



**CITY COMMISSION MEETING
AGENDA FOR NOVEMBER 7, 2017
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/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. <u>MINUTES</u>
	B. <u>MOTION</u>
	1. R & F Documents
	C. <u>MUNICIPAL ORDER(S)</u>
	1. Personnel Actions – M. RUSSELL
	2. Approve Flexible Spending Account Contributions for City Full-time Employees – M. RUSSELL
	3. 2018 Fuel Contract Extension – R. MURPHY
	4. Establish Permit Fee for Commercial Collection of Recyclable Solid Waste – CITY MGR PEDERSON
	II. <u>ORDINANCE(S) – ADOPTION</u>
	A. Approve Rezoning of 2835 Maryland Street and 2909 Lone Oak Road – T. TRACY
	B. Approve Final Annexation of 2835 Maryland Street and 2909 Lone Oak Road – T. TRACY

	III.	<u>ORDINANCE(S) – INTRODUCTION</u>
		A. FY2018 Budget Amendments – CITY MGR PEDERSON/J. PERKINS
	IV.	<u>COMMENTS</u>
		A. Comments from the City Manager
		B. Comments from the Board of Commissioners
		C. Comments from the Audience
	V.	<u>EXECUTIVE SESSION</u>

At a Regular Meeting of the Board of Commissioners, held on Tuesday, October 24, 2017, 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, Holland, Rhodes, Wilson and Mayor Harless (5).

INVOCATION

Commissioner Holland gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Harless led the pledge.

PROCLAMATION

Mayor Harless presented members, Kathy West & Celeste Emerson, of the Purchase Area Diabetes Connection with a proclamation designating November 2017 as American Diabetes Awareness Month.

RESOLUTION

SUPPORT FEDERAL HISTORIC TAX CREDIT PROGRAM CONTINUATION

Mayor Harless offered motion, seconded by Commissioner Wilson, that a Resolution entitled, "A RESOLUTION TO URGE THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO CONTINUE THE FEDERAL HISTORIC TAX CREDIT PROGRAM, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO," be adopted.

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

CONSENT AGENDA

Mayor Harless asked if the Board wanted any items on the Consent Agenda removed. Since no one responded she asked the City Clerk to read the Consent Agenda.

II(A)	Minutes for the October 10, 2017 & October 16, 2017 City Commission Meetings
II(B)1	Appointment of Shirley Trail-Lanier to the Board of Adjustment to replace Oscar Gamble whose term has expired. This term shall expire August 31, 2021.
II(B)2	Reappointment of Joseph Benberry & David Morrison to the Planning Commission. These terms shall expire August 31, 2021.
II(B)3	Appointment of Robert Shy to the Human Rights Commission to replace Lincoln Hardy who has resigned. This term shall expire July 24, 2020.
II(B)4	Appointment of Jeanne Stroup to the Paducah Golf Commission to replace Janie Smith who has resigned. This term shall expire March 26, 2019.
II(C)1	<p>R & F Documents:</p> <p><u>DOCUMENTS</u></p> <ol style="list-style-type: none"> 1. Notice of Cancellation for the Board of Commissioners for October 17, 2017 2. Amended Notice of Called Joint Meeting for the Board of Commissioners and McCracken County Fiscal Court for October 16, 2017 3. Quitclaim Deeds: <ol style="list-style-type: none"> a. Latria Hensley – 1908 Clay Street (MO # 1926) b. Latria Hensley – 1904 & 1906 Clay Street (MO # 1907) 4. Contracts/Agreements: <ol style="list-style-type: none"> a. Amended Comprehensive Health Insurance Benefit Plan Premiums with Delta Dental for calendar year 2018 (MO # 2031) b. Contract for Services with Paducah Film Society (DBA Maiden Alley Cinema) (Executed by CM) c. Agreement with James Sanders Nursery, Inc. for the Purchase of Four ZTR Mowers (MO # 2027) d. Agreement with Paducah Ford to purchase ten Police Pursuit Rated SUVs (MO # 2026) e. Agreement with Central Paving Company for Noble Park Tennis Courts Renovation (MO # 2032)

