



Revised 7/6/18

**CITY COMMISSION MEETING
AGENDA FOR JULY 10, 2018
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PRESENTATION: EntrePaducah – Scott Darnell, President/CEO of Paducah Economic Development

PRESENTATION: Comprehensive Stormwater Master Plan - Phase I Update and Phase II Introduction – STRAND Associates, Inc.

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 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>MOTIONS</u>
		1. <u>R & F Documents</u>
		C. <u>MUNICIPAL ORDER(S)</u>
		1. <u>Personnel Actions – M. RUSSELL</u>
		2. <u>Amend FY18-19 Position & Pay Schedule – M. RUSSELL</u>
		3. <u>Amend FY18-19 Pay Grade Schedule – M. RUSSELL</u>
		4. <u>Accept Grant Award from U.S. Dept. of Justice/JAG program – B. BARNHILL</u>
		5. <u>Approve BUILD Act Grant Application – T. TRACY</u>

	II.	<u>ORDINANCE(S) – ADOPTION</u>
		A. Approve Change Order No. 1 for City Hall Phase I Project – R. MURPHY
		B. Adopt Recodified Paducah Code of Ordinances – L. PARISH
	III.	<u>ORDINANCE(S) – INTRODUCTION</u>
		A. Change Order No. 2 for City Hall Phase I Project – R. MURPHY
		B. Approve HDR Services for Pavement Management Program - R. MURPHY
	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>

June 26, 2018

At a Regular Meeting of the Board of Commissioners, held on Tuesday, June 26, 2018, 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 Assistant City Clerk, the following answered to their names: Commissioners Holland, Wilson and Mayor Harless (3). Commissioner Rhodes arrived at approximately 5:35 p.m. (1). Commissioner Abraham was absent (1).

INVOCATION

Commissioner Holland gave the invocation.

PLEDGE OF ALLEGIANCE

Truitt Henschel led the pledge.

SWEARING-IN OF NEW POLICE OFFICER

Family Court Judge Deanna Wise Henschel swore in new Police Officers Benjamin Anthony, Brandon Jones and Cameron Thomason.

CONSENT AGENDA

Mayor Harless asked if the Board wanted any items on the Consent Agenda removed. No one asked for any items to be removed. The Mayor asked the Assistant City Clerk to read the items on the Consent Agenda.

I(A)	Minutes for the June 12 & June 19, 2018 City Commission Meetings
I(B)1	The appointment of Billy Poindexter, Jr. to the Paducah-McCracken County Riverport Authority to replace Andrew Gates who has resigned. This term shall expire September 26, 2019.
1(B)2	The following appointments to the Paducah-McCracken County Senior Citizens Board: Appointment of Vickie Brantley to replace Faye Pittman whose term has expired. Appointment of Fay Kimmins to replace Sherline Holland Cooper whose term has expired. Appointment of Stewart Tom Shoulta to replace Melody LaCornu whose term has expired. Reappointment of Linnea Baumgardner. These terms shall expire June 30, 2021, June 30, 2020, June 30, 2020, and June 30, 2021, respectively.
1(B)3	The reappointment of James Tidwell and Bruce Brockenborough to the Forest Hills Village Inc. Board. These terms shall expire May 6, 2023.
1(B)4	The reappointment of Susan Phelps Carr to the Paducah-McCracken County Joint Sewer Agency. This term shall expire June 30, 2022.
1(C)1	R & F DOCUMENTS: <u>Minute File:</u> 1. Notices of Cancellation for the Board of Commissioners of the City of Paducah for June 19, 2018 @ 5:30 p.m. 2. Notices of Called Meeting for the Board of Commissioners of the City of Paducah for June 19, 2018 @ 5:00 p.m. <u>Deed File:</u> 3. Quitclaim Deed with Michael Taylor for 1320 Oscar Cross Avenue (MO #

	<p>2096) 4. Commissioner's Deed for 1909 Hendricks Street</p> <p><u>Contract File:</u></p> <ol style="list-style-type: none"> 5. Contract For Services – Police Foundation of Paducah-McCracken County, Inc. for payment of matching funds to purchase ballistic helmets for Paducah Police Department (signed by CM) 6. Contract For Services – Paducah-McCracken County Convention and Visitors Bureau for American Quilters Society 2018 (Spring) Quilt Show (MO # 2109) 7. Agreement with Commonwealth Economics Partners, LLC for proposed downtown TIF project and development of a Build Grant application benefit cost analysis for the Paducah Riverfront Development Project (MO # 2111) 8. Agreement with Kentucky Division of Waste Management for a 2018-2019 Household Hazardous Waste Grant for Funding for the Annual city/county Clean-up Day (MO # 2112) 9. Agreement Amendment with Tyler Technologies for Post Go-Live support days (Ordinance # 2018-6-8534) <p><u>Financials File:</u></p> <ol style="list-style-type: none"> 1 Edwin J. Paxton Park Golf Course – Independent Auditor's Report and Financial Statements for the Year ended December 31, 2017
1(D)1	Personnel Actions
1(D)2	A MUNICIPAL ORDER ADOPTING THE FY2018-2019 POSITION AND PAY SCHEDULE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF PADUCAH, KENTUCKY (M.O. # 2114; BK 10)
1(D)3	A MUNICIPAL ORDER ADOPTING THE FY2018-2019 PAY GRADE SCHEDULE FOR THE EMPLOYEES OF THE CITY OF PADUCAH, KENTUCKY (M.O. # 2115; BK 10)
1(D)4	A MUNICIPAL ORDER APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND MICHELLE L. SMOLEN FOR EMPLOYMENT AS ASSISTANT CITY MANAGER (M.O. # 2116; BK 10)
1(D)5	A MUNICIPAL ORDER APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND STEPHEN C. CHINO, JR. FOR EMPLOYMENT AS INFORMATION TECHNOLOGY DIRECTOR (M.O. # 2117; BK 10)
1(D)6	A MUNICIPAL ORDER APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND LINDSAY R. PARISH FOR EMPLOYMENT AS CITY CLERK (M.O. # 2118; BK 10)
1(D)7	A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO PAY KENTUCKY LEAGUE OF CITIES FOR WORKERS' COMPENSATION, LIABILITY INSURANCE, AND PROPERTY INSURANCE COVERAGE FOR THE

	CITY OF PADUCAH (M.O. # 2119; BK 10)
1(D)8	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT IN THE AMOUNT OF \$28,080.00 WITH JACKSON PURCHASE 2-WAY RADIO, INC. FOR FY2019 (M.O. # 2120; BK 10)

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

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4).

ORDINANCE(S) – ADOPTION

SALE OF 60+ ACRES ON OLD MAYFIELD ROAD FOR PADUCAH WATER

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE APPROVING THE SALE AND TRANSFER OF MUNICIPALLY OWNED SURPLUS REAL PROPERTY LOCATED NEAR THE INTERSECTION OF OLD MAYFIELD ROAD AND HOUSER ROAD; AND AUTHORIZING THE EXECUTION OF A GENERAL WARRANTY DEED.” This Ordinance is summarized as follows: This Ordinance approves the sale and transfer of the subject surplus property on behalf of Paducah Water to Howerton Properties, LLC, a Kentucky limited liability company, for the total consideration of \$190,732.30, with the sum of \$173,393.00 of the sale proceeds to be deposited into the general fund account of Paducah Water and \$17,339.30 be paid to Robert Alexander Real Estate and Auction Company of Paducah, Kentucky, as the buyer’s premium; and authorizes the Mayor of the City of Paducah to execute a general warranty deed of conveyance.

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4). (ORD # 2018-6-8535; BK 35)

APPROVE BOND ISSUES FOR RIVERFRONT DEVELOPMENT & E911 EQUIPMENT (GOB 2018A) & APPROVE REFINANCING OF KLC BONDS 2003 & 2009 (GOB 2018B)

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY AUTHORIZING THE ISSUANCE OF (I) CITY OF PADUCAH, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2018A IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,910,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE PRINCIPAL AMOUNT OF SERIES 2018A BONDS BY UP TO \$290,000) FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF THE CONSTRUCTION OF RIVERFRONT IMPROVEMENTS AND THE ACQUISITION OF 911 EQUIPMENT, AND (II) CITY OF PADUCAH, KENTUCKY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018B IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,845,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE PRINCIPAL AMOUNT OF SERIES 2018B BONDS BY UP TO \$285,000) FOR THE PURPOSE OF CURRENTLY REFUNDING A GENERAL OBLIGATION LEASE AGREEMENT DATED MARCH 2, 2009 BETWEEN THE CITY AND THE KENTUCKY LEAGUE OF CITIES FUNDING TRUST AND A LEASE AGREEMENT DATED JULY 1, 2003 BETWEEN THE CITY AND THE KENTUCKY LEAGUE OF CITIES FUNDING TRUST, THE PROCEEDS

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OF WHICH IN TURN FUNDED THE COSTS OF VARIOUS PUBLIC IMPROVEMENTS WITHIN THE CITY; APPROVING THE FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING BOND PAYMENT FUNDS; MAINTAINING THE HERETOFORE ESTABLISHED SINKING FUND; AUTHORIZING ACCEPTANCE OF THE BIDS OF THE BOND PURCHASERS FOR THE PURCHASE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES.

This Ordinance authorizes the issuance of general obligation bonds designated as Series 2018A in the approximate principal amount of \$2,910,000 (the "Series 2018A Bonds") and general obligation refunding bonds designated as Series 2018B in the approximate principal amount of \$2,845,000 (the "Series 2018B Bonds," and together with the Series 2018A Bonds, the "Bonds") by the City of Paducah, Kentucky (the "City"). The Series 2018A Bonds are to be issued for the purpose of financing the costs of improvement's to the City's riverfront and acquiring and installing 911 equipment. The Series 2018B Bonds are to be issued for the purpose of currently refunding two outstanding general obligation leases with the Kentucky League of Cities Funding Trust, the proceeds of which were used to finance various public improvements throughout the City. Provisions are made in the Ordinance for the payment of the Bonds and the security therefor; for the application of the proceeds of the Bonds; for the establishment of Bond Payment Funds; for the maintenance of the previously established sinking fund; and for certain covenants of the City with respect to the Bonds. The Bonds are to be sold at public, competitive sale, and shall mature, or be subject to mandatory sinking fund redemption, in varying amounts on February 1, 2019 and each August 1 thereafter through August 1, 2033. The Bonds pledge the full faith and credit of the City and provision is made for the collection of a tax to pay the principal of, and interest on the Bonds, subject to certain credits, as provided in Section 8 of the Ordinance. As required by KRS 83A.060, the following Section 7 of the Ordinance is set forth in its entirety:

"Section 7 -- General Obligation. The Bonds shall be full general obligations of the City and, for the payment of said Bonds, and the interest thereon, the full faith, credit and revenue of the City are hereby pledged for the prompt payment thereof. During the period the Bonds are outstanding, there shall be and there hereby is levied on all the taxable property in the City, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof provided, however, that in each year to the extent that the other lawfully available funds of the City are available for the payment of the Bonds, and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such other funds so available and appropriated."

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4).
(ORD # 2018-6-8536; BK 35)

ADOPT FY2019 BUDGET

Commissioner Holland offered motion, seconded by Mayor Harless, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE ADOPTING THE CITY OF PADUCAH,

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KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2018, THROUGH JUNE 30, 2019, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.” This Ordinance is summarized as follows: Adopting the City of Paducah annual budget for Fiscal Year July 1, 2018, through June 30, 2019, by estimating revenues and resources and appropriating funds for the operation of City Government at \$72,206,035, and summarized by fund as follows:

	<u>FUNDS</u>	<u>APPROPRIATIONS</u>
1000	GENERAL	\$ 35,343,845
2300	MAP	1,554,750
2400	INVESTMENT	5,820,985
2600	CDBG	250,000
2000	E911	2,001,830
2700	COURT AWARDS	40,750
3000	DEBT	3,756,330
4000	CIP	2,768,500
4200	BOND FUND	4,215,400
5000	SOLID WASTE	5,846,295
5200	SECTION 8	189,320
5300	TRANSIENT BOAT DOCK	141,780
5100	CIVIC CENTER	109,275
1100	RENTAL	132,200
1200	RADIO DEPR	38,700
7000	FLEET	605,795
7100	FLEET TRUST	2,973,000
7200	INSURANCE	1,402,650
7300	HEALTH INS	3,795,000
8000	AEPF	14,475
8100	PFPF	1,125,855
8400	OTHER TRUST	<u>79,300</u>
		<u>\$ 72,206,035</u>

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4).
(ORD # 2018-6-8537; BK 35)

ORDINANCE(S) – INTRODUCTION

APPROVE INTENT TO ANNEX PROPERTIES ON HINKLEVILLE ROAD, HARRIS ROAD AND OLIVET CHURCH ROAD

Commissioner Wilson offered motion, seconded by Commissioner Holland that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE DECLARING THE CITY OF PADUCAH’S INTENT TO ANNEX 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: Approving intent to annex and declaring it desirable to annex certain tracts of property contiguous to the present city limits, located between Harris Road and KY Highway 998 (Olivet Church Road), containing 69.83 acres, more or less.

APPROVE CHANGE ORDER NO. 1 FOR CITY HALL PHASE I PROJECT

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE APPROVING CHANGE ORDER NO. 1 WITH A & K CONSTRUCTION FOR A PRICE REDUCTION IN THE AMOUNT OF \$206,381.00 FOR THE CITY HALL PHASE I PROJECT." This Ordinance is summarized as follows: the City of Paducah approves Change Order No. 1 with A & K Construction for an overall price reduction in the amount of \$206,381.00 for the City of Paducah's City Hall Phase I Project which decreases the total contract price to \$4,087,400.00 and authorizes the Mayor to execute the change order.

