, Commission Chambers on Thursday, February 13, 2020 at 2:00 p.m. CST.

PROJECT DESCRIPTION

The Project will consist of the construction of an asphalt roadway, concrete trail with ADA compliance and drainage improvements along the Paducah waterline on the northside of the flood-wall. The project extends from east end of the Greenway Trail Phase IV near Madison Street to Jefferson Street. This phase also includes landscaping improvements. All work will be completed in full accordance with the Plans and Specifications.

OBTAINING CONTRACT DOCUMENTS

Copies of Plans and Specifications may be obtained at:

Paducah Blueprint & Supply Co., Inc. 990 Broadway, Paducah, Kentucky 42001 270-444-6171 or 800-423-6479 <http://www.padbuiltprint.com>

There is a Non-Refundable Deposit of \$100.00 required per set.

An electronic copy of the plans may be obtained upon payment as required by Paducah Blueprint.

Plans and specifications can be viewed and are on file at the following locations:

City of Paducah AGC of Western Kentucky Engineering Department 2201 McCracken Blvd. City Hall, 300 S 5th St Paducah, KY 42001 Paducah, KY 42003

BID SECURITY

A satisfactory Bid Bond executed by the bidder or a certified bank cashier's check in an amount equal to five percent (5%) of the bid shall be submitted with each bid. No other forms of security will be accepted. Failure to submit a bid bond or certified bank cashier's check will result in disqualification of the bid.

0955 LEGALS

PREQUALIFICATION

The Bidder's qualifications, along with all proposed Sub-Contractor's shall include, but be not limited to, being pre-qualified with the Kentucky Transportation Cabinet. A copy of the Certificate of Eligibility for the Bidder and all proposed Sub-Contractor's shall be included with the Bid Proposal for proof of Qualification.

BID EVALUATION - AWARD OF CONTRACT

After reasonable consideration of all bids received, a Notice of Award will be given to the responsible bidder who submits the lowest responsive bid in accordance with the specifications.

CONTRACT TIME

The Project Contract Time Period is One-Hundred Fifty (150) consecutive calendar days. Liquidated Damages will be assessed at the sum of Five Hundred Dollars (\$500.00) for each consecutive calendar day thereafter until the Project is completed in accordance with the Specifications.

FEDERAL-AID CONSTRUCTION REQUIREMENTS

This Project is funded by Federal Highway Funds and will require the Contractor and all Sub-Contractors employed by the Contractor to strictly and fully comply with all Federal laws and regulations identified within the Specifications. Failure to comply with these provisions during the duration of the contract shall be grounds for cancellation of the contract and disqualification of the eligibility for future contracts.

PREVAILING WAGE RATE REQUIREMENTS

This Project will involve the use of Federal Funds and therefore the Contractor and all Sub-Contractors shall comply with the Federal prevailing wage requirements. The prevailing hourly wage as determined by the US Department of Labor has been inserted within these specifications.

EQUAL OPPORTUNITY

The Contractor shall ensure that employees and applicants for employment are not discriminated against because of their race, religion, color, sex, national origin, age or disability.

DBE GOALS

The requirements of the Disadvantaged Business Enterprise (DBE) program apply to this Federal-Aid Project, as described in 25 CFR 85.10 and 49 CFR Part 26. The Bidder shall be aware that Disadvantaged Business Enterprises ("DBE") shall have the opportunity to participate in the performance of highway construction projects financed in whole or in part by Federal Funds in order to create a level playing field for all businesses who wish to contract with the City. The Disadvantaged Business Enterprise (DBE) goal established for this Project is in the amount of 5% percent of the total value of the contract.

DRUG FREE WORKPLACE

The City of Paducah has adopted a Drug and Alcohol Free Workplace Policy in compliance with 803 KAR 25.280, in which drug and alcohol use, abuse, or use in the workplace is prohibited. All contractors and subcontractors doing business for the City of Paducah shall adhere to this policy.

OWNER'S RIGHTS RESERVED

No bid shall be withdrawn for a period of Sixty (60) days subsequent to the opening of bids. The City reserves the right to reject any and all bids in accordance with the Code of Ordinances and the Project Specifications.

Generally, the project consists of replacement of the existing fluid cooler.

Major divisions of work include but are not limited to: demolition; HVAC; testing; adjusting; & balancing; and electrical.

Sealed bids will be received at 2:00 PM CST, Tuesday, February 18, 2020 in the Board Room at the McCracken County Board of Education, 5247 Old Benton Road, Paducah, Kentucky, at which time and place bids will publicly be opened and read aloud.

Contract Documents are on file at the office of the Engineer, Marcum Engineering, LLC, 500 South 17th Street, Paducah, Kentucky and the McCracken County Board of Education office. Copies of the documents will be available Monday, January 27, 2020 and may be obtained at Paducah Blueprint by depositing \$100.00 (per complete set) made payable to Paducah Blueprint. The deposit will be refunded for the return of complete sets (in usable condition) within fourteen (14) days after the bid opening. NO REFUNDS WILL BE MADE AFTER THE FOURTEEN (14) DAY RETURN PERIOD.

A Pre-Bid meeting will be held at the Concord Elementary School behind the school on Thursday, February 6, 2020 at 10:00 AM CST.

Bids shall be submitted with a bid bond, payable to McCracken County Board of Education, in an amount equal to five percent (5%) of the total bid. A certified check or bank draft will be allowed in lieu of the Bid Bond.

The successful bidder will be required to furnish and pay all fees for satisfactory performance and payment bonds per the Contract Documents.

No proposal shall be withdrawn for a period of thirty (30) days. The McCracken County Board of Education reserves the right to reject any or all proposals and to waive any formalities.

0955 LEGALS

CONCORD ELEMENTARY SCHOOL COOLING TOWER REPLACEMENT

CONCORD ELEMENTARY SCHOOL, MCCRACKEN COUNTY PUBLIC SCHOOLS, PADUCAH, KENTUCKY

INVITATION FOR BIDS

The McCracken County Board of Education will receive bids for the construction of the referenced project as described herein and per the Contract Documents.

0955 LEGALS

CONCORD ELEMENTARY SCHOOL COOLING TOWER REPLACEMENT

CONCORD ELEMENTARY SCHOOL, MCCRACKEN COUNTY PUBLIC SCHOOLS, PADUCAH, KENTUCKY

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CONCORD ELEMENTARY SCHOOL, MCCRACKEN COUNTY PUBLIC SCHOOLS, PADUCAH, KENTUCKY

INVITATION FOR BIDS

The McCracken County Board of Education will receive bids for the construction of the referenced project as described herein and per the Contract Documents.

0868 CARS FOR SALE

AUTOMOVER SPECIAL
6 lines - 14 days
\$25.00
only call 270-575-8700

CASH FOR CARS!
We buy all cars! Junk, high-end, totaled - it doesn't matter! Get free towing and same day cash! NEWER MODELS too! Call 1-833-258-7036

Premier Storage
3250 Key Dr. Paducah, KY 42003
270-415-9472
Storage Unit
Auction:
Premier Storage, 3600 Ken. Paducah, KY 42003, (270) 415-9472 will conduct a public auction, Thur. Feb. 6, 2020 at 4:00 PM. Personal property stored will be sold on site to satisfy owners' lien #66 Ken Face & #53 Bethany Farris.

The Paducah Sun
THIS IS A DAY - WE'VE GOT IT!

GUARANTEED RESULTS!

