



Amended 11-26-2024 at 2:15 p.m.

**SPECIAL CALLED CITY COMMISSION MEETING
AGENDA FOR NOVEMBER 27, 2024
3:00 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and place it in the box located at the end of the Commissioner's desk on the left side of the Commission Chambers. The Mayor will call on you to speak during the **Public Comments** section of the Agenda.*

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PROCLAMATION Crash Responder Safety Month

PUBLIC COMMENTS

MAYOR'S REMARKS

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

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for November 12, 2024, Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Appointment of Kevin Kauffeld and Joint Appointment of Jewel Jones to the Paducah-McCracken County Joint 911 Parcel Fee Appeals Board
	D.	Reappointment of Amanda Johnson and Michael Campbell and appointment of Chad Clark to the Historical and Architectural Review Commission (HARC).
	E.	Personnel Actions
	F.	Approve a Participation Agreement with Sourcewell for Cooperative Purchasing - C. YARBER
	G.	Authorize a Contract with Vermeer Midwest for the purchase a Horizontal Grinder and 80' conveyer/stacker for use by Public Works Compost Division in the amount of \$749,274.38 - C. YARBER
	H.	Approve the Application for a FEMA Assistance to Firefighter's Grant in the Amount of \$51,300 - S.KYLE

		I.	Approve procurement of radios from Communications International in an amount of \$218,325 - D. DENTON
		J.	Approve procurement of Self-Contained Breathing Apparatus (SCBA) in the amount of \$49,380 - D. DENTON
		K.	Authorize the Purchase of Real Property Located at 600 Glenwood Drive from Paducah Independent School Board in an amount of \$120,000 - D. JORDAN
	II.	<u>RESOLUTION(S)</u>	
		A.	Resolution Approving the Transfer of the City of Paducah Section 8 Program to the Housing Authority of Paducah - D. JORDAN
	III.	<u>MUNICIPAL ORDER(S)</u>	
		A.	<u>Employment Agreement with Gregory Guebert to be the City Engineer - D. JORDAN</u>
		B.	<u>Approve a Contract for Services with Columbia Art House, Inc. for the Columbia Theatre Facade Renovation - D. JORDAN</u>
	IV.	<u>ORDINANCE(S) - ADOPTION</u>	
		A.	Amend Chapter 2 of the Code of Ordinances related to the Fire Department - S. KYLE
		B.	Amend Chapter 46 of the Code of Ordinance related to Addressing - S. KYLE
		C.	Amend Chapter 78 "Personnel" of the Code of Ordinances - S. WILCOX
	V.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Amend chapter 106 related to business licenses - D. JORDAN
	VI.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
	VII.	<u>EXECUTIVE SESSION</u>	

November 12, 2024

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, November 12, 2024, at 5:00 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor George Bray presided. Upon call of the roll by City Clerk, Lindsay Parish, the following answered to their names: Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5).

INVOCATION

Commissioner Wilson led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Bray led the pledge.

RECOGNITION:

Communications Manager Pam Spencer offered the following summary:

KLC Achievement Recognition

“Rita Dotson who serves as Kentucky League of Cities (KLC) President and Mayor of Benton, Kentucky, recognized City employees who completed education levels through KLC’s City Officials Training Center, a voluntary education program. The training center offers four tiers of recognition based on the number of training hours participants complete in city government and ethics. Employees recognized include

- City Manager Daron Jordan who received a Certified Municipal Officer Award. Jordan is among the first city officials to reach this top tier. The Certified Municipal Official award is the highest level of achievement requiring 135 hours of approved courses, two hours of open meetings and open records training, and one hour of ethics.
- Assistant City Clerk Claudia Meeks who received the Level III Master of City Governance and Level II Excellence in City Governance awards.
- Fire Chief Steve Kyle and Controller Audra Kyle with each receiving the Level I Achievement in City Governance award.”

PRESENTATIONS:

Paducah Civic Beautification Board’s Annual Business Awards

The Paducah Civic Beautification Board recognized 12 local businesses with annual business awards.