	<p>f. Community Development Block Grant Agreement for Pump Station # 2 Rehabilitation Project (MO # 2014)</p> <p>5. Luther F. Carson Four Rivers Center, Inc. Financial Statements for Years Ended June 30, 2017 & 2016</p> <p>6. Paducah Water Works Financial Statements for Years Ended June 30, 2017 & 2016</p> <p>7. Paducah Water Works Financial Highlights for September 2017</p> <p>8. City of Paducah Police and Firefighters Pension Fund Valuation as of July 1, 2017</p> <p>9. City of Paducah Police and Firefighters and Appointive Employees' Pension Funds Statement of Governmental Accounting Standards Numbers 67 and 68 Actuarial Report for June 30, 2017</p> <p>PROPOSAL FOR POLICE DEPARTMENT Surveillance Camera Equipment and Software</p> <p>1. Alert Alarm Systems, Inc. *</p>
II(D)1	Personnel Actions
II(D)2	A MUNICIPAL ORDER APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND JOHN TOLLIVER FOR EMPLOYMENT AS POLICE TRAFFIC OFFICER, AND AUTHORIZING THE MAYOR TO EXECUTE SAME (M.O.#2033; BK 10)
II(D)3	A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES GRANT THROUGH THE KENTUCKY LOCAL RECORDS BRANCH FOR THE PLANNING DEPARTMENT TO BE USED TO DIGITIZE SANBORN MAPS OF PADUCAH FROM 1952 (M.O.#2034; BK 10)
II(D)4	A MUNICIPAL ORDER APPROVING AN AGREEMENT WITH THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT TO OBTAIN A COMMUNITY DEVELOPMENT BLOCK GRANT AWARD ON BEHALF OF THE FOUR RIVERS BEHAVIORAL HEALTH CENTER POINT RECOVERY CENTER, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME (M.O.#2035; BK 10)
II(D)5	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR A MATCHING GRANT IN THE AMOUNT OF \$3,000 FROM THE KENTUCKY LEAGUE OF CITIES LIABILITY GRANT PROGRAM FOR THE PURCHASE OF NEW PLAYGROUND EQUIPMENT - A GAMETIME DRUM CIRCLE FOR THE NOBLE PARK BOUNDLESS PLAYGROUND (M.O.#2036; BK 10)
II(D)6	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ALERT ALARM SYSTEMS, INC. IN THE AMOUNT OF \$46,423.75 FOR THE PURCHASE AND INSTALLATION OF THREE (3) NEW PTZ CAMERAS AND RELATED EQUIPMENT AND SOFTWARE ALONG THE CITY'S FLOODWALL (M.O.#2037; BK 10)

Mayor Harless offered motion, seconded by Commissioner Holland, that the items on the Consent Agenda be adopted as presented.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

ORDINANCE(S) – INTRODUCTION

AMEND CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY GRANTING COMCAST CABLE, HEARTLAND REGION FORMERLY KNOWN AS COMCAST OF THE SOUTH, L.P. A FRANCHISE EXTENSION." This Ordinance is summarized as follows: The City of Paducah and Comcast Cable, Heartland

Region formerly known as Comcast of the South, L.P., agree to amend Section 23 of the Franchise Agreement by extending the term of such Franchise indefinitely on a month-to-month basis and the Mayor is hereby authorized to execute said Franchise Extension.

APPROVE REZONING OF 2835 MARYLAND STREET AND 2909 LONE OAK ROAD

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE APPROVING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO HBD (HIGHWAY BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 2909 LONE OAK ROAD AND 2835 MARYLAND STREET." This Ordinance is summarized as follows: Rezone property located at 2909 Lone Oak Road and 2835 Maryland Street, from R-1 (Low Density Residential Zone) to HBD (Highway Business District), and amending the Paducah Zoning Ordinance to effect such rezoning.

APPROVE FINAL ANNEXATION OF 2835 MARYLAND STREET AND 2909 LONE OAK ROAD

Commissioner Holland offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE EXTENDING THE BOUNDARY OF THE CITY OF PADUCAH, KENTUCKY, BY FINALIZING THE ANNEXATION OF CERTAIN PROPERTIES LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF PADUCAH, AND DEFINING ACCURATELY THE BOUNDARY OF SAID PROPERTIES TO BE INCLUDED WITHIN THE SAID CORPORATE LIMITS." This Ordinance is summarized as follows: The City of Paducah hereby approves the final annexation of certain tracts of property contiguous to the present city limits, located at 2909 Lone Oak Road and 2835 Maryland Street, and containing 0.9 acres, more or less.

COMMENTS

COMMENTS FROM THE CITY MANAGER

City Engineer Rick Murphy gave notice that water and sewer pump out service at the Transient Boat Dock will be discontinued as of Thursday, October 26, 2017, for the winter months.

COMMENTS FROM THE AUDIENCE

- Robert Zirkle presented information in regards to a question posed previously by Commissioner Holland about confederate cemeteries.
- Denny Roof, co-owner of a business located at 3145 Park Avenue, voiced his frustration about the indefinite closure of a portion of North 32nd Street due to bridge repairs by the Kentucky Transportation Cabinet. His customers and other people are complaining about the street closure.

City Engineer Rick Murphy responded he has met with the District Engineer and discussed the condition of the bridge. Even though the street is a state route and the maintenance responsibility of the State, the City has offered to help. The State has agreed to place better detour signage to help with traffic flowing through adjacent neighborhoods. He was not given any information about a re-opening date.

EXECUTIVE SESSION

Mayor Harless offered motion, seconded by Commissioner Holland, that the Board go into closed session for discussion of matters pertaining to the following topic:

- Proposed or pending litigation, as permitted by KRS 61.810(1)(c)

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

RECONVENE IN OPEN SESSION

Mayor Harless offered motion, seconded by Commissioner Holland that the Board of Commissioners reconvene in open session.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

October 24, 2017

ADJOURN

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

Meeting ended approximately at 7:30 p.m.

ADOPTED: November 7, 2017

City Clerk

Mayor

DOCUMENTS

1. Contracts/Agreements:
 - a. Contract with Alert Alarm Systems, Inc. for the purchase of three new PTZ Cameras (MO # 2037)
 - b. Employment Agreement with John Tolliver for Employment as a Police Traffic Officer (MO # 2033)
 - c. Agreement with McBride Mac Sales, Inc. for purchase of one Front Loading Refuse Truck (MO # 2029)
 - d. Agreement with McBride Mac Sales, Inc. for purchase of one Side Arm Loading Refuse Truck (MO # 2028)
2. Paducah McCracken County Riverport Authority Financial Statements for the Years Ended June 30, 2017 and 2016
3. Transit Authority of the City of Paducah Financial Statements for year ended June 30, 2017

CITY OF PADUCAH
November 7, 2017

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.