We will advertise your house until it sells.*

FOR ONLY \$400.00
for subscribers
(\$499.00 for non-subscribers)

* 2x2 Display Ad [Value \$144.00 per day]
* Advertisement will run EVERY DAY
* Advertisement will include photo, description, and price of your home
* Certain restrictions apply
* This offer valid for a limited time only
* Advertisement will run no more than 180 days

Call The Paducah Sun today!
270-575-8700

For Sale By Owner, Real Estate Agents & Builders Are Welcome!

0955 LEGALS

0955 LEGALS

CONCORD ELEMENTARY SCHOOL COOLING TOWER REPLACEMENT

CONCORD ELEMENTARY SCHOOL, MCCRACKEN COUNTY PUBLIC SCHOOLS, PADUCAH, KENTUCKY

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CONCORD ELEMENTARY SCHOOL, MCCRACKEN COUNTY PUBLIC SCHOOLS, PADUCAH, KENTUCKY

INVITATION FOR BIDS

The McCracken County Board of Education will receive bids for the construction of the referenced project as described herein and per the Contract Documents.

GET IT IN PRINT AND GET IT SOLD!

The Paducah Sun Classifieds 575-8700

Classified is terrific if you like bargains!

Many bargains on new and used merchandise appear in classified every day. Be a daily reader and get in on the savings.

The Paducah Sun
people need classified

THE OFFICIAL SPONSOR OF BIRTHDAYS!

SUDOKU

Sudoku is a number-placing puzzle based on a 9x9 grid with several given numbers. The object is to place the numbers 1 to 9 in the empty squares so that each row, each column and each 3x3 box contains the same number only once. The difficulty level of the Concepts Sudoku increases from Monday to Sunday.

Concepts Sudoku By Dave Green

7	2	6		1		9		
	6	8			3	2		
			1	3			7	
5		7	6					
8	7			4	5			
4	1			8		6		
			2					

Difficulty Level ★★★★★ 2/02

Answer to previous puzzle

3	9	4	2	7	5	6	1	8
5	2	6	8	4	1	9	7	3
1	7	8	3	9	6	4	5	2
2	3	7	5	8	9	1	4	6
9	4	5	1	6	3	2	8	7
6	8	1	7	2	4	3	9	5
8	6	9	4	5	2	7	3	1
7	1	2	9	3	8	5	6	4
4	5	6	1	7	8	2	9	3

©2020 Concepts Puzzles, Dist. by King Features Syndicate, Inc.

ORDINANCE NO. 2020-_____ - _____

AN ORDINANCE ACCEPTING THE BID OF JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$479,350.50 FOR THE GREENWAY TRAIL PHASE V PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME
BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the bid of Jim Smith Contracting, LLC, in the amount of \$479,350.50, for the Greenway Trail Phase V Project, said bid being in substantial compliance with bid specifications, and advertisement for bids, as contained in the bid of Jim Smith Contracting, LLC, of February 25, 2020.

SECTION 2. That the Mayor is hereby authorized to execute a contract with Jim Smith Contracting, LLC, for the Greenway Trail Phase V Project, authorized in Section 1 above, according to the specifications, bid proposal and all contract documents heretofore approved and incorporated in the bid.

SECTION 3. That the Finance Director is hereby authorized and instructed to transfer \$50,000 from the Boyles Estate Trust (PF0049) into the Greenway Trail Phase V Project Account (PA0111). The expenditure, authorized by Section 1 above, shall be charged to the Greenway Trail Phase V Project Account.

SECTION 4. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, March 31, 2020
Adopted by the Board of Commissioners, _____
Recorded by Lindsay Parish, City Clerk, _____
Published by The Paducah Sun, _____
\ord\eng\agree- Jim Smith Contracting Greenway Trail Phase V

Agenda Action Form Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Approval of a Professional Services Contract with BFW Engineering & Testing, Inc. in the amount of \$250,000 for the Environmental Assessment Services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant) - **R MURPHY**

Category: Ordinance

Staff Work By: Ty Wilson, Melanie Townsend
Presentation By: Rick Murphy

Background Information: In 2019, the City of Paducah was awarded the Better Utilizing Investments To Leverage Development (BUILD) Grant in the amount of \$10.4 million. The City has a required match of \$1.1 million. This grant is for the Paducah Riverfront Infrastructure Improvement Project, which includes: an excursion pier and plaza, transient dock landing improvements, and four intersection improvements and a multi-use pathway.

In order to execute a grant contract with MARAD (Maritime Administration), the City of Paducah must complete an Environmental Assessment to fulfill the National Environmental Protection Act (NEPA) requirements.

On February 2, 2020, a Request for Qualifications was released and the City received bids through February 25, 2020. After reviewing the statement of qualifications, and given the firm's and subcontractors' experience in the project area, BFW Engineering & Testing, Inc. was selected and was sent a request for a formal fee proposal. A fee proposal in the amount of \$250,000 was received on March 16th. The proposal is broken out by category: NEPA Document Preparation, Grant Compliance, Permitting, Biological/Ecological Resources, Cultural Resources, Socioeconomic, Noise, Public Communications, Traffic, and Utilities. Subcontractors included in the proposal are HDR Engineering, Redwing Environmental and Corn Island Archaeology.

This portion of the project is not covered by the grant funding and is not included in the City's match requirement. The expenses associated with the Environmental Assessment will be covered by the funds from the BUILD Grant Project account.

Does this Agenda Action Item align with a Strategic Plan Action Step? No
If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
 Account Number:

Staff Recommendation: Authorize and direct the Mayor to sign a professional services contract with BFW Engineering & Testing, Inc. in the amount of \$250,000 for environmental services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant).

Attachments:

1. agree- BFW Environmental Assessment BUILD Grant
2. PaducahRiverfrontInfrastructureImprovement-FeeProposal-2020-03-16-FINAL 2
3. BUILD_EA_RFP Letter 2

ORDINANCE NO. 2020-_____-_____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC. IN THE AMOUNT OF \$250,000 FOR ENVIRONMENTAL SERVICES FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD GRANT)

WHEREAS, in 2019, the City of Paducah was awarded the Better Utilizing Investments To Leverage Development (BUILD) Grant in the amount of \$10.4 million for construction of an excursion pier and plaza, transient dock landing improvements, and four intersection improvements and a multi-use pathway; and

WHEREAS, in order to execute a grant contract with MARAD (Maritime Administration), the City of Paducah must complete an Environmental Assessment to fulfill the National Environmental Protection Act (NEPA) requirements; and

WHEREAS, on February 2, 2020, a Request for Qualifications was released and the City received bids through February 25, 2020; and

WHEREAS, BFW Engineering & Testing, Inc. was selected and offered a fee proposal in the amount of \$250,000.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah authorizes the Mayor to execute a professional services contract with BFW Engineering & Testing in the amount of \$250,000, for environmental services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant).

SECTION 2. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, March 31, 2020

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The Paducah Sun, _____

\ord\eng\agree- BFW Environmental Assessment BUILD Grant



March 13, 2020

Ty Wilson
City of Paducah
300 South 5th Street
Post Office Box 2267
Paducah, KY 42003

RE: RFQ: 2020 – BUILD EA – Paducah Riverfront Infrastructure Improvement Project Environmental Assessment

Mr. Wilson:

Bacon Farmer Workman Engineering, Inc. (BFW) is pleased to submit this fee proposal for the Environmental Assessment of the Paducah Riverfront Infrastructure Improvement Project. BFW understands that there are three (3) components of the Paducah Riverfront Infrastructure Improvement Project: the excursion pier and plaza, riverfront park, and the intersection improvements / multi-use pathway. In order to meet all requirements of the BUILD grant, BFW understands that all environmental assessments and permitting are required in order to begin the construction of the Riverfront project.