ADOPT RECODIFIED CODE OF ORDINANCES

Commissioner Holland offered motion, seconded by Mayor Harless that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF PADUCAH, KENTUCKY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE." This Ordinance is summarized as follows: Pursuant to KRS 83A.060(5), this Ordinance adopts the Code entitled "Code of Ordinances, City of Paducah, Kentucky," published by Municipal Code Corporation, consisting of chapters 1 through 126 in their entirety. Further, this Ordinance repeals certain ordinances of a general and permanent nature not included in the Code or recognized and continued in force by reference therein. As required by KRS 83A.060(9), the following Section 4 of the Ordinance is set forth in its entirety:

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$250.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

COMMENTS

COMMENTS FROM THE CITY MANAGER

Interim City Manager Thompson informed the Commission that new legislation requires the City of Paducah to collect and remit the State's 6% sales tax on numerous types of revenue that has not been taxed in the past.

Interim City Manager Thompson asked Assistant Public Works Director Chris Yarber to speak about Brush and Yard Waste Collection. Below is a summary of the discussion as prepared by Public Information Officer Pam Spencer in the Commission Meeting Highlights.

"City Engineer & Public Works Director Rick Murphy and Assistant Public Works Director Chris Yarber discussed with the Board of Commissioners the changes that have occurred over the past few months regarding brush and yard waste collection. In the past, the City collected brush only on Mondays. However, with curbside recycling collection on Mondays, the City has moved to a call-in system (270-444-8511) to request brush and yard waste collection with crews collecting throughout the week. The collection location also has moved for some residents. Brush needs to be placed streetside or curbside and

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not in the alleys for collection. Furthermore, if a resident has a couple of bags of yard waste or a small amount of brush, it should be placed in the trash rollout for collection along with the weekly trash.

Earlier this year when the amount of yard debris was lower, crews were able to respond to a request for brush and yard waste collection on a street and on the same day, collect all of the yard waste put out by neighbors even if those neighbors had not requested a collection. However, with the summer growing season in full swing, crews are collecting the debris at locations that have requested a collection first. This means yard waste at addresses on the same street that have not called the Engineering-Public Works Department may not be collected. Therefore, please call the Engineering-Public Works Department at 270-444-8511 to request the collection of brush and yard waste at your address.

The Engineering-Public Works Department continues to review this collection process in an effort to make it as efficient and reliable as possible.”

Interim City Manager Thompson asked City Engineer and Public Works Director Rick Murphy to speak about the City Hall Phase I Project. Mr. Murphy let the Board of Commissioners know that they can expect to see a major change to the exterior of the building when it is unveiled in the fall. Work on the interior is beginning. Certain parts of the building will need to be blocked off during the interior work and certain employees are moving to different locations within the building to compensate.

Interim City Manager Mark Thompson informed the Commission that the Independence Day celebration, sponsored in part by Independence Bank, will be on Wednesday, July 4th and will include food, fireworks, a large-scale community art project, and free entertainment on Wilson Stage and along Broadway and Jefferson just inside of 3rd street.

COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Holland asked for an update on the Traffic Study for Buckner Lane between Pecan & Pines. City Engineer Public Work Director Murphy plans to provide the update at the July 10, 2018, City Commission Meeting.

EXECUTIVE SESSION

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners go into closed session for discussion of matters pertaining to the following topics:

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

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4).

RECONVENE IN OPEN SESSION

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

Adopted on call of the roll, yeas, Commissioners Holland, Rhodes, Wilson and Mayor Harless (4).

ADJOURN

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

Meeting ended at approximately 6:55 p.m.

June 26, 2018

ADOPTED: July 10, 2018

Mayor

City Clerk

July 10, 2018

Minute File:

1. Notice of Cancellation for the Board of Commissioners of the City of Paducah for July 3, 2018
2. Certificate of Liability Insurance
 - (a) AST Environmental, Inc.
 - (b) William Briggs d/b/a Wiggins Concrete Construction
 - (c) Leigh & Associates, Inc.
3. Oath of Office – James W. Arndt – City Manager
4. Oath of Office – James W. Arndt – Office of Alcoholic Beverage Administrator
5. Oath of Office – Lindsay Parish – City Clerk

Deed File:

6. Deed of Conveyance - Paducah Water - Howerton Properties LLC for 63.052 acres of property lying on the Easterly side of Old Mayfield Road (Kentucky Highway 994) (ORD 2018-6-8535)

Contract File:

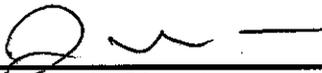
7. Employment Contract – Michelle L. Smolen – Assistant City Manager (MO # 2116)
8. Employment Contract – Stephen C. Chino, Jr., - Information Technology Director (MO # 2117)
9. Employment Contract – Lindsay R. Parish – Paducah City Clerk (MO # 2118)
10. Declaration of Trust and Trust Participation Agreement for the Kentucky League of Cities Workers' Compensation Trust – (MO # 2119)
11. Trust Participation Agreement for the Kentucky League of Cities Insurance Services General Insurance Trust (MO # 2119)
12. Service Agreement for Paducah 911 with Jackson Purchase 2 Way Radio, Inc. (MO # 2120)

Financials File:

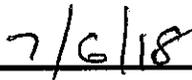
- 1 Paducah Water Works – year ending May 31, 2018

CITY OF PADUCAH
July 10, 2018

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



Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
July 10, 2018**

NEW HIRE - FULL TIME (FT)

<u>EPW - STREET</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Benard, Jim J.	ROW Maintenance Person	\$16.69/Hr.	NCS	Non-Ex	July 26, 2018
Hill, Christopher D.	ROW Maintenance Person	\$17.61/Hr.	NCS	Non-Ex	July 26, 2018
Kelly, Phillip C.	ROW Maintenance Person	\$16.69/Hr.	NCS	Non-Ex	July 26, 2018

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>POLICE OPERATIONS</u>					
Copeland, Anthony J.	Police Captain \$33.72/Hr.	Assistant Police Chief \$38.02/Hr.	NCS	Exempt	July 5, 2018
Hayes, Joseph A.	Police Captain Operations \$32.92/Hr.	Police Captain Administrative \$33.50/Hr.	NCS	Exempt	July 5, 2018
<u>PARKS - SERVICES</u>					
Johnson, Molly M.	Special Events Coordinator \$28.04/Hr.	Special Events Coordinator \$28.53/Hr.	NCS	Exempt	March 17, 2018
Clark, Amie R.	Recreation Superintendent \$28.15/Hr.	Recreation Superintendent \$28.99/Hr.	NCS	Exempt	July 12, 2018
<u>PLANNING</u>					
Chino, Sheryl D.	Planner II \$30.83/Hr.	Planning Project Manager \$30.83/Hr.	NCS	Exempt	July 12, 2018

Agenda Action Form Paducah City Commission

Meeting Date: July 10, 2018

Short Title: A Municipal Order Amending the Planning Department Section D of the FY2018-2019 Position and Pay Schedule of the City of Paducah, Kentucky

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Martin Russell
Presentation By: Martin Russell

Background Information:

This proposed action will amend Municipal Order 2114 establishing the Position and Pay Schedule. The summary of the changes are as follows:

The creation of the Housing Coordinator position. The reduction by one Budgeted filled Housing Specialist position. Fill by one the Planning Project Manager position & the reduction by one Budgeted filled Planning II position.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

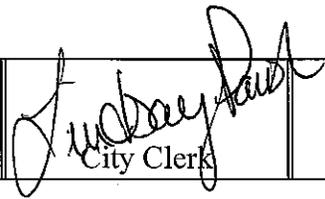
Funds Available: Account Name: NA
Account Number: NA

Finance

Staff Recommendation:

Approve

Attachments:

 Department Head	 City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AMENDING THE FY2018-2019 POSITION AND PAY SCHEDULE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF PADUCAH, KENTUCKY, TO CREATE THE POSITION OF HOUSING COORDINATOR, REDUCE BY ONE BUDGETED FILLED THE HOUSING SPECIALIST POSITION, FILL BY ONE THE PLANNING PROJECT MANAGER POSITION AND REDUCE BY ONE BUDGETED FILLED PLANNER II POSITION

WHEREAS, the City of Paducah adopted the FY2018-2019 Position and Pay Schedule by Municipal Order No. 2114 on June 26, 2018; and

WHEREAS, it is necessary to amend the schedule to create the position of Housing Coordinator and to reduce by one the budgeted filled Housing Specialist position; and

WHEREAS, it is necessary to amend the schedule to fill by one the Planning Project Manager position and reduce by one budgeted filled Planner II position; and

WHEREAS, in order to implement the changes it is necessary to amend the FY2018-2019 Position and Pay Schedule.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby approves to amend the FY2018-2019 Position and Pay Schedule for the employees of the City of Paducah as attached hereto.

SECTION 2. This Order will be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, July 10, 2018
Recorded by Lindsay Parish, City Clerk, July 10, 2018
mo/Position and Pay Schedule 7-10-18
excel/Position & Pay Schedule 7-10-18

Section D.

PLANNING DEPARTMENT

AUTHORIZED POSITIONS

FY 18/19
HOURLY
WAGE

POSITIONS	BUDGET	FILLED		VACANT	FY 18/19 HOURLY WAGE ADJ.	HOURS WORK	EXEMPT	PAY GRADE
	TOTAL	NON- CS	RCSS/CS		RATE		NONEXEMPT	
Director of Planning	1	1			40.84	40	E	V
Executive Assistant I	1	1			22.77	40	NE	F
Admin Asst II	1	1			19.06	40	NE	C
Arts & Culture Coordinator	1			1		40	<u>E</u>	H
Planner I	1	1			25.34	40	E	L
Planner II	4	4						M
Planning Project Manager	<u>1</u>	<u>1</u>			30.83	40	<u>E</u>	P
Downtown Development Specialist	1			1		40	E	M
Grants Administrator	1			1		40	E	L
Community Development Planner	1			1		40	E	M
Section 8 Program Administrator	1			1		40	E	P
<u>Housing Coordinator</u>	<u>1</u>			<u>1</u>		40	<u>E</u>	<u>N</u>
Housing Specialist	2	1		4	19.58	40	NE	H
						40	NE	H

Total Budgeted/Filled for Department	12	6	0	6
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Agenda Action Form Paducah City Commission

Meeting Date: July 10, 2018

Short Title: Amend Pay Grade Schedule

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Martin Russell
Presentation By: Martin Russell

Background Information: June 26, 2018 the Commission adopted a new Pay Grade Schedule; this action will create a Housing Coordinator position in category (N) on the Pay Grade Schedule.

Planning Department

- Creation of Housing Coordinator position.

This action will amend the current Pay Grade Schedule.

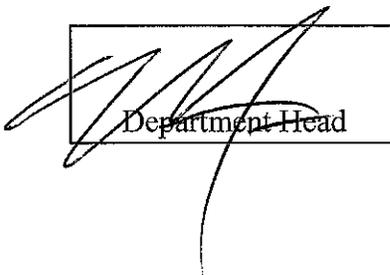
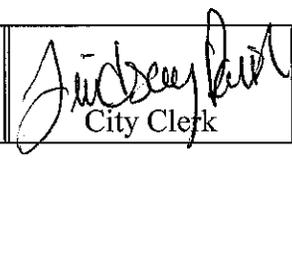
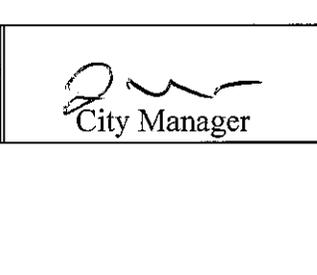
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation: Adopt the amended Pay Grade Schedule

Attachments: Pay Grade Schedule.

 Department Head	 City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ADOPTING AN AMENDMENT TO THE
FY2018-2019 PAY GRADE SCHEDULE FOR THE EMPLOYEES OF THE CITY OF
PADUCAH, KENTUCKY

WHEREAS, the City of Paducah adopted the FY2018-2019 Pay Grade
Schedule by Municipal Order No. 2115 on June 26, 2018; and

WHEREAS, the City desires to amend the Pay Grade Schedule to create
the position of Housing Coordinator in Pay Grade (N); and

WHEREAS, in order to implement the change it is necessary to amend the
FY2018-2019 Pay Grade Schedule.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby adopts and approves the
amendment to the FY2018-2019 Pay Grade Schedule as attached hereto.

SECTION 2. This Order will be in full force and effect from and after the
date of its adoption.

Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, July 10, 2018
Recorded by Lindsay Parish, City Clerk, July 10, 2018
\\mo\pay grade schedule- 7-10-18
\\excel\pay grade schedule 7-10-18

Title	Pay Grade	New Hire Range		Market Range		Premium Range
		Beginning -1st	2nd Qtr	Mid-Point	3rd Qrt	4th Premium
Firefighter (Appointee)	A	\$24,915	\$27,695	\$30,481	\$33,310	\$36,142
Account Clerk	B	\$26,005	\$29,046	\$31,998	\$34,927	\$37,853
Admin Asst I	B	\$26,005	\$29,046	\$31,998	\$34,927	\$37,853
Accounts Payable Clerk	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Admin Asst II	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Admin Assistant 911	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Code Enforcement Assistant	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Data Entry Clerk 911	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Evidence Technician I	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Laborer	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Permit Specialist	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Records Clerk I	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Revenue Technician	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
ROW Maintenance Person	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Solid Waste Truck Driver	C	\$27,482	\$30,540	\$33,598	\$36,743	\$39,886
Administrative Asst III	D	\$28,764	\$32,021	\$35,279	\$38,491	\$41,703
Records Clerk II	D	\$28,764	\$32,021	\$35,279	\$38,491	\$41,703
Concrete Finisher	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Equipment Operator	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Firefighter	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Maintenance Technician	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Permit Technician	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Recreation Specialist	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Records Clerk III	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Traffic Tech	E	\$30,261	\$33,653	\$37,042	\$40,442	\$43,841
Asst. City Clerk	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087

Cemetary Sexton	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Compost Equipment Operator	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Evidence Tech II	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Executive Asst I	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Firefighter Relief Driver	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Floodwall Operator	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Telecommunicator	F	\$31,758	\$35,327	\$38,895	\$42,490	\$46,087
Code Enforcement Officer I	G	\$33,362	\$37,100	\$40,840	\$44,585	\$48,332
Fleet Mechanic I	G	\$33,362	\$37,100	\$40,840	\$44,585	\$48,332
HR Generalist	G	\$33,362	\$37,100	\$40,840	\$44,585	\$48,332
-	-	-	-	-	-	-
911 Shift Supervisor	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Arts & Culture Coordinator	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Fire Lieutenants	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Help Desk Technician	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Housing Specialist	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Events & Promotions Specialist	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Marketing Specialist	H	\$34,966	\$38,923	\$42,694	\$46,784	\$50,686
Fire Captains	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Fleet Mechanic II	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Executive Asst II	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Executive Asst II/Assistant City Clerk	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Journeyman Electrician	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Office Manager	I	\$36,784	\$40,905	\$45,025	\$49,192	\$53,358
Accountant	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Deputy Building Inspector I	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Deputy Electrical Inspector I	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Code Enforcement II	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Deputy Fire Marshal I	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Engineering	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925

Technician						
IT Specialist I	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Police Officer	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Revenue Auditor	J	\$38,602	\$42,940	\$47,277	\$51,599	\$55,925
Records Division Manager	K	\$40,527	\$45,084	\$49,641	\$54,226	\$58,806
Crime Analyst	K	\$40,527	\$45,084	\$49,641	\$54,226	\$58,806
Assistant Director 911	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Code Enforcement Supervisor	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Deputy Building Inspector II	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Deputy Electrical Inspector II + Plan	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Engineer Asst II	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Fire Marshall II	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Grants Administrator	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Parks Maintenance Supervisor	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Planner I	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
EPW Supervisor - (Compost Operations, Fleet, Maintenance, Street, Solid Waste)	L	\$41,392	\$46,752	\$52,121	\$57,499	\$62,875
Chief Electrical Inspector	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Community Development Planner	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Deputy Building Inspector III/Plan Review	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Downtown Development Specialist	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Engineer Asst III	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Fire Marshall III	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Planner II	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975
Special Events Coordinator	M	\$43,414	\$49,072	\$54,729	\$60,352	\$65,975

Chief Building Inspector	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
Battalion Chief	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
Fire Marshall	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
Housing Coordinator	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
Parks Maintenance Superintendent	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
Recreation Superintendent	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
EPW Street Superintendent	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
EPW Floodwall Superintendent	N	\$45,205	\$51,563	\$57,464	\$63,431	\$69,397
EPW Fleet/Maintenance Superintendent	O	\$47,904	\$54,121	\$60,339	\$66,579	\$72,819
GIS Analyst	O	\$47,904	\$54,121	\$60,339	\$66,579	\$72,819
EPW Operations Manager	O	\$47,904	\$54,121	\$60,339	\$66,579	\$72,819
Risk Manager	O	\$47,904	\$54,121	\$60,339	\$66,579	\$72,819
Assistant to the City Manager	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
City Clerk	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Crime Analyst II	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
GIS/Planner	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Network Administrator	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Planning Project Manager	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Public Information Officer	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Section 8 Housing Admin	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Police Sergeant	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
GIS Specialist	P	\$50,256	\$56,807	\$63,354	\$69,851	\$76,347
Police Captain	Q	\$52,824	\$59,673	\$66,523	\$73,414	\$80,305
Fire Assistant Chief	Q	\$52,824	\$59,673	\$66,523	\$73,414	\$80,305
Engineer Project Manager	R	\$55,389	\$62,619	\$69,849	\$77,001	\$84,154
Storm & Drain	R	\$55,389	\$62,619	\$69,849	\$77,001	\$84,154

Engineer						
Deputy Fire Chief - Operations	S	\$58,169	\$65,755	\$73,342	\$80,886	\$88,431
Director of Inspection	S	\$58,169	\$65,755	\$73,342	\$80,886	\$88,431
Police Assistant Chief	S	\$58,169	\$65,755	\$73,342	\$80,886	\$88,431
Revenue Manager	S	\$58,169	\$65,755	\$73,342	\$80,866	\$88,431
Assistant Public Works Director	T	\$61,165	\$69,086	\$77,008	\$84,966	\$92,922
Controller	T	\$61,165	\$69,086	\$77,008	\$84,966	\$92,922
Deputy Fire Chief - Fire Prevention	T	\$61,165	\$69,086	\$77,008	\$84,966	\$92,922
Director of 911	T	\$61,165	\$69,086	\$77,008	\$84,966	\$92,922
Exec Director PRA	T	\$61,165	\$69,086	\$77,008	\$84,966	\$92,922
Director of IT	U	\$64,157	\$72,508	\$80,859	\$92,988	\$102,287
Director of Parks	V	\$67,366	\$76,133	\$84,902	\$97,637	\$107,369
Director of Planning	V	\$67,366	\$76,133	\$84,902	\$97,637	\$107,369
Human Resource Director	V	\$67,366	\$76,133	\$84,902	\$97,637	\$107,369
No Position	W	\$70,787	\$79,967	\$89,147	\$102,519	\$112,772
Fire Chief	X	\$74,316	\$83,960	\$93,604	\$107,644	\$118,410
No Position	Y	\$77,952	\$88,119	\$98,284	\$113,028	\$124,330
Assistant City Manager	Z	\$81,908	\$92,555	\$103,200	\$118,679	\$130,547
Director of Finance	Z	\$81,908	\$92,555	\$103,200	\$118,679	\$130,547
City Engineer & Public Works Director	Z	\$81,908	\$92,555	\$103,200	\$118,679	\$130,547
Police Chief	Z	\$81,908	\$92,555	\$103,200	\$118,679	\$130,547
City Manager	AA	\$110,352	\$124,680	\$139,009	\$159,860	\$175,847

**Agenda Action Form
Paducah City Commission**

Meeting Date: 10 July 2018

Short Title: 2017-2018 Edward Byrne Memorial Justice Accountability Grant (JAG) award receipt

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Chief Brandon Barnhill, Adam Shull

Presentation By: Chief Barnhill

Background Information:

The Edward Byrne Memorial Justice Accountability Grant (JAG) is a federal formula grant funded through the U.S. Department of Justice. The city received notice of eligibility for the amount of \$11,284 in August of 2017, and was authorized by Municipal Order 1996 to apply for the funding for the Paducah Police Department for the purchase of one license plate reader system. The grant doesn't require a local match, but the estimated cost is around \$21,000 and the difference between available funds and the total cost will come from the department's FY2018 general fund.

The application also required an Interlocal Agreement to be signed and approved by the City Commission and McCracken County Fiscal Court, ensuring neither entity has applied for federal funds for this project. That agreement was approved by MO 2008, adopted Sept. 12, 2017. The Interlocal Agreement will be sent to the Department for Local Government upon approval to accept this funding.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

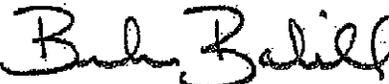
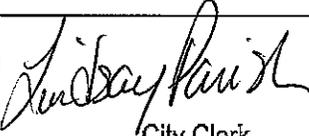
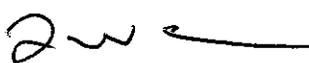
Funds Available:

Account Name:
Account Number:
Project Number:

Finance

Staff Recommendation: Authorize and direct the Mayor to execute all required grant award documents.

Attachments: None

 Department Head	 City Clerk	 City Manager
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A MUNICIPAL ORDER ACCEPTING GRANT FUNDS THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR A 2017-2018 EDWARD BYRNE MEMORIAL JUSTICE ACCOUNTABILITY GRANT IN THE AMOUNT OF \$11,284.00 FOR THE PURCHASE OF A LICENSE PLATE READER SYSTEM FOR THE PADUCAH POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, the City of Paducah applied for a 2017-2018 Edward Byrne Memorial Justice Accountability Grant through the U.S. Department of Justice, adopted by Municipal Order No. 1996 on August 22, 2017, to be used for the purchase of a license plate reader system for the Paducah Police Department; and

WHEREAS, the U.S. Department of Justice has approved the application and is now ready to award this grant.

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

SECTION 1. That the City of Paducah hereby accepts grant funds in the amount of \$11,284.00 through the U.S Department of Justice for a 2017-2018 Edward Byrne Memorial Justice Accountability Grant for the purchase of a license plate reader system for the Paducah Police Department and authorizes the Mayor to execute the Grant Agreement and all related documents. No local or in kind match is required.

SECTION 4. This order shall be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

City Clerk

Adopted by the Board of Commissioners July 10, 2018
Recorded by Lindsay Parish, City Clerk July 10, 2018
MO\grants\award-17-8 Edward Byrne Memorial Justice Accountability Grant JAG

Agenda Action Form

Paducah City Commission

Meeting Date: 10 July 2018

Short Title:

Department of Transportation's National Infrastructure Investments under the Consolidated Appropriations Act, Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary grant program for the installation of a Landing/Excursion Pier and development of the Paducah *Commons*.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Sheryl Chino

Presentation By: Tammara Tracy

Background Information:

The Consolidated Appropriations Act of 2018 allocated \$1.5B to be awarded by the Department of Transportation for National Infrastructure Investments. This program was previously known as the TIGER Discretionary Grant program. It is now referred to as the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program. Applicants can apply for up to \$25M for transportation related projects that have a significant local and regional impact.

The Paducah Planning Department intends to submit an application in partnership with the Paducah-McCracken County Port Authority (PMCPA) to design and construct a landing/excursion pier on Paducah's riverfront; as well as, develop the former Executive Inn Site into the Paducah *Commons*. The City's project is part of a larger "program" of projects designed to address the transportation challenge associated with expanding inadequate maritime infrastructure. The City's application will be one of two projects submitted under the program with the PMCPA submitting a second. PMCPA project involves completing the first phase of their Trans-loading project. The Trans-loading project will allow PMCPA to support container and general cargo.

The proposed landing/excursion pier was identified as one of many projects to enhance Paducah's Riverfront in the 2007 Master Plan prepared by JJR. The pier will provide a docking point for the four steamboats that visit Paducah between April and December each year. The biggest challenge for steamboat visitors is the steep slope they must climb from the Foot of Broadway, through the floodwall, and into the downtown area. The installation of an excursion pier will also provide greater capacity to support increased passengers.

The Paducah *Commons* is the vision of the Small Area Plan completed by RATIO Architects in 2015. The Planning Department employed Bacon Farmer Work Engineering & Testing, Inc. (BFW) to further define the design features and vision for the former Executive Inn site. The design features include a compass rose pointing to true north and east with art installations at each point; a pergola covered walkway; outdoor performance area; great lawn; kiosk and vendor areas; riverfront swings; and sculpture walk. The focus of the design is to enhance the pedestrian experience.

The total estimated cost for both applications is \$24,895,759. The Port Authority is seeking \$10.8M with the City seeking \$12,686,184 in grant funds. No matching funds are required; however, identifying new revenue streams to support the project is highly recommended by DOT. Therefore, the Planning Department is recommending a 10% match in the amount of \$1,409,575 making the City's total project estimate \$14,095,759. The Planning Department will be including information in the application about projected TIF revenues as

source of new revenue and matching funds. Additionally, the area was designated early this year as an Opportunity Zone. The Planning Department will be creating a strategy for maximizing the use of Opportunity Funds to financially support the project, if necessary.

If funded, the City will have until June 30, 2020 to obligate the funds and begin construction.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

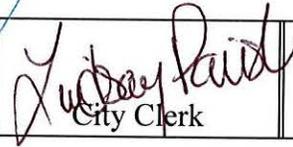
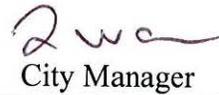
7/5/2018
Finance

Staff Recommendation:

Authorize the Mayor to execute the grant application and related documents; as well as, execute any agreements that may be required by the funding agency with the PMCPA. Also, authorize the Planning Department staff to submit an application through grants.gov application portal.

Attachments:

Conceptual plans of the Paducah *Commons* and landing/excursion pier.

 Department Head	 City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY TO APPLY FOR A BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) GRANT THROUGH THE DEPARTMENT OF TRANSPORTATION FOR NATIONAL INFRASTRUCTURE INVESTMENTS FOR THE INSTALLATION OF A LANDING/EXCURSION PIER AND DEVELOPMENT OF THE PADUCAH COMMONS; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS WITH THE PADUCAH-MCCRACKEN COUNTY PORT AUTHORITY REQUIRED BY THE FUNDING AGENCY; AND AUTHORIZING AND DIRECTING PLANNING DEPARTMENT STAFF TO SUBMIT AN APPLICATION THROUGH THE APPLICATION PORTAL

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute all documents necessary to apply for a Better Utilizing Investments to Leverage Development (BUILD) Grant through the Department of Transportation for National Infrastructure Investments in the amount of \$12,686,184.00 for the installation of a landing/excursion pier and development of the Paducah Commons. No local cash or in-kind match is required; however, the City will be proposing an uncommitted match of 10% in the grant application. This match will be funded through Tax Increment Financing (TIF) District revenues.

SECTION 2. The Mayor is hereby authorized to execute any agreements with the Paducah-McCracken County Port Authority (PMCPA) as required by the Department of Transportation for National Infrastructure Investments as part of the joint application with the PMCPA who is requesting \$10,800,000.00 for the first phase of a Port Authority Trans-loading Project. No local cash or in-kind match is required.