Southside

- X-Man’s BBQ, 1535 Broad Street
- Maria’s Authentic Street Tacos Restaurant, 2516 Bridge Street

Midtown

- Moosie’s Grub Shack, 1019 Broadway
- MW Hair Studio, 1806 Kentucky Avenue
- Chroma Salon, 1200 Broadway
- Eye Center of Paducah, 2301 Kentucky Avenue

Lone Oak

- Scooter’s Coffee, 2130 Lone Oak Road

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- Evergreens, 4677 Alben Barkley Drive

Mall Area

- Logan's Roadhouse, 5137 Hinkleville Road
- Buzz Donut & Coffee Company, 4790 Village Square Drive

Downtown

- The Cork Room, 225 Broadway
- Olsen & Oliver, PLLC, 806 Clark Street

Presentation by Marriott Aloft Representatives about Hotel for 519 North 3rd Street

“Vincent Troisi representing National Hospitality, LLC discussed plans for the construction of a Marriott Aloft hotel on the property at 519 North 3rd Street. The hotel, a \$15 million private investment, is proposed to have four stories, 120 rooms, a lobby or rooftop bar, an indoor swimming pool, outdoor green space, gym space, and a conference room. Troisi said that groundbreaking is expected next spring. He added that they will attempt to incorporate the large tree on the lot into the design plans.

The Aloft brand includes more than 230 hotels across 33 countries. Aloft is described as having an open and airy atmosphere with “spaces that are vibrant, comfortable, and connected.”

In September, the City authorized a development agreement with National Hospitality for the hotel construction on the city-owned property. This property is adjacent to the Holiday Inn Paducah Riverfront and within walking distance to the Paducah Convention Center complex in downtown Paducah. The City purchased this property in 2015 which previously housed a nursing home and hospital. As part of the development agreement, the City will convey the property to the developer. If the developer defaults, the city would be able to regain ownership of the property.”

CONSENT AGENDA

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

I(A)	Approve Minutes for the October 22, 2024, Board of Commissioners Meeting
I(B)	Receive and File Documents: <u>Contract File:</u> 1. Contract with WKCTC – Operation of Public and Government Access Channels – MO #2963 2. Contract Modification #7 – Robert Cherry Civic Center Project – MO #2968 3. Release of all Claims against Kenneth W. Flournoy and El Camino Logistics, LLC – Re: Damage to Cherry Civic Center MO #2970 4. Agreement to Purchase one (1) 1-ton service truck and one (1) ¾ ton service truck from Linwood Motors – MO #2971 5. Strategic Health Risk Advisor & Strategic Benefit Placement Services with HUB – MO #2973

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	6. Administrative Services Agreement with Anthem Blue Cross Blue Shield – MO #2974 7. Health, Vision and Dental Benefits Plan Premiums for 2025 – Anthem and Delta Dental – MO #2975 8. Service Contract – Stop Loss Insurance with Voya Financial Advisors, Inc. – MO #2976 9. Agreement For Provision of Emergency 911 Services – ORD 2024-10-8827 <u>Financials:</u> 1. City of Paducah Police and Firefighters Pension Fund – valuation as of July 1, 2024 2. Paducah Water Works – Month ended September 30, 2024 <u>Bids and Proposals File:</u> 1. Purchase of one ³/₄-Ton Service Truck and one (1) 1-ton Service Truck a. Linwood Motors – MO #2971
I(C)	Personnel Actions
I(D)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES FOR AN INCREASE IN THE AMOUNT OF \$600 RELATED TO THE EXCHANGE OF THE PREPLANNING PORTION OF THE FIRE PREVENTION MOBILE LICENSING TO FLOWMSP LICENSING, BRINGING THE TOTAL CONTRACT TO \$6,000 (MO #2978; BK 13)
I(E)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH EQUATURE IN THE AMOUNT OF \$88,057.50 FOR THE PURCHASE OF RECORDING SOFTWARE AND HARDWARE TO MEET THE CAPABILITIES OF THE NEW P25 RADIO SYSTEM (MO #2979; BK 13)
I(F)	A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE BOARD OF COMMISSIONERS OF THE PADUCAH WATER WORKS TO ACCEPT THE CLEANER WATER PROGRAM GRANT ASSISTANCE AWARD AND APPROVING THE GRANT ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY (MO #2980; BK 13)
I(G)	A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF A SUBORDINATION AGREEMENT BETWEEN THE CITY OF PADUCAH AND INDEPENDENCE BANK (MO #2981; BK 13)
I(H)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SPROCKET, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$100,000 WITH \$75,000 BEING ALLOCATED TO PROVIDE SMALL BUSINESS DEVELOPMENT AND ENTREPRENEURIAL PROGRAMS AND UP TO \$25,000 BEING ALLOCATED FOR REIMBURSEMENT OF A FINANCIAL AUDIT (MO #2982; BK 13)
I(I)	A MUNICIPAL ORDER AUTHORIZING THE CITY MANAGER TO REJECT ALL PROPOSALS FOR THE ROBERT COLEMAN SPRAYGROUND PROJECT (MO #2983; BK 13)
I(J)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A KENTUCKY FIRE COMMISSION THERMAL IMAGERS GRANT IN AN AMOUNT NOT TO EXCEED \$3,250 FOR PURCHASE OF A THERMAL IMAGER (MO #2984; BK 13)

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Commissioner Guess offered Motion, seconded by Commissioner Henderson, that the items on the consent agenda be adopted as presented.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5).