Based on the needs for the Environmental Assessment, fees have been assigned to designated categories:

Paducah BUILD Grant EA Project	
NEPA Document Preparation	\$ 60,000.00
Grant Compliance	\$ 15,000.00
Permitting	\$ 60,000.00
Biological / Ecological Resources	\$ 35,000.00
Cultural Resources	\$ 20,000.00
Socioeconomic	\$ 20,000.00
Noise	\$ 10,000.00
Public Communications	\$ 10,000.00
Traffic	\$ 10,000.00
Utilities	\$ 10,000.00

These categories were discussed in more detail in the project approach portion of the RFQ which was previously submitted on February 25, 2020. However, a summary of these details is provided below:

NEPA Document Preparation

- Project Management support for the Project
- Preparation of documentation which will require submission to the Maritime Administration (MARAD) governing agency
- Coordination with City of Paducah on project design aspects
- Coordination with subconsultants for all individual NEPA categories

www.bfwengineers.com

- Determinations for grant compliance, permitting, biological/ecological resources, cultural resources, socioeconomic, noise, public communications, traffic, utilities, etc.

Grant Compliance

- Ensure compliance with Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR 200, as adopted by the Department of Transportation at 2 CFR part 1201
- Budgetary control and review

Permitting

- Section 401/404 Compliance with Kentucky Division of Water and United States Army Corps of Engineers
- Section 402 – Clean Water Act
- Section 10 Compliance with United States Army Corps of Engineers
- Floodway/Flood Area concurrence and associated permitting
- Coordination with United States Fish & Wildlife for Permit Compliance
- Preparation of all permitting materials which include but are not limited to permit applications, maps, preliminary design drawings, photographic documentation, etc.

Biological/Ecological Resources

- Coordination with United States Fish & Wildlife and Kentucky Fish & Wildlife for Permit Compliance
- Prepare Biological Assessment for the impacted endangered and threatened species and their habitats
- Prepare plans and reports for the designated critical habitats for mussel species – includes minimization and take impacts
- Does not include mussel surveys – assumes previous survey data will be utilized for the biological assessment
- Does not include in-lieu fee payments which could be required if compensatory mitigation is determined to be a permit condition

Cultural Resources

- Examine historic maps / aerial photographs to identify potential locations for historic archaeological sites that may be present within the project area
- Coordinate with Office of State Archaeology to determine the presence of known sites that may be present
- Perform site assessments to determine if archaeological sites exist
- Prepare technical reports of findings for submittal to Kentucky Heritage Council

Socioeconomic

- Review demographic datasets, proposed land use and community resources, existing project documents
- Coordinate/interview local officials, fire department, health department, etc.
- Prepare documentation of the impact analysis methodologies and study findings, including a description of the project area, socioeconomic resources and characteristics of the study area, potential project impacts and benefits, and proposed mitigation measures

Noise

- Review noise ordinances and coordinate with City Officials
- Identify existing and proposed noise receptors
- Existing noise receptors and conditions will be documented through photographs, mapping, as well as interviews with residents and business owners, as appropriate.

- Prepare documentation of impact analysis methodologies and study findings, including a description of the project area, noise resources and characteristics of the study area, potential project impacts and benefits, and proposed mitigation measures

Public Communication

- Develop and implement a comprehensive Public Involvement Plan (PIP) that draws upon the work plan to outline how, when and by whom all public involvement and outreach tasks will be managed
- Prepare and lead local stakeholder meetings
- Prepare and print any local stakeholder meeting materials
- Assist City of Paducah with Public Outreach comments

Traffic/Utilities

- Develop ADA accessible route with expanded pedestrian walkways
- Propose appropriate signage
- Coordinate with local utility companies to ensure compliance and adherence to local requirements

BFW is excited about this opportunity and is ready to begin this project. Should you have any questions, please feel free to call our office at 270-443-1995.

Sincerely,

Bacon Farmer Workman Engineering & Testing, Inc.



Mark Workman
Executive Vice President



CITY OF PADUCAH

300 South 5th Street
P. O. Box 2267
Paducah, KY 42002-2267
Phone: (270) 444-8530
Fax: (270) 443-5058

James W. Arndt
City Manager
ICMA - CM

Michelle Smolen
Assistant City Manager
ICMA

March 2, 2020

Bacon Farmer Workman Engineering & Testing, Inc.
500 South 17th Street
Paducah, KY 42003

Re: Paducah Riverfront Infrastructure Improvement Project
BUILD EA RFQ

Mr. Workman:

Thank you for your statement of qualifications for the Paducah Riverfront Infrastructure Improvement Project Environmental Assessment. Based on the superior qualifications of the project team assembled and proposed, we are pleased to select Bacon Farmer Workman Engineering & Testing, Inc. and proposed subcontractors for the environmental assessment services. We look forward to working with your project team to move the Paducah Riverfront Infrastructure Improvement Project Environmental Assessment forward.

Please prepare and forward a formal fee proposal for the Environmental Assessment Project as outlined in the Statement of Qualifications. You may email your fee proposal to twilson@paducahky.gov.

We will be in contact soon to set a fee proposal negotiation meeting.

Sincerely,

Jim Arndt
City Manager

JA/mt

Agenda Action Form Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Zone Change three lots located at 1128 & 1140 Broadway and 1143 Kentucky Ave from B-3 General Business Zone to M-2 Heavy Industrial Zone -**T TRACY**

Category: Ordinance

Staff Work By: Josh Sommer

Presentation By: Tammara Tracy

Background Information: Paducah Planning Commission held a public hearing on January 6, 2020, pertaining to the rezoning of the property 1128 & 1140 Broadway and 1143 Kentucky Avenue from the B-3 (General Business) Zone to the M-2 (Heavy Industrial) Zone Classification. The Planning Commission recommended approval subject to the following conditions:

1. The only permitted uses are principal uses in the B-3 Zone and a self-storage facility; and
2. The design of the elevations shall be subject to review and approval of the Zoning Administrator.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

As per KRS 100.211(2)(i) unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

Attachments:

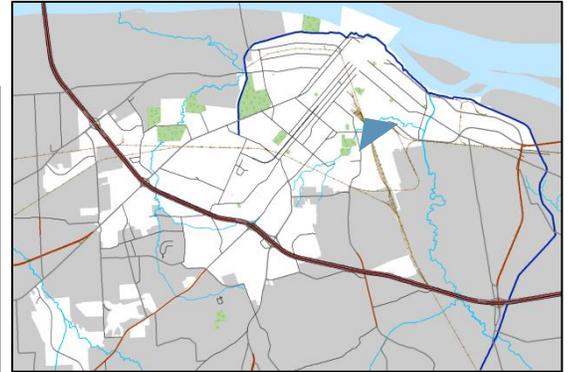
1. Staff Report ZON2019-245
2. Ordinance ZON2019-245 1128 Kentucky



STAFF REPORT PADUCAH PLANNING COMMISSION

APPLICATION INFORMATION

ADDRESS	1128 & 1140 Broadway and 1143 Kentucky Avenue
CASE NO.	ZON2019-243
OWNER	Steve & Jill Durham
APPLICANT	Same
AGENT	Siteworx Survey & Design, LLC
REQUEST	Zone change from B-3 to M-2 Heavy Industrial



General Vicinity Map

GENERAL SITE INFORMATION

CURRENT ZONING	B-3 General Business Zone
CURRENT LAND USE	Commercial building, vacant and abandoned commercial
COMPREHENSIVE PLAN	Commercial
CURRENT IMPROVEMENTS	Brick commercial building, vacant and metal commercial structure
FLOODPLAIN	No
PUBLIC UTILITIES	Power, gas, water
PUBLIC SERVICES	Storm sewer, Paducah Fire, Paducah Police