City Manager's Signature

11/3/17

Date

CITY OF PADUCAH
 PERSONNEL ACTIONS
 November 7, 2017

NEW HIRE - FULL-TIME (F/T)

	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
<u>EPW - SOLID WASTE</u>					
Schicker, David A.	Truck Driver	\$17.23/Hr.	NCS	Non-Ex	December 7, 2017
Shaw Jr. Jimi W.	Truck Driver	\$16.32/Hr.	NCS	Non-Ex	December 7, 2017

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

	<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>
<u>EMERGENCY COMMUNICATION SRVCS</u>					
McManus, Edward V.	Director of 911 \$33.59/Hr	Director of 911 \$35.27/Hr	NCS	Non-Ex	November 9, 2017
<u>PARKS SRVCS - RECREATION</u>					
McVey, Mallory S.	Recreation Specialist \$17.28/Hr.	Recreation Specialist \$17.54/Hr.	NCS	Non-Ex	November 2, 2017

Agenda Action Form Paducah City Commission

Meeting Date: November 7, 2017

Short Title: Flexible Spending Account (FSA) amended contributions for 2018.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Martin Russell
Presentation By: Martin Russell

Background Information:

The following reflect the recommended annual amended contributions for health care spending Flexible Spending Account (FSA) under the Patient Protection and Affordable Care Act of 2010 (PPACA). The IRS has determined that the annual contributions to a healthcare Flexible Spending Account offered under Internal Revenue Code 125 Cafeteria Plan should be increased from \$2550.00 to a maximum of \$2650.00 beginning January 1, 2018.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation: Approve the above listed Flexible Spending Account amended contributions for 2018.

Attachments:

Department Head	City Clerk	City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING THE ANNUAL MAXIMUM CONTRIBUTIONS FOR HEALTH CARE FLEXIBLE SPENDING ACCOUNTS FOR FULL-TIME EMPLOYEES OF THE CITY OF PADUCAH; PROVIDING FOR ANNUAL ADJUSTMENTS FOR FUTURE FLEXIBLE SPENDING ACCOUNT MAXIMUM CONTRIBUTIONS TO MATCH THE RISE OR FALL IN THE CONSUMER PRICE INDEX AT THE CLOSE OF A 12 MONTH PERIOD AS DETERMINED BY THE INTERNAL REVENUE SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, there has been presented to the City of Paducah an amendment to the current Section 125 Health Care Flexible Spending Account; and

WHEREAS, the Board of Commissioners wishes to comply with The Patient Protection and Affordable Care Act of 2010 (PPACA) which allows the maximum annual Flexible Spending Account contributions to match the rise or fall in the consumer price index at the close of a 12 month period ending August 31st; and

WHEREAS, the IRS has determined that the annual contributions to a Health Care Flexible Spending Account offered under Internal Revenue Code Section 125 Cafeteria Plan should be increased to a maximum of \$2,650 per employee beginning January 1, 2018.

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

SECTION 1. That the City of Paducah approves the annual maximum contributions for Health Care Flexible Spending Accounts in the amount of \$2,650.00 offered under the Internal Revenue Code 125 Cafeteria Plan for full-time employees of the City of Paducah.

SECTION 2. That the increase to the annual contributions for Health Care Flexible Spending Accounts, approved in Section 1 above, shall become effective January 1, 2018.

SECTION 3. That the City of Paducah approves annual adjustments for future Flexible Spending Account maximum contributions to match the rise or fall in the consumer price index at the close of a 12 month period as determined by the Internal Revenue Service and pursuant to PPACA of 2010.

SECTION 4. That the Mayor is hereby authorized to execute all documents related to annual adjustments for Flexible Spending Account maximum contributions authorized in Sections 1 & 4 above.

SECTION 5. This order shall be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, November 7, 2017
Recorded by Tammara S. Sanderson, City Clerk, November 7, 2017
\\mo\Flexible Spending Accounts

Cafeteria Plan Amendment Increasing Annual Contributions to Health Care Flexible Spending Accounts

CITY OF PADUCAH

The Patient Protection and Affordable Care Act of 2010 (PPACA), allows the maximum annual FSA contributions to match the rise in the consumer price index at the close of a 12 month period ending August 31st. The IRS has determined that the annual contributions to a healthcare flexible spending account offered under Internal Revenue Code Section 125 Cafeteria Plan should be increased to a maximum of \$2,650 beginning January 1, 2018.

The \$2,650 limit on salary reduction contributions to a health FSA applies on an employee-by-employee basis. Thus, for Plan years beginning on or after January 1, 2018, \$2,650 is the maximum salary reduction contribution each employee may make for a plan year, regardless of the number of other individuals whose medical expenses are reimbursable under the employee's health FSA. Consistent with this rule, if each of two spouses is eligible to elect salary reduction contributions to an FSA, each spouse may elect to make salary reduction contributions of up to \$2,650 to his or her health FSA beginning on or after January 1, 2018, even if both participants are in the same health FSA sponsored by the Employer.