MUNICIPAL ORDER

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt a Municipal Order entitled, “A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH JIM SMITH CONTRACTING CO., LLC, IN AN AMOUNT NOT TO EXCEED \$20,413,644.86 FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD).”

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). (MO #2985; BK 13)

ORDINANCE INTRODUCTIONS

AMEND CHAPTER 2 OF THE CODE OF ORDINANCES RELATED TO THE FIRE DEPARTMENT

Commissioner Smith offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: this Ordinance amends Chapter 2, Division 5 “Fire Department” of the Code of Ordinances of the City of Paducah to update antiquated language and to remove language that is already covered by the contract with IAFF Local 168.

AMEND CHAPTER 46 OF THE CODE OF ORDINANCES RELATED TO ADDRESSING

Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: This Ordinance amends Chapter 46 of the Paducah Code of Ordinances to add language requiring any owner of a business or residential structure to change or update an address or property identifier within thirty (30) days of notification of an address revision by the Fire Prevention Division. This ordinance also creates a new section to outlay the process for warnings, penalties, and enforcement of the ordinance requirements.

AMEND CHAPTER 78 “PERSONNEL” OF THE CODE OF ORDINANCES

Commissioner Guess offered Motion, seconded by Commissioner Smith, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 78 PERSONNEL, ARTICLE II ‘BENEFITS AND LEAVES’ AND ARTICLE III

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‘COMPENSATION’ OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.”

This Ordinance is summarized as follows: This Ordinance Amends Chapter 78, Article II of the Code of Ordinances to include Veteran’s Day (November 11th) as a day during each calendar year on which all City employees will be granted a holiday.

DISCUSSION

2025 General Obligation Bond Discussion

Communications Manager Pam Spencer offered the following summary:

“City Manager Daron Jordan and the Paducah Board of Commissioners discussed issuing a General Obligation Bond(s) in 2025 totaling \$27 million to provide funds for two important projects: Paducah Sports Park and Riverfront Infrastructure Improvement Project (BUILD Grant).

The Paducah Sports Park is a City, County, and McCracken County Sports Tourism partnership that will total approximately \$70 million to construct. The City and McCracken County are splitting the costs of the project. However, 80 percent of the bed tax funds collected by the McCracken County Sports Tourism Commission are available for debt payments. The City already has pledged \$12.5 million from previous bond funds. This upcoming bond would provide an additional \$22.5 million for the project. The City expects to receive about a half million dollars from the bed tax to be used on the City’s bond.

The remaining \$4.5 million of this upcoming \$27 million bond would be used for the Riverfront Infrastructure (BUILD Grant) project. The City expects to be able to use Tax Increment Financing (TIF) funds to fund a portion of the debt payment.”

COMMENTS

CITY MANAGER: In addition to those employees recognized tonight by KLC, at a later date there will be presentations to members of our Parks and Recreation Department.

MAYOR: The City is attempting to tie in our Veterans Day parade and activities with veteran recruitment and we will be working with Ft. Campbell to come up with some ideas.

ADJOURN

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the meeting be adjourned.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5).

November 12, 2024

TIME ADJOURNED: 6:22 p.m.

ADOPTED: November 27, 2024.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

November 27, 2024

RECEIVE AND FILE DOCUMENTS:

Contract File:

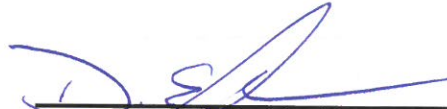
1. Contract with Equature for 911 Recording Hardware and Software - \$88,057.50
MO #2979
2. Contract For Services with Sprocket - \$100,000 – MO #2982
3. Construction Contract with Jim Smith Contracting, Inc. Paducah Riverfront Infrastructure Improvement Project - BUILD Grant – MO #2985
4. Renewal Form with Accela (formerly Open Counter) – signed by Lindsay Parish, Clerk

Financials:

1. Electric Plant Board – Audited Financial Statements – Years Ended June 30, 2024 & 2023

CITY OF PADUCAH
November 27, 2024

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



City Manager's Office Signature

11/21/2024

Date

CITY OF PADUCAH
PERSONNEL ACTIONS
November 27, 2024

NEW HIRES - FULL-TIME (F/T)

PUBLIC WORKS

	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Roberts, Timothy	Solid Waste Truck Driver	\$21.72/hr	NCS	Non-Ex	November 28, 2024