SURROUNDING AREA INFORMATION

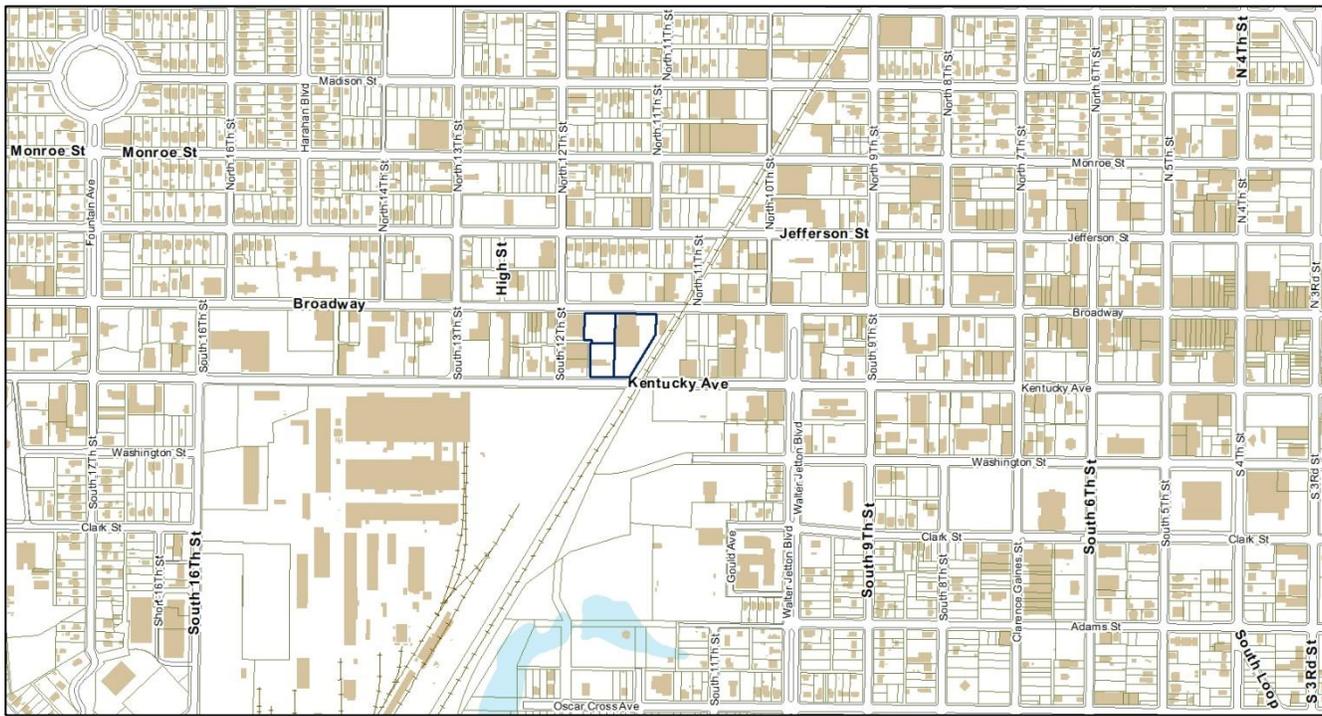
	SURROUNDING ZONING	SURROUNDING LAND USE
NORTH	B-3	Broadway/ Office building
SOUTH	M-2	Kentucky Avenue/ Industrial use
EAST	B-3	Office building
WEST	B-3	Automotive-related commercial



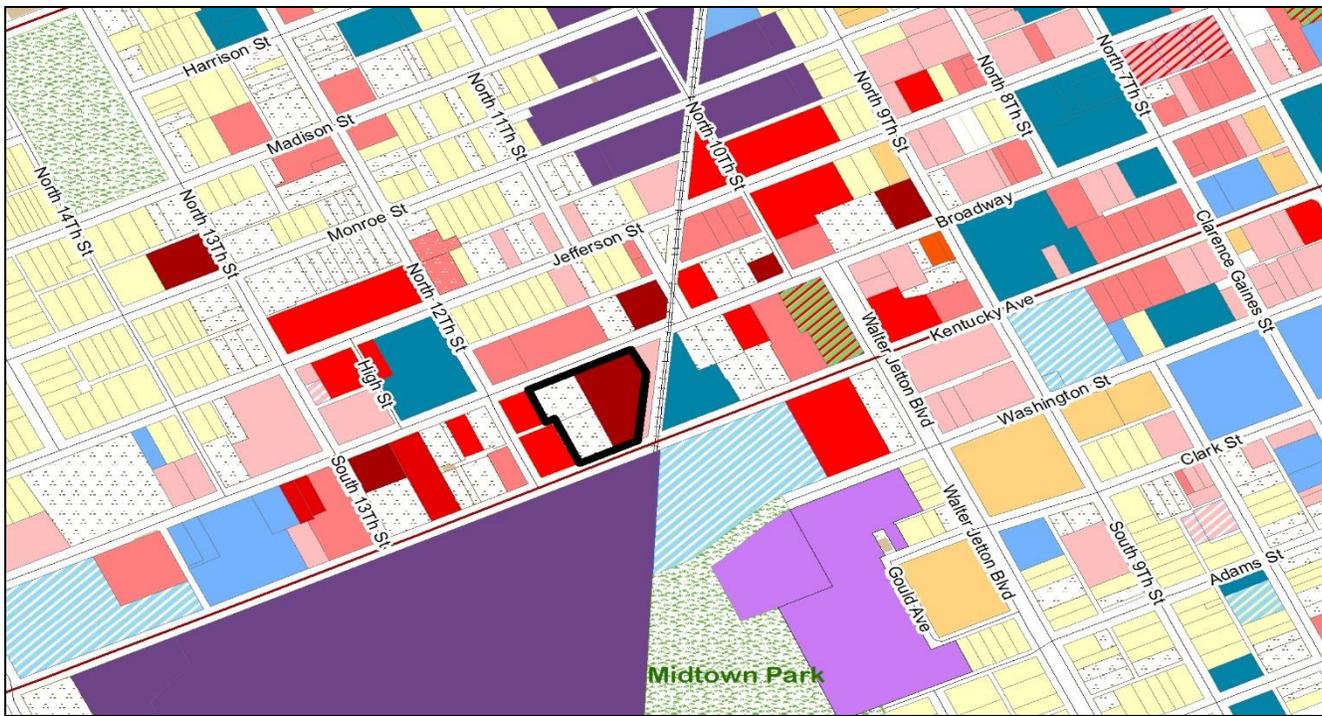
Zoning Base Map



Comprehensive Plan Map



Vicinity Map



Land Use Intensity Map

HISTORY

A rezoning petition for 1140 Broadway was brought before the Planning Commission on August 20, 2018. There was much discussion about how to make the property touch the M-2 Zone across Kentucky Avenue. The obtainment of 1143 Kentucky Avenue was mentioned as an option. However, the Petitioners were cautioned that the rezoning still may not be approved by the City Commission. The Petitioners decided to withdraw the application until another piece of property (either 1143 Kentucky Avenue and/or 1128 Broadway) could be included as part of the application. A new petition was tabled at the November 4, 2019 meeting in order for more information to be gathered regarding the proposed site plan. The Petitioners would like to submit a third petition that includes 1128 Broadway and 1143 Kentucky Avenue in the rezoning request.

CONSIDERATIONS

The Petitioner requests to rezone three lots (3.23 acres) from B-3 General Business Zone to M-2 Heavy Industrial Zone to construct a climate-controlled storage building on two of the lots. The lots would be combined via waiver of subdivision upon approval of the rezoning request. Storage units are not allowed by right in the B-3 Zone, but are permitted in the M-1 and M-2 Zones.