SECTION 3. The Planning Department staff is hereby authorized and directed to submit the grant application and all related documents authorized in sections 1 and 2 above through the online application portal.

SECTION 4. This order will be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

City Clerk

Adopted by the Board of Commissioners, July 10, 2018
Recorded by Lindsay Parish, City Clerk, July 10, 2018
mo\grants\app- BUILD Grant for Pier and Paducah Commons



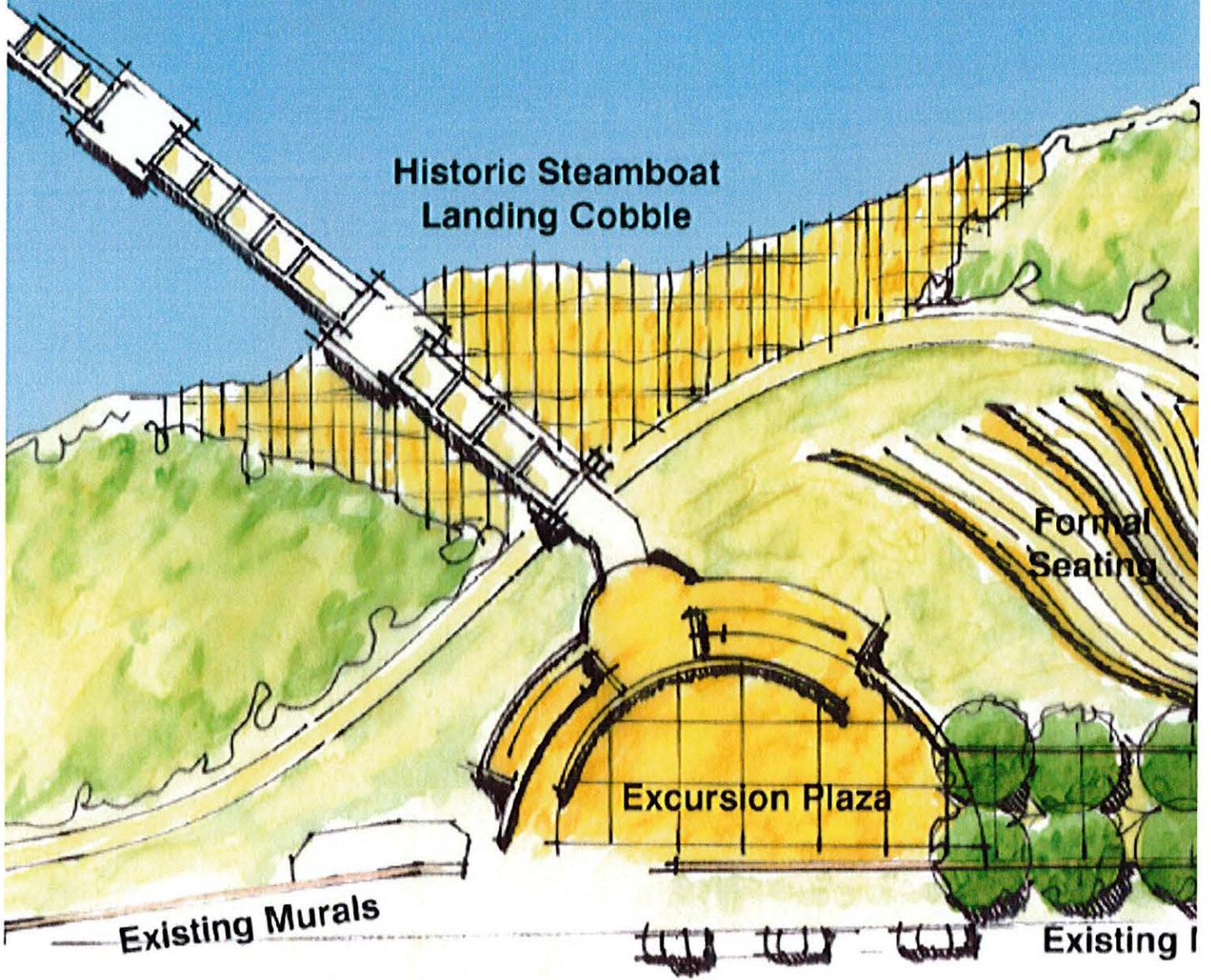
JJR

0' 30' 60'

10.30.2006

Enlarged Plan of Steamboat Landing Area Park

Paducah Riverfront Redevelopment Plan



JEFFERSON STREET





- "East" Focal Point | Public Plaza + Art Installation
- "True North" Focal Point | Public Art Installation
- Colorful Overhead Pergola Walk
- Proposed Greenway Trail, Phase IV. Project under design | construction.
- Sculpture Walk | Art Garden
- River-viewing Seating Nooks | Swings

- Existing Transient Boat Dock
- Proposed Greenway Trail, Phase IV. Project under design | construction.
- Stepped Lawn Seating Area with Low Seat Walls Overlooking Stage
- Performance Area | Stage with Overhead Tensioned Structure

TO CONVENTION CENTER

HOLIDAY INN
 EXCLUSIVE BOULEVARD
 S. 10TH STREET
 HARRISON STREET

- Tree-lined Promenade with Bench Seating
- Freeplay Area Under Tree Canopy
- "Mariners' Compass" Quilt Block Pattern | Compass Rose | In-ground Water-jet / Mistling Water Feature
- Colored Concrete Walk to "East" Focal Point
- Rental + Equipment Storage Kiosk Buildings

- Flexible Public Plaza | Promenade Provides Space for Farmers' Market + Public Venues
- Concessions | Information Kiosk | Public Restroom Facilities Building

EXISTING SCHULTZ PARK

EXISTING RIP-RAP RIVERBANK

N. 2ND STREET
 MADISON STREET







Agenda Action Form

Paducah City Commission

Meeting Date: June 26th, 2018

Short Title: Change Order #1: City Hall Phase I Improvement Project

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Maegan Mansfield, P.E., EPW Proj Mgr

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

Background Information:

City Hall Phase I Improvement Project is utilizing available historical preservation tax credits estimated at \$400,000.00 given by the Kentucky Heritage Council (KHC) since City Hall is listed on the national registrar of historical places. In order to receive tax credits, the project team must submit key historical components of the project to KHC for their approval.

During the bid process for the City Hall Phase I Improvement Project, A&K Construction, the low bidder for the project, included a proposed window type provided by Winco Windows in their original bid amount of \$4,087,400.00. The window type provided by Winco Windows was submitted to the KHC for acceptance and was denied with the condition that KHC desired to solely accept the basis of design window type, supplied by St. Cloud Window. The change in window supplier resulted in a \$206,381.00 increase to the original bid amount.

A&K Construction's adjusted bid of \$4,293,781.00 was accepted based on the condition that the design team would further discuss window types and suppliers with KHC. The goal of discussions was to find a product that would meet KHC requirements and reduce the bid amount back to the original amount of \$4,087,400.00. During that process, it was determined that KHC's preferred supplier, St. Cloud Windows, no longer manufactured the desired window type. As a result, KHC determined that the original window supplier, Winco Windows, would be acceptable.

A change order reducing A&K Construction's contract by \$206,381.00 is recommended. The approval of this change order will bring A&K Construction's contract amount back to the original base bid of \$4,087,400.00.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: City Hall Phase I
Improvements
Account Number: PF0076-001-20000-20002
Project Number: PF0076

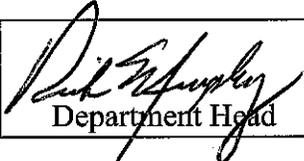


Staff Recommendation:

Authorize the Mayor to accept Change Order #1, which reduces A&K Construction's contract by \$206,381.00. This will reduce their contract to the original bid amount of \$4,087,400.

Attachments:

Ordinance #2018-1-8512, Change Order Request

 Department Head	City Clerk	 City Manager
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ORDINANCE 2018-7-_____

AN ORDINANCE APPROVING CHANGE ORDER NO. 1 WITH A & K CONSTRUCTION FOR A PRICE REDUCTION IN THE AMOUNT OF \$206,381.00 FOR THE CITY HALL PHASE I PROJECT

WHEREAS, the City Commission approved Ordinance No. 2018-1-8512 on January 23, 2018, to enter into a contract with A & K Construction in the total amount of \$4,293,781.00 for the City Hall Phase I Project; and

WHEREAS, due to a change in window suppliers, the contract with A & K Construction has been reduced by \$206,381.00; and

WHEREAS, Change Order No. 1 is required to reduce the contract by \$206,381.00, for a total contract price of \$4,087,400.00.

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

SECTION 1. The Mayor is hereby authorized to execute Change Order No. 1 with A & K Construction for an overall price reduction in the amount of \$206,381.00 for the City of Paducah's City Hall Phase I Project, henceforth, decreasing the total contract price to \$4,087,400.00.

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:

City Clerk

Introduced by the Board of Commissioners June 26, 2018

Adopted by the Board of Commissioners, July 10, 2018

Recorded by Paducah City Clerk, July 10, 2018

Published by The Paducah Sun, _____

\\ord\eng\chgord 1-City Hall Phase I Project decrease

ADOPTED

AN ORDINANCE ACCEPTING THE BID OF A & K CONSTRUCTION FOR CONSTRUCTION OF CITY HALL PHASE I 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 A & K Construction in an amount not to exceed \$4,293,781.00, for construction of City Hall Phase I Project, said bid being in substantial compliance with the bid specifications, and as contained in the bid of A & K Construction November 30, 2017.

SECTION 2. That the Mayor be authorized to execute a contract with A & K Construction for construction of the City Hall Phase I 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. This expenditure shall be charged to project account PF0076.

SECTION 4. This ordinance shall become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, January 9, 2018
Adopted by the Board of Commissioners, January 23, 2018
Recorded by Tammara S. Sanderson, City Clerk, January 23, 2018
Published by The Paducah Sun,
\\ord\eng\bid-City Hall Phase I-construction



AIA[®]

Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*

Exterior Restoration
Paducah City Hall

CONTRACT INFORMATION:

Contract For: General Construction
Date: January 23, 2018

CHANGE ORDER INFORMATION:

Change Order Number: 001
Date: June 6, 2018

OWNER: *(Name and address)*

City of Paducah
300 South 5th Street
Paducah, KY 42003

ARCHITECT: *(Name and address)*

Marcum Engineering
500 N 17th Street
Paducah KY 42003

CONTRACTOR: *(Name and address)*

A & K Construction
100 Calloway Court
Paducah, Kentucky 42001

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Item No. 1.1 Project's Basis of Design specified St. Cloud 2500 Series windows. The 2500 Series is no longer available and Winco 3600 Series windows will be substituted. This substitution has been approved by the Kentucky Heritage Council, decreasing the Contract amount by \$206,381.00.

Total for Item No. 1.1 <\$206,381.00>

The original Contract Sum was	\$ 4,293,781.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 4,293,781.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ -206,381.00
The new Contract Sum including this Change Order will be	\$ 4,087,400.00

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be December 31, 2018

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Marcum Engineering

ARCHITECT *(Firm name)*
Boyd, D. - 6/11/18

SIGNATURE

A & K Construction

CONTRACTOR *(Firm name)*
[Signature]

SIGNATURE

City of Paducah

OWNER *(Firm name)*

SIGNATURE

Baccus Oliver, PE

PRINTED NAME AND TITLE
6/8/2018

DATE

JUSTIN HOPKINS PM

PRINTED NAME AND TITLE
6-12-18

DATE

PRINTED NAME AND TITLE

DATE

April 12, 2018



Mr. Johnny Baucum
Marcum Engineering, LLC
500 South 17th Street
Paducah, Kentucky 42001

RE: Exterior Restoration
Paducah City Hall
300 South 5th Street
Paducah, Kentucky 42003
Marcum Engineering File No. 17519
PFGW File No. 1728

Dear Johnny,

Please see below description for credit for windows manufactured by Winco.

Rationale:

The basis of design for the windows was the St. Cloud 2500 Series. Per the bidding documents, Winco was listed as an acceptable manufacturer and was provided in the bid submitted by A&K. After bids were accepted, it was discovered that the St. Cloud 2500 Series was no longer available and was replaced by the 3000 Series. While the bid amount by A&K was for the Winco window, the signed contract included the St. Cloud window, increasing the contract amount by \$206,381.00.

Paducah City Hall is listed on the National Register of Historic Places and is applying for state historic tax credits, the Kentucky Heritage Council (KHC) had to approve this change. Upon review by the KHC, the Winco 3600 Series has been approved for use, while the project remains eligible for state historic tax credits.

Description of Request:

The contractor shall provide a credit proposal for the change in window manufacturer, from St. Cloud to Winco.

The proposal shall be broken down to reflect labor, material, any unit costs, and mark-up.

Please let me know if you have any questions or need additional information.

Sincerely,
Peck Flannery Gream Warren Inc.

A handwritten signature in black ink, appearing to read "Jeff Canter".

Jeff Canter, NCARB, AIA
Project Architect

Agenda Action Form

Paducah City Commission

Meeting Date: June 26, 2018

Short Title: Recodification of the Paducah Code of Ordinances

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Lindsay Parish & Tammara Sanderson
Presentation By: Lindsay Parish

Background Information: KRS 83A.060(11) requires cities to review and revise their Code of Ordinances for internal consistency and state law compliance once every 5 years. In June of 2017 the City entered into a professional services agreement with Municipal Code Corporation for the recodification of the Paducah Code of Ordinances.

City staff worked with Municipal Code Corporation and Denton Law Firm to eliminate redundant, obsolete and invalid provisions. To prevent inconsistencies in the future, code sections taken directly from state statute will cite the KRS in the hard copy version and link directly to the KRS in the online version.