The statutory \$2,650 annual maximum contribution applies only to salary reduction contributions under a health FSA, and does not limit the amount permitted for reimbursement under other employer-provided coverage, such as employee salary reduction contributions for dependent care assistance or salary reduction contributions to a cafeteria plan that are used to pay an employee's share of health coverage premiums; nor does it apply to salary reduction or any other contributions to a health savings account (HSA) or to amounts made available by an employer under a health reimbursement arrangement (HRA).

Pursuant to the prior approval of the CITY OF PADUCAH for any Plan year after December 31, 2018, this Amendment shall stand as a valid Amendment for the purpose of adjusting future FSA contributions to match the rise in the consumer price index as determined by the IRS. This Amendment and any provisions herein, may be voided or discontinued at the request of CITY OF PADUCAH prior to any FSA plan year beginning after December 31, 2018 or pursuant to termination provisions within the FSA Plan document.

IN WITNESS WHEREOF, and as conclusive evidence of the adoption of the foregoing Amendment to the Employer's, Section 125 Plan, this Amendment is executed in its name and on its behalf, on this the _____ day of _____, 2017.

Agenda Action Form Paducah City Commission

Meeting Date: November 7, 2017

Short Title: Contract for the City of Paducah's Fuel Supply 2018

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Randy Crouch, EPW Maintenance Supt.
Dena Alexander, EPW Admin Asst. III

Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

On November 24, 2015 written bids were received for the City of Paducah's requirement of Fuel for the 2016 and 2017 calendar years with two additional one-year renewal options if agreed by both parties. On October 29, 2017 JSC Terminal, LLC dba Mid West Terminal acknowledged they are agreeable to renewing the contract for the one year option with an amendment to also supply at a daily adjustment of \$0.09 above the Oil Price Information Service (OPIS) Gross Clear Unbranded Low Rack pricing for 90 Octane Unleaded Non Ethanol Gasoline, Ultra Low Sulfur Red Dye Distillate Unbranded Low Rack for Dyed Diesel and Valvtect (a marine fuel additive) at a daily adjustment of \$0.04 per gallon and continue as per agreement a daily adjustment of \$0.09 per gallon above (OPIS) for Gasoline (87 Octane), Diesel Fuel (Grade #2) and Diesel Fuel Off-Road (High Sulfur).

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Various Department Accounts
Account Number:

Finance

Staff Recommendation:

To proceed with a Municipal Order authorizing the Mayor to enter into one (1) year renewal contract with amendment with JSC Terminal, LLC dba Mid West Terminal for the 2018 fuel supply at a daily adjustment of \$0.09 above the Oil Price Information Service (OPIS) Gross Clear Unbranded Low Rack pricing for 90 Octane Unleaded Non Ethanol Gasoline, Ultra Low Sulfur Red Dye Distillate Unbranded Low Rack for Dyed Diesel and Valvtect (a marine fuel additive) at a daily adjustment of \$0.04 per gallon and continue as per agreement a daily adjustment of \$0.09 per gallon above (OPIS) for Gasoline (87 Octane), Diesel Fuel (Grade #2) and Diesel Fuel Off-Road (High Sulfur).

Attachments:

Proposed contract containing amendment

 Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. 2017 - _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING THE AMENDMENT AND RENEWAL OF THE 2016-2017
FUEL SUPPLY AGREEMENT WITH JSC TERMINAL, LLC; AUTHORIZING
THE EXECUTION OF THE FIRST EXTENSION AND AMENDMENT

WHEREAS, on December 17, 2015, the City and JSC Terminal, LLC d/b/a Midwest Terminal (the "Vendor") entered into a certain 2016-2017 fuel supply agreement (the "Agreement"), whereby the Vendor agreed to furnish all fuel for the City at an agreed upon rate for the applicable term of years; and

WHEREAS, the Agreement stipulates that the initial would be for a two year period, ending on December 31, 2017, with an option to renew for two additional one-year terms upon the mutual agreement of both parties

WHEREAS, at this time, both parties desire and mutually agree to renew the Agreement for the first one-year renewal term, which shall commence January 1, 2018 and conclude on December 31, 2018; and

WHEREAS, further, both parties desire to amend the Agreement to provide for the supply of marine fuel at the City of Paducah's new transient boat dock (the "Dock");

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. The City hereby approves the First Extension and Amendment to the Fuel Supply Agreement (this "Amendment") between the City and the Vendor in substantially the form attached hereto as Exhibit A and made part hereof. It is further determined that it is necessary and desirable and in the best interest of the City to enter into this Amendment for the purposes therein specified, and the execution and delivery of this Amendment is hereby authorized and approved. The Mayor is hereby authorized to execute this Amendment with such changes not inconsistent with this Order and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City. The approval of such changes by said official, and that such are not substantially adverse to the City, shall be conclusively evidenced by the execution of this Amendment.

Section 2. Effective Date. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

MAYOR BRANDI HARLESS

ATTEST:

City Clerk, Tammara Sanderson

Introduced by the Board of Commissioners, _____, 2017

Adopted by the Board of Commissioners, _____, 2017

Recorded by City Clerk, _____, 2017

EXHIBIT A

FIRST EXTENSION AND AMENDMENT TO FUEL SUPPLY AGREEMENT

See attachment.

THIS FIRST EXTENSION AND AMENDMENT (this "Amendment") is made this ____ day of _____, 2017 by and between the **CITY OF PADUCAH, KENTUCKY**, hereinafter called the "Owner," and **JSC TERMINAL, LLC D/B/A MIDWEST TERMINAL**, a Kentucky limited liability company, hereinafter called the "Vender."