The Future Land Use Map, adopted as part of the Comprehensive Plan, recommends that this site, and the area around it, to remain commercial. Since the proposed request for industrial zoning is contrary to the Comprehensive Plan's Land Use recommendation, KRS 100.213 would apply.

STATUTORY REQUIREMENTS KRS 100.213

"Before any map amendment is granted, the planning commission or the legislative body or fiscal court **must** find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or the legislative body or fiscal court:

- (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
- (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. "

MAJOR UNANTICIPATED ECONOMIC, PHYSICAL OR SOCIAL CHANGES

The site is located on Broadway and Kentucky Avenue – in the heart of Paducah. There is arguably not a more recognized address; Broadway is a central factor in Paducah's identity as is Kentucky Avenue to a lesser extent.

The development pattern to the east and west of the site is typified by buildings close to the street with a high portion of the lot covered by building. The land uses are primarily consumer service-oriented in this area. The redevelopment occurring only reaffirms this pattern. The festivals & parades that march down Broadway each year do so to embrace the heart of our community.

There has not been any major change of an economic, physical or social nature that has substantially altered the basic character of the area in an unanticipated way. In fact, the intrusion of an industrial use between these prominent corridors would actually be the unanticipated major change.

Therefore, the remaining question before the Planning Commission is if the B-3 zoning classification is inappropriate and the M-2 zoning classification is appropriate.

APPROPRIATE VS. INAPPROPRIATE CLASSIFICATIONS

When looking down Broadway toward the river, the historic downtown core is easily visible. Churches and commercial businesses surround the immediate vicinity. The dominant development pattern is close to the street with extensive lot coverage. The proximity of businesses is safe and desirable because commercial uses have a relatively low level of risk of crime, hence the reduced setbacks; and function best when clustered together.

In contrast, heavy industrial uses bring the most risk and the highest severity of problems, such as hazardous or explosive materials, pollutants, processes that generate noxious noises, odors, and contaminants. Storage facilities can be utilized to store a variety of noxious materials. These risks as well as increased truck traffic are the reason industrial districts have large setbacks – to absorb the impact when accidents happen. Within the last few years, two manufacturing facilities in Paducah have suffered explosions. Single-family residences are located within 300 feet of this site.

Since the Comprehensive Plan is a forward-looking document, it is important to focus on what a rezoning may produce in the future. If the site is sold years later, it would still be zoned M-2 and any number of manufacturing uses, even very dangerous and noxious uses such as a salvage yard, may locate there. This would be highly detrimental to the surrounding area. While the future is fluid pertaining to a specific piece of property, we can plan for the highest and best outcome through the application of zoning principles.

Based on the above, staff concludes that the existing B-3 zoning is appropriate and that M-2 zoning would be inappropriate. Protecting property values and mitigating potential noxious uses are fundamental goals that planning and zoning are intended to achieve.

SPOT ZONING

Kentucky courts have generally not upheld “spot zoning” cases. This case was the first time Hannan Plaza was considered for a rezoning from R-1 to B-1 in 1957. The rezoning pertained

only to the Hannan Plaza parcel and was struck down by the Court of Appeals (*Mathis v. Hannan* 306 S.W.2d 278 (1957)). In this decision, the Court of Appeals stated the following, which also includes findings from another case:

"What is known as 'spot zoning' is generally frowned upon by the courts. While the City Council has broad powers in respect to zoning, it is without authority to single out one lot in an amendatory ordinance and arbitrarily remove therefrom restrictions imposed upon the remaining portions of the same zoning district. There must be reasonable ground or basis for the discrimination. It is only where zoning ordinances are related in some way to the health, safety, morals and general welfare that they are valid. Selligman v. Von Allmen Bros., 297 Ky. 121, 179 S.W.2d 207."

While the proposed rezoning is adjacent to an M-2 Zone across Kentucky Avenue, this may still be considered "spot zoning". Approximately 140,947.06 square feet (3.23 acres) is being proposed to be rezoned that would form an intrusion into the B-3 Zone. The B-3 Zone would be present on the north, east and west sides of the property. In contrast, the M-2 Zone on the south side of Kentucky Avenue covers 540.57 acres. The three lots in question are proposed to be rezoned for a specific use on two of those lots and to increase the proposed rezoned area to form a more geometric area.

SITE DESIGN

One climate-controlled storage building is being proposed. The building is proposed to be accessed off both Broadway and Kentucky Avenue.

If the site were rezoned to the M-2 district as requested, the proposed development would not meet minimum standards. This fact further indicates that the M-2 district is inappropriate here. The Petitioner is requesting a side variance of 8.5 feet on the east side of the lot and a side yard variance of 13.5' on the west side of the lot to allow the building to be constructed 16.5' from the east property line and 11.5' from the west property line.

This site plan depicts a 100' X 260' building. However, the Petitioner's engineer has advised staff the building would be constructed at 100' X 258' in order to prevent going over 50% of the maximum lot coverage in the M-2 Zone. The actual size would be shown and reviewed on the site plan submittal.

EXCERPT FROM THE PADUCAH ZONING ORDINANCE

Section 126-110. Light Industry Zone, M-1.

The following provisions shall apply in the M-1 Light Industry Zone unless otherwise provided herein:

- (1) *Principal permitted uses.*
 - a. *Any use permitted in the B-3 zone*
 - b. *Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property*

- c. *Warehouses & storage buildings*
- d. *Public and commercial sewage disposal plant*
- e. *Any other use which, in the Commission's opinion, would be compatible in the B-3 zone.*
- (2) *Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment.*
 - a. *Any other industrial use determined to be of the same general character as the above permitted uses.*
 - b. *Animal hospital or kennel, located not closer than 300 feet to an R zone.*
 - c. *Heliports*
- (3) *Minimum yard requirements.*
 - a. *Permitted uses having a total plan floor area of 10,000 square feet or less:*
 - 1. *Front yard: 25 feet, except for highway strip uses for which a 50-foot front yard is required.*
 - 2. *Side yard: Ten feet.*
 - 3. *Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.*
 - 4. *No storage of materials or equipment shall be allowed in the minimum front yard.*
 - b. *Permitted uses with a total plan floor area of more than 10,000 square feet:*
 - 1. *Front yard: 50 feet.*
 - 2. *Side yard: 25 feet.*
 - 3. *Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.*
- (4) *Minimum area requirements.*
 - a. *Permitted uses having a total plan floor area of 4,000 square feet or less:*
 - 1. *Minimum lot area: 7,500 square feet.*
 - 2. *Minimum lot width: 60 feet.*
 - b. *Permitted uses with a total plan floor area of more than 4,000 square feet:*
 - 1. *Minimum lot area: 15,000 square feet.*
 - 2. *Minimum lot width: 75 feet.*
- (5) *Maximum building height. None.*
- (6) *Parking requirements. See section 126-71.*
- (7) *Maximum lot coverage.*
 - a. *Principal structures: 50 percent of gross lot area.*
 - b. *Total coverage by principal structures, accessory structures and outside storage: 70 percent of gross lot area.*

Section 126-111. Heavy Industrial Zone, M-2.

The following provisions shall apply in the M-2 Heavy Industry Zone unless otherwise provided herein.