KRS 83A.060(5) allows city legislative bodies to adopt the recodification by one ordinance which incorporates the provisions without setting them out in full if a copy of code accompanies the adopting ordinance and is made part of the permanent records of the city. Simply stated, this means the adopting ordinance does not have to set out all of the strikethroughs and underlines in every section as long as a new code book is received and filed as a permanent record.

Changes to note:

- A total of 20 Chapters of the code were updated.
- The Recodification includes 14 ordinances adopted by the Commission that are now codified.
- The Ordinance No. 2018-1-8509 related to Human Relations and Ordinance No. 2018-4-8521 related to Smoking in Public Places were adopted after the cut-off date and are not included in the recodification. They will be codified in Supplement No. 1 this fall/winter.
- Regular Meetings for the Board of Commissioners changed to the 2nd & 4th Tuesdays of the month.
- Updated the Order of Business for Commission meetings to reflect the use of the Consent Agenda meeting format.
- Begging Ordinance updated to comply with Kentucky Supreme Court Decision on panhandling.
- Degenderized the majority of the code.
- Multiple sections updated for compliance with the American's with Disabilities Act.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

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

Finance

Staff Recommendation: Adopt an ordinance to enact the new Code of Ordinances for the City of Paducah.

Attachments: Substantive Changes list from Municipal Code Corporation.
Updated Begging Ordinance with underlines & Strikethroughs.

Department Head	City Clerk	 City Manager
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ORDINANCE NO. 2018-____ - _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF PADUCAH, KENTUCKY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

Section 1. The Code entitled "Code of Ordinances, City of Paducah, Kentucky," published by Municipal Code Corporation, consisting of chapters 1 through 126, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 28, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed in their entirety.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$250.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Commission to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after November 28, 2017, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS ch. 424.

MAYOR

ATTEST:

City Clerk

Introduced by the Board of Commissioners, June 12, 2018

Adopted by the Board of Commissioners, _____

Recorded by Paducah City Clerk, _____

Published by The Paducah Sun, _____

\ord\Recodification 2018

Certificate of Adoption

I, _____, the duly qualified and acting City Clerk of the City of Paducah, hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2018-__ -__ adopted at the regular meeting of the Board of Commissioners of the City of Paducah, held on _____, 2018.

City Clerk

municode

Web | Legal | Pay

Roger D. Merriam

Senior Code Attorney (Admitted to Practice in Florida)

rdm@municode.com 1-800-262-2633 ext. 1257 www.municode.com

June 2018

**TO: CITY ATTORNEY
CITY OF PADUCAH, KENTUCKY**

RE: PADUCAH RECODIFICATION—SUBSTANTIVE CHANGES

This memorandum summarizes the substantive changes that will be promulgated by adoption of the new city code.

Chapter 2. Administration

ARTICLE II. CITY MANAGER PLAN

Sec. 2-32. Governing officers. Tied to KRS 83A.030, 83A.150.

ARTICLE III. CITY OFFICIALS

Division 1. Generally

Sec. 2-51. Oath; bond.

1. Tied to Ky. Const. § 228.
2. Deleted subsection (b) as obsolete in light of blanket bonding.

Sec. 2-52. Compensation.

1. Deleted subsection (a)(1) as obsolete.
2. Revised subsection (b) to correctly name the Personnel and Pay Classification Plan as provided in section 40-126
3. Tied subsections (c) and (d) as covered by KRS 83A.070.
Division 2. Elected Official

Sec. 2-72. Removal procedure. Tied to KRS 83A.040(9).

Division 3. Nonelected Officials

Sec. 2-91. Establishment of nonelected offices; appointment and removal of nonelected officers. Delete subsections (a)—(c) and (d)(1) and (d) 2) as covered by KRS 83A.070, 83A.080.

Sec. 2-92. City Clerk. Tied subsection (b)(1)—(5) to KRS 83A.085. Tied the oath provision in subsection (d) to Ky. Const. § 228 and the bond as covered by blanket bonding.

Sec. 2-93. City Manager. Deleted subsection (b) as covered by KRS 83A.150. Tied subsection (f) to Ky. Const. § 228. Deleted subsection (g) as obsolete in light of blanket bonding.

Sec. 2-94. Finance Director. Revised to correctly name Finance Department and to remove obsolete language.

ARTICLE IV. BOARD OF COMMISSIONERS
Division 1. Generally

Sec. 2-121. Election, qualifications and compensation of members. Tied subsection A to KSA ch. 83A.

Sec. 2-122. Vacancies. Tied to KRS 83A.175.

Sec. 2-123. Powers and duties. Tied to KRS 83A.150.

Division 2. Rules of Procedure

Sec. 2-141. Presiding officer. Tied to KRS 83A.150(3).

Sec. 2-142. Time and notice of meetings. Tied subsection (b) as to KRS 83A.130(11).

Sec. 2-144. Robert's Rules of Order adopted. So as to avoid adopting by reference problems, altered to reference the 11th edition of Roberts Rules of Order, Newly Revised.

Sec. 2-145. Order of business; names of members present to be noted; hearing of spectators. Revised to reflect the Consent Agenda Meeting Format.

Division 3. Ordinances

Secs. 2-172(1)—2-174. Ordinances generally. Tied to KRS 83A.060(1)—(3).

Sec. 2-175. Reading requirement; emergency ordinances. Tied to KRS 83A.060(4), (7).

Sec. 2-176. Adoption of standard codes by reference. Tied to KRS 83A.060(5).

Sec. 2-177. Records of actions of Board of Commissioners; recording of votes. Tied to KRS 83A.060(8).

Sec. 2-178. Indexing and maintenance. Tied to KRS 83A.060(8).

Sec. 2-179. Publication. Tied subsection (a) to KRS 83A.060(9).

Sec. 2-180. Establishment of additional requirements for adoption. Tied to KRS 83A.060(10).

Sec. 2-181. Periodic review. Tied to KRS 83A.060(11).

Sec. 2-182. Municipal orders. Tied to KRS 83A.060(12), (13).

Sec. 2-183. Proof of ordinances and orders; use of Code as evidence. Tied to KRS 83A.060(14).

Sec. 2-184. Legislative immunity of Commissioners. Tied to KRS 83A.060(15).

ARTICLE V. DEPARTMENTS
Division 1. Generally

Sec. 2-211. Establishment. Revised to use correct titles for city departments.
("Administrative" changed to "General Government")

Division 3. Paducah-Mccracken County Health Department

Delete as obsolete.

Division 4. Police Department

Sec. 2-272. Fees for services rendered by department. (c) deleted as covered by the
Taxi Cab Ordinance

Sec. 2-275. Number, rank and salaries of members; clothing allowance; issuance of handgun. Altered to allow the option for an officer retiring from the department in good standing to purchase their weapon if they choose to do so.

Sec. 2-278. Educational incentive plan. Altered to remove outdated portions now covered by collective bargaining agreements.

Division 4. Fire Department

Sec. 2-306. Use of automotive equipment. Deleted the requirement of driving within speed limits as creating tort liability problems. It also contradicted other language in this section.

Division 6. 911 Communications Services

Sec. 2-327. Fees for services. Deleted the second sentence as obsolete.

ARTICLE VI. CITY ADMINISTRATIVE BODIES

Division 1. Generally

Sec. 2-341. Absences from meetings; conflicts of interest in employment and business matters. Deleted subsection (d) (*resignation deadline for present employees*) as obsolete.

Division 2. Board of Adjustment

Sec. 2-364. Terms of members. Except for when terms expire and the last sentence, deleted as covered by KRS 100.217.

Sec. 2-367. Applicability of state law. Deleted as not needed.

Division 4. Housing Commission

Altered per instructions.

Division 5. Paducah-Mccracken County Convention and Visitors Bureau

Sec. 2-421. Established; purpose. Altered to reference KRS 91A.350—91A.392.

Sec. 2-422. Composition; appointment and term of members. Tied to KRS 91A.360.

Sec. 2-423. Officers; employment of personnel and authority to make contracts. Tied to KRS 91A.360(4).

Sec. 2-424. Annual audit. Tied to KRS 91A.360(5).

Division 6. Paducah-Mccracken County Riverport Authority

Sec. 2-442. Composition; appointment, qualifications and term of members. Tied subsections (1) and (3) to KRS 65.540.

Division 7. Paducah-Mccracken County Telecommunications and Information Authority

Deleted as obsolete.

Division 8. Transit Authority

Sec. 2-482. Established; powers and duties.

1. So as to avoid duplication of KRS 96A.020, revised subsection (a) to only state that a transit authority is created pursuant to KRS 96A.020 and delete subsection (c).
2. Tied subsection (d) to covered by KRS 96A.090.
3. Tied to subsection (e) to covered by KRS 96A.100.
4. Tied to subsection (f) to covered by KRS 96A.110.
5. Tied to subsection (g) to covered by KRS 96.220.

Sec. 2-483. Managing board.

1. Tied subsections (b) and (h) and (i) to KRS 96A.040.
2. Tied subsections (d) and (e) to KRS 96A.070.
3. Tied subsections (f) and (g) to KRS 96A.060.

Sec. 2-484. Fiscal year. Tied to KRS 96A.050.

Sec. 2-485. Financing methods. Tied to KRS 96A.120.

Sec. 2-486. Insurance requirements. Tied to KRS 96A.180.

Sec. 2-487. Annual audit. Tied KRS 96A.190.

Division 9. Youth Advisory Commission

Deleted per instructions.

Division 10. Arts Resources Advisory Committee

Delete as obsolete.

Division 11. Cross-References to Other Administrative Bodies

Deleted all provisions except 2-542 and 2-545 and transferred § 2-541 to article V (department of parks and recreation).

Division 12. Alpha Project Board of Directors

Deleted as obsolete. See Code § 2-552.

Division 13. Paducah-McCracken County Industrial Development Authority

Sec. 2-562. Composition; appointment of members. Except for the number of members, tied to KRS 154.50-326.

Sec. 2-564. Terms of members. Tied to KRS 154.50-326.

Division 14. Barkley Regional Airport Board

Sec. 2-567. Composition; appointment of members. Tied to KRS 183.132.

Sec. 2-568. Qualifications of members; city and county officials not eligible for membership. Tied to KRS 183.132.

Sec. 2-569. Terms of members. Tied to KRS 183.132.

Division 15. Main Street Department Board of Directors

Sec. 2-572. Composition; appointment of members. Deleted as covered by Code § 2-573.

ARTICLE VIII. FINANCE AND PROCUREMENT

Division 1. Generally

Sec. 2-604. Ordinances and municipal orders approving contracts. Changed from "Ordinances Approving Contracts" to "Ordinances and Municipal Orders Approving Contracts" for accuracy.

Division 2. Funds and Accounts

Sec. 2-621. Locomotive Memorial Trust Fund. Deleted as obsolete.

Division 3. Procurement

Because Code § 2-642 adopts KRS 45A.345—45A.460, provisions covered by same have been recommended for deletion.

Sec. 2-641. Definitions. Except for the definitions of chief executive officer, cooperative purchasing, debarment, immediate family, legislative body or governing board, local purchasing unit, and suspension, tied to KRS 45A.345.

Sec. 2-654. Competitive negotiations—Generally. Tied to KRS 45A.370, 45A.375.

Sec. 2-659. Noncompetitive negotiations. Tied to KRS 45A.380. (New Code § 2-816)

Sec. 2-663. Bidder security and bonds. Tied subsections (a) and (b) to KRS 45A.430.

Sec. 2-667. Conflict of interest. Tied to KRS 45A.455.

Sec. 2-668. Disposition of surplus or excess property. Tied subsection (b) to KRS 45A.425.

ARTICLE IX. PUBLIC RECORDS

Division 1. Generally

Sec. 2-691. Definitions. Tied the definition of public records to KRS 61.870(2).

Division 2. Procedures for Requesting Public Records

Sec. 2-713. Procedure when record is not immediately available. Tied to KRS 61.872(5).

Sec. 2-714. Refusal of unreasonable requests. Tied to KRS 61.872(6).

Sec. 2-718. Right to obtain copies; format of copies. Tied to KRS 61.874.

Sec. 2-719. Fees for copies. Tied to KRS 61.874(3), (4).

Sec. 2-721. Online access to records in electronic form. Tied to KRS 61.874(6).

Sec. 2-723. Records protected from disclosure. Tied to KRS 61.878.

Sec. 2-724. Notification of Attorney General of actions filed against city. Tied to KRS 61.880(3).

Chapter 10. Amusements and Entertainment

ARTICLE II. PINBALL MACHINES AND POOLROOMS

Delete as obsolete.

Chapter 14. Animals

ARTICLE I. IN GENERAL

Sec. 14-1. Keeping of animals generally; keeping of animals which constitute nuisance. Deleted the second sentence of subsection (b) as beyond the power of the city to provide.

Sec. 14-4. Bird sanctuary designated; molesting birds. As chickens are legal (see Code § 14-3), change birds to wild birds.

Sec. 14-7. Cruelty to animals; authority to impound; and redemption of impounded animals. Delete subsections (a) and (b) as covered by KRS 525.130.

Sec. 14-9. Penalty. Revised to declare violation to be a public nuisance.

ARTICLE II. DOGS

Sec. 14-31. Duties of Dog Warden and police officers relative to impoundment. In this section and other sections in this article changed city dog warden to county dog warden. This is done in this section in the definition.

Sec. 14-44. Penalty. Revised to declare violation to be a public nuisance.

Chapter 8. Buildings and Building Regulations

ARTICLE V. ELECTRICAL WORK

Sec. 18-93. Disconnection of service because of defects in wiring. Altered to reference the Building, Electrical and Fire Codes Appeals Board

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 18-123. Building Codes Appeals Board. Altered per instructions, merging Code § 18-124 therein, thereby deleting § 18-124.