WITNESSETH:

WHEREAS, on December 17, 2015, the parties hereto entered into a certain agreement for the City of Paducah's fuel supply 2016-2017 (the "Agreement"); and

WHEREAS, the Agreement stipulated that the initial term was for a two (2) year period, ending December 31, 2017, with an option to renew for two (2) additional one-year terms upon the mutual agreement of both parties; and

WHEREAS, at this time, both parties desire and mutually agree to renew the Agreement for the first one-year renewal term, which shall commence January 1, 2018 and conclude on December 31, 2018; and

WHEREAS, further, both parties desire to amend this Agreement to provide for the supply of marine fuel at the City of Paducah's new transient boat dock (the "Dock");

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, and for other valuable consideration, the legal adequacy and sufficiency of which is hereby acknowledged by the parties hereto, the parties do hereby covenant and agree as follows:

1. Owner and Vendor do mutually agree to renew the Agreement, which renewal shall commence on January 1, 2017 and conclude on December 31, 2018. The renewal term shall be subject to all covenants, terms, conditions and obligations set forth and contained in the Agreement including without limitation the fuel rates to be paid by Owner as provided in Article 3 of the Agreement, except as otherwise amended herein.

2. Vendor hereby agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the procurement of all fuel for the Dock in accordance with all covenants, terms, conditions and obligations set forth and contained in the Agreement and at the following fuel rates:

- a) \$0.09 above Paducah, Kentucky OPIS Gross Clear Unbranded Low Rack pricing for 90 Octane Unleaded Non-Ethanol Gasoline and
- b) \$0.09 above Paducah, Kentucky OPIS Gross Ultra Low Sulfur Red Dye Distillate Unbranded Low Rack for Dyed Diesel.

Vendor further agrees to furnish ValvTect Marine Gasoline Additive and ValvTect Premium Diesel Additive with Bioguard Microbiocide as directed by Owner at the following rate:

a) \$0.04 per gallon

3. Vendor is the only regional ValvTect Certified Dealer. Vendor agrees to maintain its ValvTect Tank Certification at no additional cost to Owner, which shall include conducting the following activities:

- i. Independent laboratory testing to ensure there is no water in gasoline storage tank;
- ii. Independent laboratory testing to ensure diesel bottom samples are free of microbiological contamination; and
- iii. Listing of Paducah Transient Boat Dock as a ValvTect certified location under the heading "Where to Buy" on ValvTect's website, valvtect.com.

4. Vendor shall monitor tank levels at the Dock at no additional cost to Owner. Vendor shall also manage inventory levels at the Dock as directed by Owner.

5. Except for the modifications set forth in this Amendment, all other terms and provisions of the Agreement entered into between the parties are expressly acknowledged, reaffirmed, and ratified by all parties hereto, and shall apply to this Amendment. All parties hereby agree to perform in strict accordance with the terms and provisions as set forth under the Agreement as extended and amended.

6. This Amendment shall be fully binding upon the parties hereto and their successors, and assigns as of the Effective Date, which is the date this Amendment is executed and delivered by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed Amendment as of the day and year first above written.

VENDOR:
JSC TERMINAL, LLC d/b/a
MIDWEST TERMINAL

OWNER:
CITY OF PADUCAH

By: _____
Cheryl Baugus, President & CEO
725 N 5th Street, Paducah, KY 42001

By: _____
Title: _____



Paducah Bank Building, Suite 301
555 Jefferson Street
P.O. Box 969
Paducah, Kentucky 42002-0969
TELEPHONE: (270) 450-8253
FACSIMILE: (270) 450-8259

MEMORANDUM

TO: City of Paducah
FROM: Lisa Emmons, Holly Jones
DATE: October 27, 2017
RE: Retail Fuel Procurement

The City of Paducah has adopted the Kentucky Model Procurement Code (KMPC). Under the KMPC, purchases made by the City in excess of \$20,000.00 must be put out for competitive bidding. The city followed competitive bidding procedures for the procurement of the 2016-2017 Fuel Supply agreement, entered into between the city and Midwest Terminal. The issue before us is whether the City and Midwest Terminal can amend their agreement to allow Midwest to provide marine fuel for retail sale at the City's transient boat dock, or whether the City must put this item out for bids separately.

In analyzing the appropriateness of amendments to contracts entered into by the Commonwealth under the KMPC, the Attorney General has opined that amendments or modifications to competitively bid contracts are permitted as long as they are not material to the central purpose of the contract. Ky. Op. Att'y Gen. No. 04-0019 (Oct. 13, 2004). This same standard appears applicable to contracts entered into by local governments who have adopted the KMPC. Factors to consider in determining whether an amendment is material are: (1) the legitimacy of the reasons for the change; (2) whether the reasons for the change were unforeseen at the time the contract was made; (3) the timing of the change; (4) whether the contract contains clauses authorizing modifications; and (5) the extent of the change, relative to the original contract. *Id.*

The current agreement with Midwest Terminal is general, essentially agreeing to furnish *all* fuel utilized by the City for the applicable term of years. The above factors seem to weigh in favor of the subject amendment. The reason for the amendment is legitimate, as the City is in need of fuel for its transient boat dock, a need that was arguably unforeseen at the time the contract was entered into because there was no boat dock at the time. The amendment is not being made immediately after entering into the contract, and the amendment relates directly to the purpose of the agreement, which is the provision of fuel.