- (1) *Principal permitted uses.*
 - a. *Any use permitted in the M-1 zone*
 - b. *Animal hospital or kennel*
 - c. *Junkyards (solid fence, minimum height of eight feet, enclosing junkyards) in no instance shall stored materials be visible from any roadway.*
 - d. *Any industrial use that is determined to be non-detrimental to the properties immediately surrounding the use.*
- (2) *Minimum yard requirements. Same as section 126-110 (3).*
- (3) *Minimum area requirements. Same as section 126-110 (4).*
- (4) *Maximum building height. None.*
- (5) *Parking requirements. See section 126-71.*
- (6) *Maximum lot coverage. Same as section 126-110 (7).*

STAFF RECOMMENDATION

It is staff's opinion that neither statutory finding can be met for a zone change; therefore, staff **strongly recommends denial** of the application and offers the following motion:

*I move that the Planning Commission recommend to the City Commission that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue **not be rezoned** to the M-2 zoning classification.*

I further move that the following findings of fact be adopted:

- *The proposed M-2 Zone is not in compliance with the City of Paducah Comprehensive Plan.*
- *There have not been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.*
- *The B-3 Zoning designation is appropriate because it mimics the existing development pattern which is walkable, desirable and supportive of commercial development.*
- *The proposed M-2 Zoning is inappropriate because it allows many more dangerous and risky uses without any protective measures.*
- *The M-2 Zoning for just these parcels could be considered spot zoning, which is not typically supported by the Kentucky courts as demonstrated in Mathis V. Hannan.*
- *The rezoning of this parcel would allow noxious uses in the future that could lead to detrimental views along Broadway & Kentucky Avenue, increase the probability of contaminants, hazardous materials & dangerous processes and decrease the likelihood of commercial reinvestment in the surrounding area.*

However, in the event the Planning Commission would like to forward a positive recommendation to the City Commission, the following motion may be used:

I move that the Planning Commission recommend to the City Commission that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue be rezoned to the M-2 zoning classification.

I further move that side yard variances of 8.5' on the east side of the lot and 13.5' on the west side of the lot be granted in accordance with Section 126-176 (e) of the Paducah Zoning Ordinance.

I further move that the following conditions be attached to this recommendation:

- A. The only uses permitted are principal uses in the B-3 Zone and a self-storage facility;*
- B. The design of the elevations shall be subject to the Zoning Administrator's approval.*



Looking southeast into the site



Looking southwest into the site



Looking northwest into the site



Looking northeast into the site

ORDINANCE NO. 2020 - ____ - _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PADUCAH PLANNING COMMISSION AND AMENDING THE PADUCAH ZONING MAP FOR PROPERTY LOCATED AT **1128 & 1140 BROADWAY AND 1143 KENTUCKY AVENUE** FROM THE B-3 (GENERAL BUSINESS) ZONE TO THE M-2 (HEAVY INDUSTRIAL) ZONE CLASSIFICATION.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. At a public hearing held on January 6, 2020, the Paducah Planning Commission forwarded a favorable recommendation to the Board of Commissioners that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue be rezoned from the B-3 General Business Zone to M-2 Heavy Industrial Zone.

SECTION 2. The Paducah Planning Commission attached conditions to the forwarded recommendation, being that:

- A. The only permitted uses are principal uses in the B-3 Zone and a self-storage facility; and
- B. The design of the elevations shall be subject to review and approval of the Zoning Administrator.

SECTION 3. That the zone classification of the following described property be changed from B-3 General Business Zone to M-2 Heavy Industrial Zone:

Beginning at a point, said point being in the south Right-of-Way of Broadway and the common property line of the Steve & Jill Durham and Auto Upholstery Shop, Inc. properties;

Thence with the Right-Of-Way of Broadway North 65 Degrees One Minute 24 seconds East for a distance of 393' feet to a point, said point being the common property line of the Steve & Jill Durham and Peteybo Properties, LLC, properties;

Thence with the common line of the Peteybo Properties, LLC, property South 25 Degrees 2 Minutes 27 seconds East for a distance of 111.39' to a point;

Thence continuing with the Peteybo Properties, LLC line South 5 Degrees 23 Minutes 39 Seconds West for a distance of 313.28' to a point, said point being the centerline of Kentucky Avenue;

Thence with the centerline of Kentucky Avenue South 64 Degrees 57 Minutes 33 Seconds West for a distance of 217.90' to a point,

Thence in a northerly direction a distance of 33' to a point, said point being the north Right-of-Way of Kentucky Avenue, the east line of a 15' public alley and the west line of the Steve & Jill Durham property;

Thence with the 15' alley the next four calls in a northerly direction:

North 25 Degrees 2 Minutes 27 Seconds West for a distance of 185 feet;

North 64 Degrees 57 Minutes 33 Seconds E for a distance of 4.96 feet;

North 25 Degrees 2 Minutes 27 Seconds West for a distance of 15 feet;

South 64 Degrees 57 Minutes 33 Seconds West for a distance of 40 feet;

Thence leaving the north Right-of-Way line with the alley and with the common property line of the Steve & Jill Durham and Auto Upholstery Shop, Inc., properties North 25 Degrees 2 Minutes 27 Seconds West for a distance of 150.05' to the **Point of Beginning**.

The above described Tract contains 2.62 acres.

SECTION 4. That if any section, paragraph or provision of this ordinance shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 5. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners on
Adopted by the Board of Commissioners on
Recorded by City Clerk on
Published by the Paducah Sun on
R:\Planning\40 Land Use\Boards\PC -- URCDA\Open Cases\ZON2019-245 1128 & 1140 Broadway and 1143 Kentucky Avenue\Ordinance ZON2019-245 1128 Kentucky.docx

Agenda Action Form

Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Fiscal Year-End Business License Due Date Clarification - **J PERKINS**

Category: Ordinance

Staff Work By: Stacey Young, Jonathan Perkins

Presentation By: Jonathan Perkins

Background Information: In order to clarify the due date for fiscal year-end (non-calendar year-end) business license filers, it is necessary to change Section 106-65 by striking the word '~~may~~' and inserting 'shall'. The intention of this change is to make the meaning of the Section clearer and less ambiguous. There were several grammatical errors in the Section also corrected.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
 Account Number:

Staff Recommendation: Staff strongly recommends the proposed clarification changes for Section 106-65.

Attachments:

1. 106-65 – Due Date Clarification

ORDINANCE NO. 2020-_____ - _____

**AN ORDINANCE AMENDING CHAPTER 106
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, the Kentucky Revised Statutes authorize the collection of license taxes; and

WHEREAS, in order to clarify the due date for fiscal year-end (non-calendar year-end) business license filers and correct grammatical errors, it is necessary to amend Section 106-65 of the Code of Ordinances of the City of Paducah, Kentucky;

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 106 of the Paducah Code of Ordinances by amending the following sections:

Sec. 106-65. – Annual license tax imposed on business entities; ~~filing~~ [filing] of annual license tax return and business license application; payment of annual license tax; due date for filing and payment of tax.

(a) Each business entity which conducts business in this ~~city~~ [City] shall be required to pay an annual license tax based upon its taxable gross receipts which are realized by the business entity from such business. The amount of the license tax shall be determined in accordance with this section, and the provisions which are set forth under division 2 of this article. The annual license tax imposed under this section shall be for the privilege of doing business in the City, and is utilized as a measure to raise revenue to help defray the costs incurred by the City in providing municipal services which support, protect and promote the business of all business entities.

(b) Each business entity shall be required to prepare and file an "Annual License Tax Application." This return and application shall include the annual license tax return which is required to be filed under this section, and the annual application for a business license certificate which is required to be filed under section 106-69.

(c) The business entity shall file the return and application on or before the due date of April 15 of each calendar year; provided, however, that if the business entity operates on a fiscal year which is not based on the calendar year, the business entity ~~may~~ [shall] file the return and application on or before the 15th day of the fourth month following the close of the business entity's fiscal year. The return and application shall be filed with the Finance Director.