Chapter 22. Cable Communications

Sec. 22-132. Paducah Cable Communications Authority. Deleted as obsolete.

Chapter 34. Community Planning and Development

Renamed chapter Planning and Community Development and relocated to proper alphabetical order, including former chapter 82 therein. Numerous changes (per instructions) have been made in this chapter.

ARTICLE II. DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

Renamed the department as planning and community development department. Appropriate changes are made throughout this chapter.

ARTICLE III. ECONOMIC DEVELOPMENT (ENTERPRISE ZONES)

Deleted as obsolete.

ARTICLE IV. HISTORIC BUILDINGS

Sec. 34-72. Certificate of demolition required for redevelopment of historic properties and redevelopment in historic area including structures considered significant to the stabilization of historic districts. Per Code § 18-1, change inspection department to fire prevention division. This is also done in Code § 34-73.

Sec. 34-80. Historic properties designated. Updated to include all historic properties.

ARTICLE VI. URBAN RENEWAL

Deleted as obsolete.

Chapter 46. Fire Prevention and Protection

ARTICLE I. IN GENERAL

Sec. 46-2. Storage of flammable materials; obstructing access to or exit from premises. Deleted as covered by provisions adopted by reference in article II of this chapter.

ARTICLE II. KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE)

Sec. 46-31. Adoption of Kentucky Standards of Safety and National Fire Codes. Correct K.A.R. reference to be to 10:060.

Sec. 46-63. Parking vehicle near fire hydrant or fire department connection; fire lanes. Changed ten feet to 15 feet. See KRS 189.450(5)(i).

Chapter 58. Human Relations

Throughout this chapter changed handicapped to disability and handicapped to persons with disabilities.

ARTICLE III. EQUAL EMPLOYMENT OPPORTUNITIES

Sec. 58-61. Unlawful employment practices. Altered subsection (a) to be consistent with KRS 344.040 by prohibiting discrimination because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

Sec. 58-62. Exceptions. Altered subsection (4) to be consistent with KRS 344.040 by prohibiting discrimination because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

ARTICLE V. FAIR HOUSING

Sec. 58-101. Unlawful housing practices. Conformed to KRS 344.360.

Sec. 58-102. Exceptions. Conformed to KRS 344.362, 344.365.

Sec. 58-103. Unlawful financial practices. Conformed to KRS 344.370.

Chapter 62. Massage Parlors

Sec. 62-1. Definitions. Added reference to KRS 309.350 to 309.364.

Sec. 62-5. Licensee and employees to be free from communicable disease; physician's verification. Deleted as obsolete.

Chapter 66. Offenses and Miscellaneous Provisions

ARTICLE II. OFFENSES AGAINST PROPERTY

Sec. 66-31. Destroying, injuring or defacing public property. Deleted as covered by KRS 512.040.

ARTICLE III. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Division 1. Generally

Sec. 66-62. Disorderly conduct. Deleted as covered by KRS 525.060.

Sec. 66-64. Shooting BB guns or firearms. Altered per instructions.

Sec. 66-68. Begging. Revised so as to avoid constitutional problems.

Chapter 70. Parks and Recreation

ARTICLE I. IN GENERAL

Sec. 70-5. Rules of conduct for recreational areas.

1. In subsection (6), edited to comply with ADA regulations for service animals.
2. In subsection (9) added exemption for conduct authorized by Code § 22-79.

ARTICLE II. DEPARTMENT OF PARKS AND LEISURE SERVICES

Altered to reference the department of parks and recreation.

ARTICLE III. BROOKS STADIUM COMMISSION

Sec. 70-53. Terms of members; appointments; vacancies; and compensation. Deleted provisions for initial terms of office as obsolete.

ARTICLE V. RULES AND REGULATIONS FOR SKATEPARK

Sec. 70-94. Rules and regulations. In subsection (17) added an exemption for assistance dogs. See KRS 258.500.

ARTICLE VI. TEMPORARY SUSPENSION OF PERSONS ON CITY RECREATIONAL AREAS

Sec. 70-127. Hearing before director; findings; final order. Altered subsection (1) to state that the right to legal counsel does not obligate the city to furnish legal counsel if the accused cannot afford legal counsel.

Chapter 74. Peddlers and Solicitors

Sec. 74-2. Entering private residence without invitation. Altered to prohibit door-to-door solicitation between 7:00 p.m. and 9:00 a.m. See *City of Watseka v. Illinois Public Action Council*, 796 F.2d 1547 (7th Cir. 1986), *affd.* 479 U.S. 1048, 109 S. Ct. 919, 93 L. Ed. 2d 972 (1987), *reh. den.* 480 U.S. 926, 107 S. Ct. 1389, 94 L. Ed. 2d 703; *New Jersey Citizen Action Group v. Edison*, 797 F.2d 1250 (3d Cir. 1986), *cert. den. sub. nom.* *Township of Piscataway v. New Jersey* 479 U.S. 1103, 107 S. Ct. 1336, 94 L. Ed. 2d 186; *Wisconsin Action Coalition v. City of Kenosha*, 767 F.2d 1248 (7th Cir. 1985); *ACORN v. City of Frontenac*, 714 F.2d 813 (8th Cir. 1983); *Massachusetts Fair Share Inc. v. Town of Rockland*, 610 F. Supp. 682 (D.C. Mass.1985); *New York Community Action Network v. Town of Hempstead*, 601 F. Supp. 1066 (E.D.N.Y. 1984); *Connecticut Citizens Action Group v. Town of Southington*, 508 F. Supp. 43 (D. Conn.1980); *West Virginia Citizens Action Group v. Daley*, 324 S.E.2d 713 (W. Va.1984).

Sec. 74-3. Registration of telephone solicitors. Deleted as obsolete. Most telephone solicitations originate outside the city.

Chapter 78. Personnel

Turned the editor's note regarding collective bargaining agreements into a code section so as to
not be overlooked.

ARTICLE III. COMPENSATION

ARTICLE IV. CIVIL SERVICE

Sec. 78-94. Board of Civil Service Commissioners. Tied (b) to KRS 90.310.

Sec. 78-95. Examinations.

1. Tied subsections (a) and (d) to KRS 90.320.
2. Deleted subsection (e) as obsolete.

Sec. 78-96. Establishment of positions and salaries. Deleted as covered by Code § 78-99.

Sec. 78-98. Filling of vacancies. Tied to KRS 90.350(6).

Sec. 78-99. Position and pay plan adopted. Delete as superseded by Code § 78-111.

Chapter 82. Planning

ARTICLE I. IN GENERAL

Sec. 82-4. Effect of chapter on other laws. Deleted as not needed. Subdivisions and zoning are included in the code.

ARTICLE II. PLANNING COMMISSION

Sec. 82-32. Composition; appointment, term and compensation of members. In subsection (b), delete the 'two-thirds' provision as covered by KRS 100.133. Tied subsection (c) to KRS 100.143.

Chapter 98. Streets, Sidewalks and Other Public Places

ARTICLE III. STREET CUTS

Sec. 98-62. Inspection and approval of work. Changed engineering division to engineering department; this is done elsewhere also.

Chapter 106. Taxation

ARTICLE I. IN GENERAL

Sec. 106-1. Annual property assessment and levy of ad valorem tax. Deleted subsection (c) as obsolete.

Sec. 106-2. Due date; penalty and interest for unpaid tax. Deleted subsection (e) per instructions.

Sec. 106-6. Bank franchise and local deposit tax. Deleted the last sentence of subsection (a), all of subsection (b), the introductory language in subsection (c), and provisions in subsection (e) re: taxes paid in 1997 as obsolete.

ARTICLE III. GROSS RECEIPTS LICENSE TAX

Sec. 106-63. License and payment of tax required; exemptions. Altered to reference definition of gross receipts in Sec. 106-61.

Sec. 106-65. Annual license tax imposed on business entities; filling of annual license tax return and business license application; payment of annual license tax; due date for filing and payment of tax. Altered to correctly title Annual License Tax Application.

ARTICLE IV. LICENSE FEE FOR EMPLOYEES

Sec. 106-186. Employer to issue statement certifying compensation paid to employee and deductions for license fees. Altered to specifically reference W-2 form.

Sec. 106-193. Disposition and use of fees. Altered to correctly reference General Fund.

ARTICLE V. PROPERTY TAXES FOR MUNICIPAL PURPOSES AND SCHOOL PURPOSES

Deleted. The taxes levied herein are only for a period one year and therefore are not of a general and permanent nature and should not be codified.

Chapter 108. Telecommunications

ARTICLE II. WIRE TELECOMMUNICATIONS SYSTEMS LICENSING ORDINANCE

Sec. 108-55. Rights of individuals, affirmative action program, and equality of employment. So as to be consistent with KRS 344.040 added as prohibited discriminatory grounds “or because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.”

Chapter 110. Traffic and Vehicles

ARTICLE I. IN GENERAL

Division 1. Generally

Sec. 110-1. Definitions. Tied applicable definitions to KRS 189.010.

Sec. 110-9. Through streets. Changed maintenance department to public works department. This change is also made in Code § 110-42.

Division 3. High Frequency Police Receiving Sets

Deleted as obsolete. This effectively prohibits CB radios.

ARTICLE III. PARKING REGULATIONS

Division 1. Generally

Sec. 110-179. Handicapped parking. Changed handicapped to persons with disabilities. See generally KRS 189.459.

ARTICLE V. TRUCKS, TRAILERS AND SEMITRAILERS

Sec. 110-281. Definitions. Tied definitions to statute.

Chapter 114. Utilities

ARTICLE II. SEWERS

DIVISION 9. JOINT SEWER AGENCY

Sec. 114-242. Board. In subsection (c), eliminated provisions for initial terms of office as obsolete.

ARTICLE III. WATER

Division 2. Commissioners of Waterworks

Sec. 114-292. Qualifications. Tied to KRS 96.320.

Sec. 114-293. Ex officio member. Tied to KRS 96.320.

Sec. 114-295. Bond. Tied to KRS 96.320.

Sec. 114-301. Secretary or Treasurer. Deleted the bond as obsolete in light of blanket bonding.

ARTICLE IV. ELECTRICITY

Division 2. Electric Plant Board

Sec. 114-354. Bond and oath of members. Tied oath to Ky Const. § 228. Deleted provisions relative to the bond as covered by blanket bonding.

Sec. 114-355. Terms of members; vacancies. In subsection (a), eliminated provisions for initial terms of office as obsolete.

Chapter 126. Zoning

Sec. 126-31. Zone classifications and boundaries. Added the HM district. See Code § 126-119.

Sec. 126-71. Off-street parking and loading areas. In subsection (i), changed handicap to persons with disabilities. See generally KRS 189.459.

Sec. 126-77. Waiver of yard requirements when structure is modified for handicap accessibility. Changed handicap to persons with disabilities. See generally KRS 189.459.

Sec. 66-68. Begging.

~~No person shall go about from door to door of private homes or commercial and business establishments, or place himself in or upon any public way or public place, to beg or receive alms for himself.~~

(a) The following words, terms and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining donations.

Forcing oneself upon the company of another means continuing to ask, beg or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within fifteen (15) feet of the entrance to or exit from any public toilet facility;
- (3) Within fifteen (15) feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) Within fifteen (15) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) Within any public transportation vehicle, or within fifteen (15) feet of any bus stop, taxi stand or rapid transit stop;
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
- (7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or
- (8) Within fifteen (15) feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.

(c) Nothing in subsection (a) of this section shall be interpreted to prohibit related parties from soliciting money or other things of value from one another.

(d) It shall be unlawful for any person to solicit money or other things of value by:

- (1) Accosting another; or
- (2) Forcing oneself upon the company of another.

(Code 1968, § 19-64; Code 1996, § 131.08; Code 1997, § 66-68; Ord. of 12-12-1967)

Agenda Action Form Paducah City Commission

Meeting Date: July 10th, 2018

Short Title: Change Order #2: City Hall Phase I Improvement Project

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Maegan Mansfield, P.E., EPW Proj Mgr

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

Background Information:

Nine (9) Request for Proposals have been submitted by A&K Construction for modifications to the City Hall Phase I Improvement Project. All requests have been combined to implement Change Order #2 for the project. Requests pertain to Construction Documents provided by Marcum Engineering and have been vetted by the design team as valid modifications to the project. The requests are as follows:

RFP 1 – Sidewalk Replacement Credit

-\$5,000.00

Before construction began, it was noted that the existing east sidewalk needed replacement from 4th Street to City Hall. The Construction Documents required this sidewalk to be protected and remain after project completion.

This proposal is a credit for not requiring the protection of the sidewalk since the Owner will replace the sidewalk at project completion.

RFP 2 – Lightweight Concrete Credit

-\$31,900.00

Construction Documents specified for the lightweight concrete topping on the upper level roof to be removed. After start of construction, the lightweight concrete on the upper level roof was exposed in areas and deemed to be in good condition and would be less distressing for the building to leave this portion of the light weight concrete deck in place.

This proposal is a credit for not demolishing this lightweight concrete topping.

RFP 3 – Storm Water Drainage Credit

-\$16,723.00

Construction Documents specified both a primary and secondary drainage system constructed with insulated PVC piping and 32 roof drains. It was determined after start of construction that insulated PVC piping is not authorized for installation within air plenums like those present in City Hall. On review of options, it was found that installing a fire wrap would be required and that this solution costs significantly more than an alternate such as cast iron piping. Therefore, best method of conveyance of storm drainage is cast iron piping that is non-combustible whereas insulation would only be required on the horizontal mains.