In procuring the current contract, the city utilized competitive bidding to ensure that the best fuel rates were obtained. Those same rates will be applicable to the retail sale of marine fuel at the

public boat dock. Therefore, it is reasonable to conclude that the original bidding procedure was sufficient so that the agreement can be amended to provide for the retail sale of marine fuel.

Additionally, under the amendment, Midwest will be providing ValvTect Marine Additive, which is a product not covered by the original agreement. Because this product is not in the original agreement, the rates provided in the amendment have not been competitively negotiated like the fuel rates. It could be argued that, because this is a separate product with separate rates from the fuel, it must be competitively bid.

The KMPC and, consequently, the City of Paducah's Code of Ordinances, lists specific situations in which competitive bidding is not required. Section 2-659(2) of the Code of Ordinances allows "noncompetitive negotiations" to be utilized when "there is a single source within a reasonable geographical area of the goods or services to be procured." The amendment to the agreement indicates that Midwest is the only regional ValvTect Certified Dealer. Because of that characterization, Midwest qualifies as a "single source," and therefore, noncompetitive negotiations can be used.

Because the original contract provides for the supply of all fuel for the City, the amendment will utilize the same rates as the original contract, and Midwest is the single source for ValvTect products, the agreement may be amended to provide for the supply of marine fuel and related products without implementing the competitive bidding process.

Agenda Action Form

Paducah City Commission

Meeting Date: November 7, 2017

Short Title: Issuance of Permits for private provision of commercial recyclable services

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jeff Pederson
Presentation By: Jeff Pederson

Background Information:

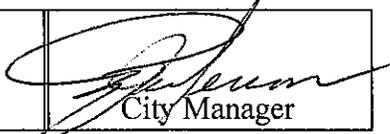
With preparations underway for the City of Paducah to offer a residential curbside recycling program early 2018, it becomes sensible to provide the structure for the long-term provision of recyclables collection to commercial business by private provider(s). The City has, since 2012, allowed for the private collection of business recyclables through a Memorandum of Understanding with Dream Green. That program will expire with the institution of this permitting process.

This Municipal Order authorizes the City Manager to issue permits for private provision of commercial recyclable services at a cost of \$50 annually.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Staff Recommendation: Approve the Municipal Order

Attachments: Municipal Order

Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

**MUNICIPAL ORDER ESTABLISHING A PERMIT FEE FOR
COMMERCIAL COLLECTION OF RECYCLABLE SOLID WASTE**

WHEREAS, the Solid Waste Ordinance, Chapter 94 of the Code of Ordinances of the City of Paducah, allows the city to issue permits for the commercial collection of solid waste; and

WHEREAS, the City of Paducah desires to provide recycling services to commercial businesses through the issuance of solid waste collection permits to private contractors; and

WHEREAS, Chapter 94 of the Code of Ordinances requires the City Commission to designate a fee for receipt of such solid waste collection permit.

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

SECTION 1. The City of Paducah hereby sets a fee in the amount of \$50 annually for obtaining a permit for the collection of recyclable solid waste from any commercial business within the City of Paducah.

SECTION 2. Said permit fee shall be paid to the City Finance Department at the time that the necessary permit application is submitted to the City Manager’s office.

SECTION 3. Except as modified herein, all previously enacted ordinances, orders, procedures and policies with regard to solid waste shall remain in full force and effect.

SECTION 4: This Order shall be in full force and effect on and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk
Adopted by the Board of Commissioners November 7, 2017
Recorded by Tammara S. Sanderson, City Clerk November 7, 2017
\\mo\fee-permit for commercial collection - recyclables

Agenda Action Form

Paducah City Commission

Meeting Date: October 24, 2017

Short Title: S & R Investments, LLC Zone Change

Ordinance Emergency Municipal Order Resolution

Staff Work By: Joshua P. Sommer

Presentation By: Tammara Tracy

Background Information:

Address	Area	Adequate Public Utilities	Adequate Public Services
2835 Maryland Street	.494 acres	Yes	Yes
2909 Lone Oak Road	.408 acres	Yes	Yes

Surrounding Properties:

North: A grocery store across Maryland Street, two vacant commercial buildings

South: Medical office

East: Retail business across Lone Oak Road

West: Single-family homes

Key Components:

The Petitioner is requesting a zone change for 2909 Lone Oak Road and 2835 Maryland Street from R-1 (Low Density Residential Zone) to HBD (Highway Business District). An intent to annex ordinance was adopted by the City Commission on October 10, 2017. This zone change request was initiated because the property owners petitioned the City of Paducah for annexation. When property is annexed into the City, it receives an automatic R-1 Low Density Residential designation, pursuant to Section 126-32 of the Paducah Zoning Ordinance.

A new retail strip center is proposed for this site. Retail and restaurant uses are principally permitted in the HBD, pursuant to Section 126-115 (1) of the Paducah Zoning Ordinance. The property to the north and east of these parcels are zoned HBD. Therefore, this would be a continuation of the Highway Business District.