(d) The return and application shall be made on a form provided by the Finance Director. Each return and application shall identify the name and address of the business entity as reflected on the business entity's State tax return, each kind of business which the business entity conducted in the City in the reporting period, the address of each location or locations of each business, the gross receipts and taxable gross receipts which are realized from each business during the reporting period, and the annual license tax which is due. The business entity shall attach a copy of its Federal tax return, together with all supporting statements and schedules, to its return and application.

(e) The business entity shall make its return based on the preceding calendar year period, and shall report all taxable gross receipts realized by the business entity during such reporting period. Provided, however, that if a business entity makes a Federal income tax return on a fiscal year basis, the business entity shall make its return based on its fiscal year period, and shall report all taxable gross receipts realized by the business entity during such reporting period.

(f) The business entity shall also report the annual license fee which is to be paid by the business entity. The annual license fee shall be based on the business entity's taxable gross receipts realized during the reporting period, and shall be computed in accordance with the classifications and the schedules as set forth under division 2 of this article. The business entity shall pay the annual license fee to the Finance Director at the time that the business entity files its return and application. The annual license tax shall be paid without regard to any extension of time for filing of the return and application.

SECTION 2. Nothing herein shall be construed to invalidate or waive the provisions of Ordinance No. 2020-03-8623 which extended the 2020 deadline for the filing of the annual Gross Receipts License Tax (Business License Tax) as outlined in Section 106-61 through 106-160 of the Code of Ordinances of the City of Paducah, Kentucky, to July 15, 2020, for calendar year filers. Ordinance No. 2020-03-8623 shall remain in full force and effect.

SECTION 3. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4. This Ordinance shall be read on two separate days and become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 14, 2020

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

ord\106-65 – Due Date Clarification

Agenda Action Form Paducah City Commission

Meeting Date: April 14, 2020

Short Title: Authorize a professional services agreement with Kroll Associates in the amount of \$45,000 for Endpoint IT Protection Services & Threat Monitoring - **S CHINO**

Category: Ordinance

Staff Work By: Stephen Chino
Presentation By: Stephen Chino

Background Information: This ordinance approves a professional services contract with Kroll Associates in an amount of \$45,000 for endpoint IT Protection including Incident Response, Remediation Services and Red Canary Managed Threat Detection Services and CarbonBlack Endpoint sensors.

These services will provide endpoint protection for 300 City of Paducah computers and devices at a cost of \$150 per device.

The initial term of the contract will be for one (1) year and will automatically renew for successive one-year periods unless either Party provides written notice of termination to the other Party no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term.

A written determination has been made by the City Manager that this constitutes a professional services purchase and will be a noncompetitive negotiation purchase, pursuant to KRS 45A.380(3).

Further, this ordinance approves a transfer of \$45,000 from the Administrative Contingency Account to the Computer Software Account #10000501522020.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name: Computer Software
Administrative Contingency

Account Number: 10000501522020
10000106524500

Staff Recommendation: Approve the ordinance to enter into a professional services agreement with Kroll Associates and transfer \$45,000 from the Administrative Contingency Account to the Computer Software Account.

Attachments:

1. 1 year term City of Paducah Kroll End Point Services statement of work
2. Ordinance

**STATEMENT OF WORK
FOR
Kroll CyberDetectER® Endpoint powered by Red Canary**

This Statement of Work (“SOW”), dated 4/6/20, is entered into pursuant to and incorporates herein by reference the letter of engagement, entered into as of 2/1/20 (together with this SOW, the “Agreement”), by and between City of Paducah, Kentucky (“Client”) and Kroll Associates, Inc. on behalf of itself and its affiliates (“Kroll”) for the Kroll Services described herein. Capitalized terms herein shall have the meaning ascribed in the letter of engagement or master terms and conditions.

Kroll Services and Red Canary Services are described below and subject to the respective terms and conditions referenced herein.

A. Description of Kroll Incident Response and Remediation Services (“Kroll Services”)

As part of **Kroll CyberDetectER® Endpoint powered by Red Canary** service, Kroll will provide the following Kroll Services to Client:

Description of Kroll Services
<p><u>Kroll Threat Alert Response and Remediation Support:</u></p> <p>Kroll will provide response and remediation support associated with specific Threat Alerts and other suspicious Endpoint activity reported by Kroll or Red Canary, as requested by Client, including:</p> <ul style="list-style-type: none"> • Supplemental threat analysis and intelligence • Malware sandboxing and analysis • Configuration and activation of manual and/or automated response and remediation actions supported within the Portal and/or directly through Endpoint Collection Software (e.g. hash banning, file deletion, process termination, and endpoint isolation) • Threat Alert correlation and root cause analysis using the Endpoint Collection Software • Remediation guidance <p>Client understands and accepts that, while not anticipated, any response and remediation actions taken could cause unforeseen system errors, outages, or data loss.</p> <p><u>Kroll Incident Response and Investigation Services</u></p> <p>Kroll will provide additional incident response or investigative services, as requested by Client, including:</p> <ul style="list-style-type: none"> • Emergency and after-hours incident response support • Remote evidence collection and analysis • In-lab forensic imaging and analysis • Malware reverse engineering • Event log collection, analysis and correlation • Custom threat hunting or forensic investigation using the Endpoint Collection Software • Custom analysis and reporting <p>Kroll Incident Response and Investigation Services and are billed hourly and invoiced separately in accordance with the terms of this Agreement.</p> <p>Unless otherwise noted, Kroll Threat Alert Response and Remediation support is available 09:00 to 18:00 EST/EDT, Monday through Friday– excluding US Federal holidays. After-hours Incident Response and Investigation Services are available on an emergency basis.</p>

B. Fee Structure and Invoicing

The initial term of this Statement of Work shall be for one (1) year (“Initial Term”) from the date above (“Effective Date”) and shall automatically renew for successive one-year periods (each a “Renewal Term”), unless either Party provides written notice of termination to the other Party, and in any case no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term. Upon receipt of written notice, the effective date of the Termination shall be then end of the then-current Initial Term or Renewal Term. From the Effective Date, the Initial Term and any Renewal Term(s) together until termination hereunder shall be the “Term”.

Invoicing for Managed Threat Detection Services. On behalf of its strategic partner, Red Canary, Kroll shall invoice Client for **Kroll CyberDetectER® Endpoint powered by Red Canary**, Red Canary Services, on a fixed fee basis for a minimum of 300 # of Endpoints Endpoints per year (“End User’s Endpoints”). The cost per Endpoint per year is \$150 per Endpoint. “Endpoint” means any kind of computing device that the Endpoint Collection software supports and from which it can collect data, and may include by is not limited to computer workstations, laptops, file and print servers, e-mail servers, Internet gateway devices, storage area network servers (SANS), and terminal servers.

Kroll shall invoice the Client in full for the annual cost of this service in advance of the Effective Date of the Initial Term, or up to thirty (30) days prior to the start of any Renewal Term. **The Term is not cancellable, and all payments are non-refundable.** Payment is due upon receipt of the invoice.

Endpoint True-ups. In the event that during the Term, the number of Endpoints increases beyond the minimum listed above, Client will be invoiced for the additional Endpoints on installation of each added Endpoint, at the price listed above per Endpoint per year. Incremental Endpoints will be billed during the calendar quarter immediately subsequent to the increase in Endpoints and be pro-rated retroactively from date of implementation. The Term will be measured from the date of implementation for each added Endpoint.

Invoicing for Additional Incident Response and Investigation Services.

In accordance with the description of Kroll Services above, during the Term, Kroll may provide Additional Incident Response and Investigation services to Client. The Professional Fees for this service will be charged at Kroll’s then-current rates, less a discount of 15%.