This proposal request consists of the following changes and benefits:

- Reduce roof drains from (32) 4" drains to (16) 6" roof drains. This will reduce the number of openings made within the canopy roof structure and exterior walls. This will also reduce the duration of work installation within the 2nd Floor areas.
- Change piping material from PVC to cast iron. This piping is completely non-combustible and will produce the best sound dampening of the flowing water. Thus, this piping choice will only require insulation of the horizontal mains. Most importantly, cast iron installation will not involve primer and glue which will illuminate any possible irritation to both public and staff within the building.
- Illuminate the installation of an interior secondary drainage system (roof overflow drains). Overflow drains alert maintenance sooner if primary drains have failed and water is "ponding" on the canopy roof. Earlier notice will allow the system to be investigated and cleared before significant weight is added to the structure. Lastly, installing only an interior primary drainage system will reduce construction time lessening the duration of displacing the occupants and operations.

RFP 5 – Roof Hatch Access

+\$1,759.00

The existing roof hatch was difficult to access and a safety hazard. The Construction Documents specify the addition of fixed ladder and roof hatch within the north stairway. This allows for easy/safe access but requires separation from the air plenum located above the suspended ceiling.

This proposal is for the additional ceiling tile to separate ladder "shaft" from air plenum.

RFP 6 – Canopy Sonotube Repair

+\$8,224.00

After removal of paint and concrete filler, it was found that some canopy sonotube forms evidently shifted during original construction over 50 years ago. This movement caused the resulting concrete thickness to be thin or virtually non-existent. Upon power cleaning (removal of paint and concrete filler) it was found that these conditions had deteriorated and left exposed openings into the interior cavities of the concrete canopy structure.

This proposal is for the correction of the existing conditions by placing investment forms and injecting the appropriate thickness of concrete. This will correct the canopy as originally intended to be constructed.

RFP 7 – Canopy Column Repair

+\$2,901.00

After removal of paint and concrete filler, it was found that 5 areas on the canopy columns had extensive honeycomb conditions. This had previously been filled on original construction to conceal these imperfections.

This proposal is for the correction of the existing concrete finish by placing removable forms and injecting concrete patch material. This correction will not require concrete filler in the future.

RFP 8 – Canopy Underdeck and Beam Edge Repair

+\$36,456.00

Underdeck blasting revealed additional areas needing repair. Construction Documents included a map of known areas of repair that were visible prior to blasting to form the basis of Contractor bids. After removal of paint and concrete filler, a new map was created of the actual found conditions. This nearly doubled the quantity of repair required as compromised canopy areas that were not originally included were concealed by many layers of paint that had been exposed by the restoration efforts.

This proposal is for the additional underdeck patching required at the canopy. This will repair damage due to years of deterioration.

RFP 9 – Canopy Roof Insulation

+\$21,119.00

Since partial roof removal, a survey has indicated that additional slope is required at the canopy roof to overcome years of settlement. Additional insulation is preferred to create the slope to avoid the weight of lightweight concrete. The proper roof slope is required for roof warranty.

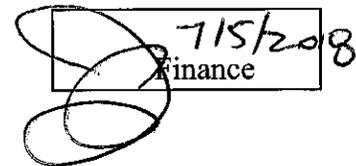
This proposal is for additional roof insulation to provide positive slope from outside settled, canopy edge to the inside roof drain locations.

Net Total for Change Order No. 2: +\$16,836.00

A change order increasing A&K Construction’s contract by \$16,836.00 is recommended. The approval of this change order will bring A&K Construction’s contract amount to \$4,104,236.00.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: City Hall Phase I Improvements
Account Number: PF0076-001-20000-20002
Project Number: PF0076

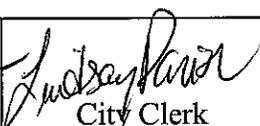


Staff Recommendation:

Authorize the Mayor to accept and to execute Change Order #2, which increases A&K Construction’s contract by \$16,836.00. This will increase their contract amount to \$4,104,236.00.

Attachments:

Change Order #1, Ordinance #2018-1-8512, Change Order Request #2

 Department Head	 City Clerk	 City Manager
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ORDINANCE 2018-7-_____

AN ORDINANCE APPROVING CHANGE ORDER NO. 2 WITH A & K CONSTRUCTION FOR A PRICE INCREASE IN THE AMOUNT OF \$16,836.00 FOR THE CITY HALL PHASE I PROJECT

WHEREAS, the City Commission approved Ordinance No. 2018-1-8512 on January 23, 2018, to enter into a contract with A & K Construction in the total amount of \$4,293,781.00 for the City Hall Phase I Project; and

WHEREAS, the City Commission approved Ordinance No. 2018-7-8538 on July 10, 2018, which reduced the contract by \$206,381.00, for a total contract price of \$4,087,400.00; and

WHEREAS, Change Order No. 2 is now required to account for a sidewalk replacement credit, a lightweight concrete credit, a storm water drainage credit, a roof hatch access addition, a canopy sonotube repair, a canopy column repair, a canopy underdeck and beam edge repair and a canopy roof insulation addition which together create a net increase to the contract of \$16,836.00, for a total contract price of \$4,104,236.00.

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

SECTION 1. The Mayor is hereby authorized to execute Change Order No. 2 with A & K Construction for an overall price increase in the amount of \$16,836.00 for the City of Paducah's City Hall Phase I Project, henceforth, increasing the total contract price to \$4,104,236.00.

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:

City Clerk

Introduced by the Board of Commissioners July 10, 2018

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, Paducah City Clerk, _____

Published by The Paducah Sun, _____

\\ord\eng\chgord 2-City Hall Phase I Project increase

Attached for reference.

Agenda Action Form Paducah City Commission

Meeting Date: June 26th, 2018

Short Title: Change Order #1: City Hall Phase I Improvement Project

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Maegan Mansfield, P.E., EPW Proj Mgr
Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

City Hall Phase I Improvement Project is utilizing available historical preservation tax credits estimated at \$400,000.00 given by the Kentucky Heritage Council (KHC) since City Hall is listed on the national registrar of historical places. In order to receive tax credits, the project team must submit key historical components of the project to KHC for their approval.

During the bid process for the City Hall Phase I Improvement Project, A&K Construction, the low bidder for the project, included a proposed window type provided by Winco Windows in their original bid amount of \$4,087,400.00. The window type provided by Winco Windows was submitted to the KHC for acceptance and was denied with the condition that KHC desired to solely accept the basis of design window type, supplied by St. Cloud Window. The change in window supplier resulted in a \$206,381.00 increase to the original bid amount.

A&K Construction's adjusted bid of \$4,293,781.00 was accepted based on the condition that the design team would further discuss window types and suppliers with KHC. The goal of discussions was to find a product that would meet KHC requirements and reduce the bid amount back to the original amount of \$4,087,400.00. During that process, it was determined that KHC's preferred supplier, St. Cloud Windows, no longer manufactured the desired window type. As a result, KHC determined that the original window supplier, Winco Windows, would be acceptable.

A change order reducing A&K Construction's contract by \$206,381.00 is recommended. The approval of this change order will bring A&K Construction's contract amount back to the original base bid of \$4,087,400.00.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: City Hall Phase I
Improvements
Account Number: PF0076-001-20000-20002
Project Number: PF0076

Finance

Staff Recommendation:

Authorize the Mayor to accept Change Order #1, which reduces A&K Construction's contract by \$206,381.00. This will reduce their contract to the original bid amount of \$4,087,400.

Attachments:

Ordinance #2018-1-8512, Change Order Request

Department Head	City Clerk	City Manager
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ADOPTED

AN ORDINANCE ACCEPTING THE BID OF A & K CONSTRUCTION FOR CONSTRUCTION OF CITY HALL PHASE I 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 A & K Construction in an amount not to exceed \$4,293,781.00, for construction of City Hall Phase I Project, said bid being in substantial compliance with the bid specifications, and as contained in the bid of A & K Construction November 30, 2017.

SECTION 2. That the Mayor be authorized to execute a contract with A & K Construction for construction of the City Hall Phase I 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. This expenditure shall be charged to project account PF0076.

SECTION 4. This ordinance shall become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, January 9, 2018
Adopted by the Board of Commissioners, January 23, 2018
Recorded by Tammara S. Sanderson, City Clerk, January 23, 2018
Published by The Paducah Sun,
\\ord\eng\bid-City Hall Phase I-construction



Document G701™ – 2017

Change Order

PROJECT: (Name and address)Exterior Restoration
Paducah City Hall**CONTRACT INFORMATION:**Contract For: General Construction
Date: January 23, 2018**CHANGE ORDER INFORMATION:**Change Order Number: 002
Date: June 27, 2018**OWNER: (Name and address)**City of Paducah
300 South 5th Street
Paducah, KY 42003**ARCHITECT: (Name and address)**Marcum Engineering
P O Box 120
Paducah, KY 42002-0120**CONTRACTOR: (Name and address)**A & K Construction
100 Calloway Court
Paducah, KY 42001**THE CONTRACT IS CHANGED AS FOLLOWS:***(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

Item No. 2.1	RFP 1	Sidewalk Replacement Credit	<\$5,000.00>
Item No. 2.2	RFP 2 Revised	Lightweight Concrete Credit	<\$31,900.00>
Item No. 2.3	RFP 3 Revised	Storm Water Drainage Credit	<\$16,723.00>
Item No. 2.4	RFP 5	Roof Hatch Access	\$1,759.00
Item No. 2.5	RFP 6	Sonotube Repair	\$8,224.00
Item No. 2.6	RFP 7	Column Repair	\$2,901.00
Item No. 2.7	RFP 8	Underdeck Canopy Repair	\$36,456.00
Item No. 2.8	RFP 9	Roof Insulation	\$21,119.00
Total for Change Order No. 002			\$16,836.00

The original Contract Sum was	\$	4,293,781.00
The net change by previously authorized Change Orders	\$	-206,381.00
The Contract Sum prior to this Change Order was	\$	4,087,400.00
The Contract Sum will be increased by this Change Order in the amount of	\$	16,836.00
The new Contract Sum including this Change Order will be	\$	4,104,236.00

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be December 31, 2018

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Marcum Engineering

ARCHITECT (Firm name)

[Handwritten Signature]

SIGNATURE

Baccus Oliver, Project Manager

PRINTED NAME AND TITLE

6/27/2018

DATE

A & K Construction

CONTRACTOR (Firm name)

[Handwritten Signature]

SIGNATURE

JUSTIN HOPKINS P.M.

PRINTED NAME AND TITLE

6-28-18

DATE

City of Paducah

OWNER (Firm name)

[Blank Signature Line]

SIGNATURE

[Blank Printed Name and Title Line]

PRINTED NAME AND TITLE

[Blank Date Line]

DATE

Agenda Action Form Paducah City Commission

Meeting Date: July 10th, 2018

Short Title: Pavement Management and Inspection Services:
HDR Contract Approval

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Maegan Mansfield, P.E., EPW Proj Mgr

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

Background Information:

Engineering-Public Works staff has been working towards implementation of a new pavement management program that will update the City's inventory of streets and rate existing street conditions. The program will involve data collection of segments within the street infrastructure, inputting data into PAVER Software, and providing maps and information to the public through GIS. PAVER Software is published by Colorado State University and is used by various municipalities and military bases for pavement management programs. The software will provide cost information regarding street repairs, maintain inventory, and provide reports for EPW staff to consider when streets are selected for repair or replacement. The goals of the program are as follows:

- Provide a more robust and objective street selection process.
- Identify repairs early—before repair needs are visually obvious.
 - Early repairs result in lower maintenance costs.
- Provide capital improvement plans to utilities and the public on an annual and five year basis.

The first component of the program is to perform a pre-survey data collection which will consist of developing a physical inventory of streets. The inventory will be based on existing GIS data and further segmented for inspections. After the inspection maps are established, pavement inspection will begin throughout the city. These inspections are anticipated to take place over the course of three months, weather permitting. Approximately 20% of the streets will be analyzed using the Pavement Condition Index (PCI) rating procedure. All City streets will be analyzed with the exception of those repaired within the last three years. Once the initial inspections have been performed, each year a section of streets will be re-inspected to maintain current data. Each street will be re-inspected on a three year rolling schedule through City staff and an intern program.

For the pre-survey data collection and the initial pavement inspection portion of the program, it is recommended to contract HDR Engineering for these services. HDR Engineering is recommended by PAVER Software representatives and HDR regularly maintains pavement management programs for municipalities. The services contracted with HDR will be paid for out of the Municipal Aid Program (MAP) Street Resurfacing & Rehabilitation Funds. HDR fees are as follows:

- Pre-Survey Data Collection: \$19,900

- Pavement Inspections: \$146,600
 - Includes inspections on all City streets, with the exception of those paved within the past three years.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: MAP Street Resurf. & Rehab.
 Account Number: 2300-22-2217-PV-00000-00000-542270
 Project Number:

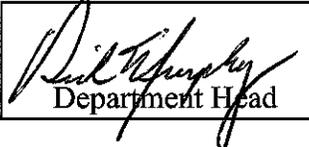
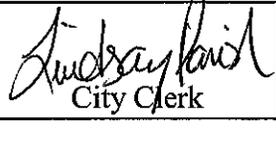

 Finance

Staff Recommendation:

Authorize the Mayor to sign HDR Contract for pre-survey data collection and pavement inspections associated with the pavement management program being implemented. The contract amounts are \$19,900 for pre-survey data collection and \$146,600 for pavement inspections, resulting in a total of \$166,500.