Preliminary Development Plan:

A 20,000 square foot retail strip center is proposed. Staff has reviewed the plan and relayed to the Engineer that:

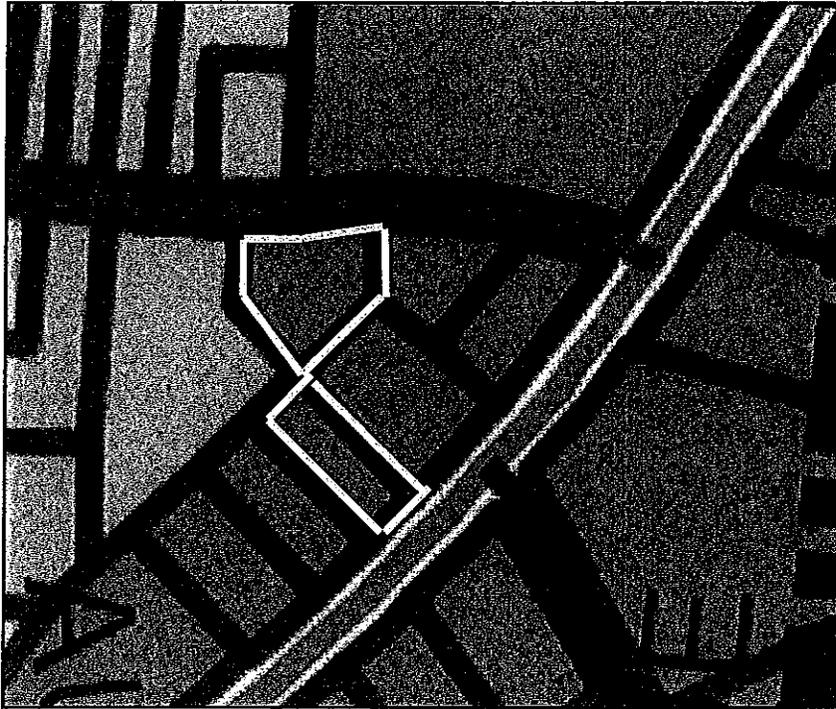
- 70 parking spaces would be needed, 69 are proposed.
- The dumpster will need to be moved back.
- The sewer line shown under the building will need to be re-routed.
- A planting island will be needed at the other end of the 14 parking spaces

These issues will be addressed on the final site plan.

Findings required for map amendment:

KRS – 100.213 Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or in the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning Commission and City Commission:

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



Future Land Use Map

Zoning:

HBD Highway Business District to the north. McCracken County Commercial "C" to the east, south and west. The parcels are proposed to be rezoned to HBD. Following is an excerpt from the Paducah Zoning Ordinance.

Sec. 126-116. Highway Business District, HBD.

The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses.

(1) Permitted uses.

- a. Any use permitted in the B-3 Zone*
- b. Automobile service and repair establishments, including gasoline service stations, repair garages and automatic car-washing establishments;*
- c. Hotels and motels;*
- d. Recreational uses such as amusement parks, bowling alleys and roller-skating; archery ranges; miniature golf, golf-driving ranges and other similar recreational activities;*
- e. Souvenir shops, roadside stands and curio shops when incidental to another permitted use;*
- f. Office buildings;*
- g. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);*

- h. *Restaurants and eating establishments;*
 - i. *Commercial parking lots and parking garages;*
 - j. *Theaters.*
- (2) *Area regulations. The following requirements shall apply to all non-residential uses permitted in this district. All residential uses shall comply with the requirements of the R-4 Zone:*
- a. *Front yard. All buildings shall be set back from the street right-of-way line not less than 50 feet, except where a parallel access road is provided with construction requirements which meet the standards of the city street plan.*
 - b. *Side yard. The width of any side yard which abuts a residential district shall not be less than 25 feet. In all other cases each side yard shall not be less than 12 feet.*
 - c. *Rear yard. Each lot shall have a rear yard of not less than ten feet. Where a commercial building is serviced from the rear, there shall be a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 30 feet.*
 - d. *Lot width. Each lot shall have a width at the front building line of not less than 75 feet.*
 - e. *Lot area. There shall be a minimum lot area of not less than 10,000 square feet.*
 - f. *Height requirements. None.*
 - g. *Parking requirements. Same as section 126-71.*
 - h. *Highway access. All points of ingress and egress to major arterials shall be at least 350 feet from the ramp pavement transition point of highway interchanges.*

At the October 16, 2017 Planning Commission meeting, a recommendation to change the zoning to Highway Business District (HBD) was forwarded to the City Commission.

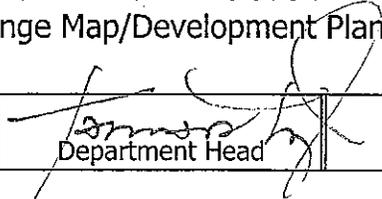
Funds Available: Account Name: N/A
 Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution
 Zone Change Map/Development Plan

 Department Head	City Clerk	 City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: October 24, 2017

Short Title: Annex S & R Investments, LLC Property

Ordinance Emergency Municipal Order Resolution

Staff Work By: Joshua P. Sommer

Presentation By: Tammara Tracy

Background Information:

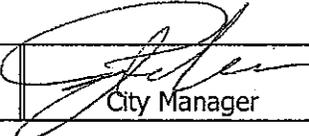
The intent of this agenda item is to annex 2835 Maryland Street, 2909 Lone Oak Road and adjacent Lone Oak Road Right-of-Way into the City of Paducah. A new retail building is proposed to be constructed at this location. Mr. Pardeep Rachan with S & R Investments, LLC requested annexation into the City via letter dated September 1, 2017. The City Commission adopted Ordinance #2017-10-8500, which expressed the City's intent to annex this property, on October 10, 2017. This ordinance will officially annex 2835 Maryland Street, 2909 Lone Oak Road and adjacent Lone Oak Road Right-of-Way into the City of Paducah.