Invoicing for Additional Services. In addition to the **Kroll CyberDetectER® Endpoint powered by Red Canary** services described above, Client may, at its option, request that Kroll provide additional services, pursuant to an additional Statement of Work, for an additional cost (“Additional Services”). To the extent the Client requests Kroll to perform such Additional Services, the Professional Fees for such Additional Services will be charged at Kroll’s then-current rates, less a discount of 15%. Kroll’s current rates are as follows:

Consulting Services	\$500/hour
Travel Time	50% of Consultant hourly rate
Media Preservation/Replication	\$400/media
Media / Data Storage	\$25/media/month

For Incident Response and Remediation Support hours, or any other Additional Services, Kroll shall invoice Client for the services performed on a monthly basis with the fee due and payable within thirty (30) days of the date of the invoice. In addition to the Professional Fees identified above, additional charges may include reasonable out-of-pocket expenses incurred in connection with these services.

To the extent any expedited and/or emergency services are requested by Client, including work that must be performed over a weekend or holiday, or on an overtime basis, Kroll reserves the right to charge for such expedited services at 1.5 times its normal hourly rates for the applicable services.

To the extent Kroll is requested to provide any written testimony or reports, such additional services will be provided at Kroll's standard applicable hourly rates. However, oral testimony at deposition, a hearing or trial will be provided at 1.5 times such rates.

Accepted and agreed:

City of Paducah, Kentucky

KROLL ASSOCIATES, INC.

Name:

Title:

Date:

Name:

Title:

Date:

[CONTINUE TO NEXT PAGE]

C. Red Canary Managed Threat Detection Services (“Red Canary Services”)

As Kroll’s strategic partner in providing the **Kroll CyberDetectER® Endpoint powered by Red Canary** service, Red Canary will be responsible for providing the following Red Canary Services to Client, subject to Client’s acceptance of, and provided pursuant to, the Red Canary End User Security Platform Agreement and Statement of Work (“EUSPA”), which terms and conditions are accessible via the applicable link below.

Additionally, Client further accepts and agrees to the terms of the Software End User License Agreement(s) (“Software EULA”) for the Endpoint Collection Software, which is defined and accessible via the link(s) listed in the table below.

In connection with the Kroll CyberDetectER® Endpoint powered by Red Canary services, Client acknowledges and agrees that Client’s acceptance of and agreement to the EUSPA and the Software EULA as evidenced by Client’s signature below, is required for the provision of the Red Canary Services by Red Canary.

Description of Red Canary Services
<p>Third Party Services: Red Canary Managed Threat Detection Services, provided by Red Canary for use by Client and Kroll pursuant to the terms and conditions of the Red Canary End User Security Platform Agreement and Statement of Work at https://www.redcanary.com/wp-content/uploads/Red-Canary-Incorporated-Security-Platform-Agreement.pdf.</p> <ul style="list-style-type: none">• Includes 24x7x365 Red Canary Threat Alert escalation and Portal access.• Includes Automate features
<p>Threat Alerts: Red Canary will provide, as appropriate, Threat Alerts. “Threat Alerts” means analyst-vetted alerts on malicious activity detected by Red Canary on Client Endpoints.</p> <p>Threat Alerts will be sent to Kroll and Client’s technical contacts as configured in the Red Canary Portal. Where applicable, each Threat Alert includes information describing the background of the threat related to the particular Alert.</p> <p>Threat Alerts will contain information that is known to Red Canary about the threat at the time, which typically includes but is not limited to:</p> <ul style="list-style-type: none">• Summary of the detected threat• Name of affected endpoint and user• Artifacts such as file names, Internet Protocol (IP) addresses, domain names and registry keys that help support both Client remediation efforts and identification of similar threats.
<p>Client Portal: Client and Kroll will be provided with access to the Red Canary portal (“<u>Portal</u>”) through which Client and Kroll can view data and Threat Alerts.</p>

Client's Software License ("Software EULA")

Third Party Software: The Red Canary Services include the provision of endpoint monitoring using Carbon Black Enterprise Response software ("Endpoint Collection Software"), which is provided to Client in connection with the Red Canary Services and licensed hereunder for use by Red Canary on behalf of Client per the terms and conditions of the Carbon Black Response EULA accessible at <https://www.carbonblack.com/license-agreements/cb-response-license-agreement>

D. Client Responsibilities

In connection with the Kroll Services and Red Canary Services, Client agrees to be responsible for performing the following tasks:

1. Installing and maintaining active Endpoint Collection Software on all Client systems to be monitored.
2. Provide Kroll and Red Canary with continuous access to Client's instance of the Endpoint Collection Software to facilitate ongoing monitoring and response activities for the monitored Endpoints.
3. Obtaining all required authorizations to perform the Managed Threat Detection Services and any data or information required thereby. Client shall obtain consents and authorizes for Kroll and Red Canary and their employees and agents to gain access to and retrieve Technical Data and analyze Threat Alerts and to perform the Red Canary Services and the Kroll Services.
4. In the course of accessing, obtaining and otherwise using the Managed Threat Detection Services and Threat Alerts, Client shall have sole responsibility for the accuracy, quality, integrity, and authorization for use, and intellectual property ownership or right to use necessary for the transferability to Red Canary and Kroll of Technical Data.
5. Client will permit Kroll to include anonymized data that Kroll obtains from the monitoring of Client's endpoints in Kroll's proprietary threat intelligence database or feeds, as well as sharing any such data with its intelligence partners. This data includes binary hashes, binary metadata, and Carbon Black Response event data such as process hashes, IP addresses, domain names, user context (System vs. Local, Root, Network Service, etc.) and operating system version identifiers.

Client's signature below hereby accepts and agrees to the description of Services and Client Responsibilities above and to the terms and conditions accessible in the links below for the Red Canary Services and Endpoint Collection Software:

1. the EUSPA: <https://www.redcanary.com/wp-content/uploads/Red-Canary-Incorporated-Security-Platform-Agreement.pdf> and
2. the Carbon Black Response EULA: <https://www.carbonblack.com/license-agreements/cb-response-license-agreement>

City of Paducah, Kentucky

Name:
Title:
Date:

ORDINANCE NO. 2020-_____ - _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KROLL ASSOCIATES FOR ENDPOINT I.T. PROTECTION SERVICES & THREAT MONITORING IN THE AMOUNT OF \$45,000 FOR THE PADUCAH INFORMATION TECHNOLOGY DEPARTMENT AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$45,000 FROM THE ADMINISTRATIVE CONTINGENCY ACCOUNT TO THE COMPUTER SOFTWARE ACCOUNT AS FUNDING FOR THE PROFESSIONAL SERVICES AGREEMENT

WHEREAS, a written determination has been made by the City Manager that this constitutes a professional services purchase and will be a noncompetitive negotiation purchase, pursuant to KRS 45A.380(3).

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby authorizes the Mayor to execute a professional services agreement with Kroll Associates in an amount of \$45,000 for Endpoint I.T. Protection Services & Threat Monitoring. These services will provide endpoint protection for 300 City of Paducah computers and devices at a cost of \$150 per device. The initial term of the contract will be for one (1) year and will automatically renew for successive one-year periods unless either Party provides written notice of termination to the other Party no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term.

SECTION 2. That the Finance Director is hereby authorized and instructed to transfer \$45,000 from the Administrative Contingency Account No. 10000106524500 into the Computer Software Account No. 10000501522020. The expenditure, authorized by Section 1 above, shall be charged to the Computer Software Account No. 10000501522020.

SECTION 3. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 14, 2020

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The Paducah Sun, _____

\ord\agree & transfer – Kroll Associates IT Endpoint Protection