Attachments:

Pavement Management Program Details, HDR Scope of Services, HDR Contract

 Department Head	 City Clerk	 City Manager
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ORDINANCE NO. 2018-____-____

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY OF
PADUCAH AND HDR ENGINEERING, FOR PRE-SURVEY DATA COLLECTION AND
PAVEMENT INSPECTIONS FOR THE PAVEMENT MANAGEMENT PROGRAM IN AN
AMOUNT OF \$166,500.00; AND AUTHORIZING THE MAYOR TO EXECUTE SAID
AGREEMENT

WHEREAS, the City of Paducah desires to implement a pavement
management program to provide a more robust and objective street selection process,
identify repairs earlier, and provide capital improvement plans to utilities and the public
on an annual and a five year basis; and

WHEREAS, the City of Paducah desires to contract with HDR
Engineering for the pre-survey data collection and initial pavement inspection portion of
the pavement management program; and

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

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

SECTION 1. Recitals and Authorization. The City hereby authorizes and
approves an Agreement between the City of Paducah and HDR Engineering, for pre-survey data
collections and pavement inspections for the pavement management program in an amount of
\$166,500.00 and authorizes the Mayor to execute said Agreement.

SECTION 2. Expenditures. The expenditure shall be charged to the MAP Street
Resurfacing and Rehabilitation Account, account number 2300-22-2217-PV-00000-00000-
542270.

SECTION 3. Severability. If any section, paragraph or provision of this
Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or
unenforceability of such section, paragraph or provision shall not affect any of the remaining
provisions of this Ordinance.

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

MAYOR

ATTEST:

City Clerk

Introduced by the Board of Commissioners, July 10, 2018
Adopted by the Board of Commissioners, _____
Recorded by Lindsay R. Parish, City Clerk, _____
Published by *The Paducah Sun*, _____
\\ord\eng\agree-pavement management HDR data collection & pavement inspection

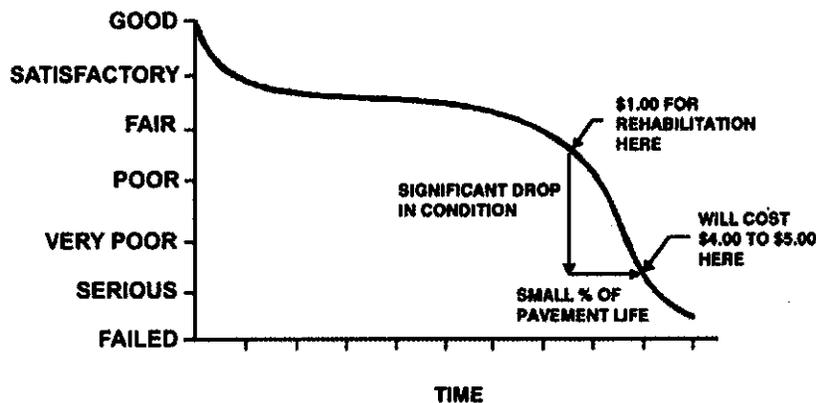
Pavement Management Program Details

Current Street Rehabilitation Processes:

Streets are currently reviewed by block, where ratings are assigned based on condition of pavement, curbs, drainage inlets, and sidewalks. The streets are visually observed for repair needs and rated 1-5. The lowest ranking streets are prioritized and rehabilitation is performed until the budget has reached its threshold.

Proposed Street Rehabilitation Process:

The current street rehabilitation strategy is referred to as the "ad hoc" approach, meaning the worst streets are repaired first. Recent research performed in the area of pavement management indicates that this approach is not cost effective, although commonly performed due to budget constraints. The alternative is to approach rehabilitation by looking at data that indicate warning signs which lead to streets visually in need of repair. Through this method, smaller repairs will be made, sooner, so that more significant problems do not occur. See below for reference.



The proposed rehabilitation plan would consist of purchasing software, called PAVER, which is published by Colorado State University. The program utilizes the Pavement Condition Index (PCI) which is a data based calculation that indicates the streets in most need of repair by checking components not visually obvious. PAVER is a pavement inventory program that would manage all of our streets, and produce mapping compatible with GIS. This program is currently used by the City of Owensboro, City of Georgetown, Air Force Academy, Bluegrass Airport, and many other municipalities/agencies across the country.

Goals:

- To establish a pavement inventory database, using PCI ratings, to optimize our dollars by getting ahead of the curb in terms of repairs. If you can see a repair is needed, we have likely missed the opportunity to rehab this street at a point where it would cost significantly less money.
- Maps would be published to the public through our GIS website, indicating which streets were in our plan. A one year plan and a five year plan would be published on a map, color coded, creating a public interactive tool. These maps would also consider different utility projects that may delay a street repair and the utility projects would likewise be color coded on the maps.

Pavement Management Program Details

- For collection of PCI data, a consultant or the Kentucky Transportation Center (the research arm of KYTC) would be brought in to assist in a data “kick off” which would allow us to create a street inventory for PCI ratings.
- Once the kick-off is complete, it is our wish to create an internship program, hiring two to four interns per summer, where they can collect PCI data with staff oversight, and we can update the database accordingly. Not all streets will be inventoried every year. The assessments will be on a rolling basis (i.e. bi-annually) depending on condition. The City of Owensboro currently hires interns for their data collection processes.
- The end goal is to get the street rehabilitation program to a point where streets are being repaired before the repair cost escalates. So that we can stretch our dollars to cover more area. The PCI rating calculation is an ASTM standard, widely used in the civil engineering field.
- The PCI rating method will also take into consideration the impact of the repair. It should be a priority to consider the impact each street project will have on our community. Making sure the rehabilitation ultimately improves users’ experience is the goal. (i.e. Repairing an entire sidewalk from point A to point B, vs. patch work. The patch work may not allow for the pedestrian with ADA needs to get to work, even though we fixed an area of sidewalk. We have to consider where people travel in order to maximize our rehabilitation efforts.)

**AGREEMENT BETWEEN OWNER AND
HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made as of this _____ day of _____, 20____, between **CITY OF PADUCAH, KENTUCKY** (“OWNER), with offices at 300 South 5th Street, Paducah, KY 42002, and HDR ENGINEERING, INC., (“ENGINEER”), with offices at 4645 Village Square Drive, Suite F, Paducah, KY 42001 for services in connection with the project known as **PADUCAH PAVEMENT EVALUATION** (“Project”);

WHEREAS, OWNER desires to engage ENGINEER to provide professional engineering, consulting and related services (“Services”) in connection with the Project; and

WHEREAS, ENGINEER desires to render these Services as described in SECTION I, Scope of Services.

NOW, THEREFORE, OWNER and ENGINEER in consideration of the mutual covenants contained herein, agree as follows:

SECTION I. SCOPE OF SERVICES

ENGINEER will provide Services for the Project, which consist of the Scope of Services as outlined on the attached Exhibit A.

SECTION II. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The HDR Engineering, Inc. Terms and Conditions, which are attached hereto in Exhibit B, are incorporated into this Agreement by this reference as if fully set forth herein.

SECTION III. RESPONSIBILITIES OF OWNER

The OWNER shall provide the information set forth in paragraph 6 of the attached “HDR Engineering, Inc. Terms and Conditions for Professional Services.”

SECTION IV. COMPENSATION

Compensation for ENGINEER’S services under this Agreement shall be on a Lump Sum basis. The amount of the lump sum is **One Hundred Sixty Six Thousand Five Hundred Dollars (\$166,500)**.

SECTION V. PERIOD OF SERVICE

Upon receipt of written authorization to proceed, ENGINEER shall perform the services within five (5) months.

SECTION VI. SPECIAL PROVISIONS

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

CITY OF PADUCAH, KENTUCKY

"OWNER"

BY: _____

NAME: Brandi Harless

TITLE: Mayor

ADDRESS: 300 South 5th Street
Paducah, KY 42002

HDR ENGINEERING, INC.

"ENGINEER"

BY: 

NAME: Shawn P. Washer, PE

TITLE: Vice President/Office Principal

ADDRESS: 4645 Village Square Drive Suite F
Paducah, KY 42001

EXHIBIT A
SCOPE OF SERVICES



June 26, 2018

Mrs. Maegan Mansfield, P.E.
Engineering Project Manager
City of Paducah
300 South 5th Street
Paducah, KY 42002

Dear Maegan,

Per our discussions, we understand the City of Paducah desires to implement a pavement management system to prioritize paving needs for the annual resurfacing program. We understand the city now maintains approximately 223 miles of streets. A systematic program is needed to ensure that streets are paved and maintained at a frequency to maximize the life of all pavements maintained by the city. We have found that implementation of pavement management programs in other communities has helped to maximize the impact of limited paving budgets and has established a defensible, equitable method for determination of the frequency of maintenance of various streets in the network.

Scope of Services

HDR proposes to perform the following tasks associated with this project:

A. Pre-Survey Data Collection

The initial program would consist of developing the physical inventory of streets in the city. Using the GIS database provided by the City of Paducah, city records would be reviewed to determine the most recent date each street was paved and this would be entered into the database. Using the GIS data provided by the City, HDR proposes to keep the same sections as currently shown in GIS which has sections divided on a block to block basis. This will help to integrate the data back into the City's current GIS database, and provide for easier inspection by the city moving forward.

Using the gathered information, a set of inspection maps will be produced for the street network which will be utilized to aid in the inspection phase of the program.

Fee for Data Collection - \$19,900

B. Pavement Inspection

The next step in the program would be to complete the initial inspections to evaluate pavement conditions and environmental conditions that may impact pavement life such as condition of shoulder, drainage ways, slopes, etc. The sections that were established in the Pre-Survey Data Collection phase would be further divided into sample units (approx. 2,500 sf) for inspection. To help limit the amount of field work and using established levels of confidence, HDR would inspect approximately 20% of the sample units to provide an estimate of the section condition. The number of samples are based upon the sections that were provided in the GIS data and would equal approximately one sample per block in the city block system, while longer streets outside that system would be sampled between 10%-20% based upon length. HDR will not inspect streets that have been paved within the last 3 years as provided by the city. Using this sample rate there will be approximately 2,614 samples that would need to be inspected per the GIS data that has been provided. As a part of the inspection, HDR will inspect the curb and gutter, sidewalk, and city owned parking lots. The curb and gutter and sidewalks will be given a rating (Poor, Fair, Good) for the entire block. If there are areas with localized damage they will not be reported separately, this rating is intended to be used to determine the needs to rehabilitate the curbing and sidewalk as a part of doing the pavement rehabilitation. Trained technicians would conduct evaluations using methods as outlined in ASTM D6433, each sample unit would have a pavement inspection form completed and this information will be used in the next phase.

HDR will provide all pavement inspection services for the initial pavement inspection, and will train city staff to perform future inspections.

HDR estimates that it will take 6 technicians approximately 6 weeks to complete the inspection of the street network.

Fee for Pavement Inspection - \$146,600

Project Schedule

Work can begin on the project upon authorization. We anticipate the project will require 4-5 months.

We appreciate this opportunity to be of service and look forward to continuing our efforts to assist the City of Paducah. Please call if there are any questions or if we may provide additional information regarding this effort.

Sincerely,

HDR Engineering Inc.



J. Shannon Provance

Vice President

EXHIBIT B

TERMS AND CONDITIONS

HDR Engineering, Inc.

Terms and Conditions for Professional Services

1. STANDARD OF PERFORMANCE

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE/INDEMNITY

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$1,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. If flying an Unmanned Aerial System (UAS or drone), ENGINEER will procure and maintain aircraft unmanned aerial systems insurance of \$1,000,000 per occurrence. OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for third party personal injury and property damage claims to the extent caused by ENGINEER's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages (including but not limited to loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; cost of capital; and/or fines or penalties), loss of profits or revenue arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. OWNER agrees to include ENGINEER as an indemnified party in OWNER's construction contracts for the work, which shall protect ENGINEER to the same degree as OWNER. Further, OWNER agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

5. CONTROLLING LAW

This Agreement is to be governed by the law of the state where ENGINEER's services are performed.

6. SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. OWNER will also provide copies of any OWNER-

furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

OWNER will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by ENGINEER. The OWNER agrees to bear full responsibility for the technical accuracy and content of OWNER-furnished documents and services.

In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests. To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the OWNER deems necessary to protect the OWNER's interests before OWNER takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. SUCCESSORS, ASSIGNS AND BENEFICIARIES

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other. No third party beneficiaries are intended under this Agreement.

8. RE-USE OF DOCUMENTS

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. OWNER may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by OWNER or others on extensions of the project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, and OWNER will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving seven (7) days written notice to the other party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination, and for a reasonable profit for services performed.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make payments to ENGINEER within thirty (30) days of OWNER's receipt of ENGINEER's invoice.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date OWNER receives ENGINEER's invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

15. HAZARDOUS MATERIALS

OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or

near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.

17. ALLOCATION OF RISK

OWNER AND ENGINEER HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING ENGINEER'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE RISKS, SO, TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF ENGINEER (AND ITS RELATED CORPORATIONS, SUBCONSULTANTS AND EMPLOYEES) TO OWNER AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE LESSER OF \$1,000,000 OR ITS FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF ENGINEER'S SERVICES OR THIS AGREEMENT REGARDLESS OF CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. NO THIRD PARTY BENEFICIARIES

No third party beneficiaries are intended under this Agreement. In the event a reliance letter or certification is required under the scope of services, the parties agree to use a form that is mutually acceptable to both parties.

20. UTILITY LOCATION

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The OWNER agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER's damaging of underground utilities that are not properly marked or are not called to ENGINEER's attention prior to beginning the underground sampling/testing.

21. UNMANNED AERIAL SYSTEMS

If operating UAS, ENGINEER will obtain all permits or exemptions required by law to operate any UAS included in the services. ENGINEER's operators have completed the training, certifications and licensure as required by the applicable jurisdiction in which the UAS will be operated. OWNER will obtain any necessary permissions for ENGINEER to operate over private property, and assist, as necessary, with all other necessary permissions for operations.