Funds Available: Account Name: N/A
Account Number: N/A

Finance

Motion:

Attachments:

 Department Head	City Clerk	 City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: October 24, 2017

Short Title: **FY2018 Budget Amendment** – Recycling Program (Solid Waste Fund); Administrative Assistant (General Fund); Transient Boat Dock Fund; and vehicles (Fleet Lease Trust Fund).

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jonathan Perkins, Mark Thompson, Brandon Barnhill, Jeff Pederson, Chris Yarber

Presentation By: Jeff Pederson, Jonathan Perkins

Background Information:

Solid Waste Fund (5000) – When the FY2018 Solid Waste Fund budget was developed the recycling program was still being studied. Fund appropriations did not take into consideration the cost of such a program, but now that a program is in the development stages an appropriation must be made to support expenditures for such. In summary, the FY2018 Solid Waste Fund budget needs an additional \$320,000 for the acquisition of capital assets for the initial phase of the recycling program. The following items are needed: \$270,000 for 5,000 recycling roll-outs; and \$50,000 public education.

All of the budget increase will be funded with Solid Waste Fund fund reserves.

Transient Boat Dock Fund (5300) – When the FY2018 budget was drafted in spring of 2017, staff had no historical experience on which to draw in developing a working budget. Since that time, we've learned several things involved with the dock's operation which should provide a better understanding of what cost to expect going forward. In summary, the FY2018 budget needs to be adjusted \$25,000 to cover the following expenditures: Liability insurance, \$8,000; communication/plant upkeep, \$3,000; and, cost of fuel to be sold, \$14,000.

It is expected that rental income and fuel sales will offset much of the docks' first year of operation.

General Government – General Fund (1000) – In order to re-establish an Administrative Assistant position in General Government, \$52,000 is required to be added to the General Fund budget. This adjustment includes the cost of wages and related fringe benefits for the position.

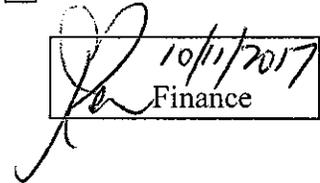
All of the budget increase will be funded with General Fund fund reserves.

Fleet Lease Trust Fund (7100) – Ordinance 2016-9-8423 passed in September 2016 (FY2017) authorized the purchase of two additional police vehicles as replacement vehicles when units are taken out of commission due to accidents. These vehicles were delivered in August of 2017, but without an appropriation to support them, which will cause the ‘vehicle account’ in FY2018 to become a deficit by end of the fiscal without additional funding. In order to avoid deficit spending, \$72,000 in additional FY2018 funds is needed.

All of the budget increase will be funded with Fleet Lease Trust Fund fund reserves.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Various
Account Number: Various

 10/11/2017
Finance

Staff Recommendation:

Approve budget amendments as proposed.

Attachments:

Department Head	City Clerk	 City Manager
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AN ORDINANCE AMENDING ORDINANCE NO. 2017-06-8487, ENTITLED, "AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2017, THROUGH JUNE 30, 2018, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT"

WHEREAS, when the FY2018 Solid Waste Fund budget was adopted the recycling program was being studied and appropriations were not included for the program; and

WHEREAS, the Board of Commissioners have decided to implement a recycling program, therefore, the FY2018 Solid Waste Fund budget will need an additional \$320,000 for the acquisition of capital assets for the initial phase of the recycling program; and

WHEREAS, when the FY2018 budget was drafted in spring of 2017 there was no historical experience for a budget for the operation of the transient boat dock, therefore, the FY2018 budget needs to be adjusted \$25,000 to cover the following expenditures: Liability insurance, \$8,000; communication/plant upkeep, \$3,000; and, cost of fuel to be sold, \$14,000; and

WHEREAS, in order to re-establish an Administrative Assistant position in General Government, \$52,000 is required to be added to the General Fund budget to cover cost of wages and related fringe benefits for the position; and

WHEREAS, two police vehicles were ordered during FY2017 and delivered in August 2017 (FY2018), therefore, an additional \$72,000 is needed in the Fleet Lease Trust Fund account to prevent a deficit for FY2018; and

WHEREAS, KRS prohibits expenses to exceed the budget in any department, it is necessary to amend the City's FY2018 budget.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the annual budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018, Ordinance No. 2017-06-8487, be amended by the following re-appropriations:

- Transfer \$320,000 from Solid Waste Fund fund reserves to the Solid Waste Fund (5000)
- Transfer \$25,000 from General Fund fund reserves to Transient Boat Dock Fund (5300)
- Transfer \$52,000 from General Fund fund reserves to General Government – General Fund (1000)
- Transfer \$72,000 from Fleet Lease Trust Fund fund reserves to Fleet Lease Trust Fund (7100)

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

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, November 7, 2017
Adopted by the Board of Commissioners, November 14, 2017
Recorded Tammara S. Sanderson, City Clerk, November 14, 2017
Published by The Paducah Sun, _____
\\ord\finance\budget amend 2017-18 - Nov 2017 (1st Amendment)