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (FULL-TIME)

CUSTOMER EXPERIENCE

	<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>
Meeks, Claudia	Assistant City Clerk \$32.86/hr	Assistant City Clerk \$33.52/hr	NCS	Non-Ex	August 8, 2024
Meeks, Claudia	Assistant City Clerk \$33.52/hr	Assistant City Clerk \$34.53/hr	NCS	Non-Ex	November 14, 2024

FIRE - PREVENTION

	<u>AND BASE RATE OF PAY</u>	<u>AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Tinsman, April	Deputy Fire Marshal \$41.05/hr	Battalion Chief \$43.51/hr	NCS	Ex	November 28, 2024

TECHNOLOGY

Holbrook, Spencer	Help Desk Technician \$21.24/hr	Help Desk Technician \$21.88/hr	NCS	Non-Ex	November 28, 2024
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TERMINATIONS - FULL-TIME (F/T)

POLICE

	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Loredo, Pedro	Patrol Officer	Resignation	November 15, 2024

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Approve a Participation Agreement with Sourcewell for Cooperative Purchasing - **C. YARBER**

Category: Municipal Order

Staff Work By: Lindsay Parish, Michelle
Smolen, Chris Yarber
Presentation By: Chris Yarber

Background Information: Sourcewell is a Cooperative Purchasing Agency that handles competitive solicitation processes and allows local governments to purchase from the resulting contracts. These purchases can often be made at reduced prices and allow for a more streamlined procurement process for the City. KRS 45A.300 allows local governments to participate in cooperative purchasing in accordance with an agreement entered into between the participants. In order to purchase through Sourcewell, the City must enter into a participation agreement. This Municipal Order authorizes the Mayor to execute a participation agreement with Sourcewell in substantially the form attached to this agenda action form. This contract does not commit any funds. Any purchases made from Sourcewell would be brought back to the City Commission for approval.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. MO Cooperative Purchasing Agreement - Sourcewell
2. Sourcewell Participation Agreement 4.19.24 (003)

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING AND APPROVING A COOPERATIVE PURCHASE
PROGRAM PARTICIPATION AGREEMENT WITH SOURCEWELL, AND
AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATED TO
SAME

WHEREAS, KRS 45A.295 & KRS 45A.300 allow for Local Governments to enter into cooperative purchasing agreements for the purchase of certain goods and services with an Interlocal Participation Agreement entered into between the participants; and

WHEREAS, the City desires to enter into an Interlocal Contract for Cooperative Purchasing with Sourcewell for said purpose.

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

SECTION 1. Recitals and Authorization. The City hereby authorizes and approves an Interlocal Contract for Cooperative Purchasing by and between the City of Paducah and Sourcewell in substantially the same form attached hereto and made part hereof as **Exhibit A.** Further, the Mayor of the City is hereby authorized to execute the Interlocal Contract for Cooperative Purchasing and all documents relating to same with such changes in the agreements not inconsistent with this Municipal Order and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City.

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

George Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 27, 2024
Recorded by Lindsay Parish, City Clerk, November 27, 2024
\\mo\Cooperative Purchasing Agreement – Sourcewell

Sourcewell Cooperative Purchasing Program Participation Agreement

This Participation Agreement is between Sourcewell and Participating Entity to provide access to Sourcewell's Cooperative Purchasing Program. Sourcewell's Board of Directors has approved these terms and conditions through operation of this intergovernmental Participation Agreement. Participating Entity approves this Agreement upon registration with Sourcewell.

Section 1: Authority

1.1 Sourcewell is a service cooperative established by Minn. Stat. § 123A.21 as a local unit of government pursuant to the Minn. Const. art. XII, sec. 3.

1.2 Sourcewell is authorized to provide a Cooperative Purchasing Program by Minn. Stat. § 123A.21, subd. 7(23) to Participating Entities.

1.3 Sourcewell's cooperative purchasing master agreements are offered through Minn. Stat. § 471.59 and this Participation Agreement. The Sourcewell Board of Directors has approved these participation terms, and Sourcewell is authorized to enter this interlocal or joint powers agreement with an eligible Participating Entity through this Participation Agreement.

1.4 Participation in Sourcewell's Cooperative Purchasing Program is open to eligible Participating Entities. A Participating Entity is any eligible entity registering with Sourcewell, including: any government unit, including a state, city, county, town, village, school district, political subdivision of any state, federally recognized Indian tribe, any agency of the United States, any instrumentality of a governmental unit, any other entity as defined in Minn. Stat. § 471.59 Subd. 1(b).

1.5 Participating Entity and Sourcewell agree this Participation Agreement is for the purpose of allowing access to available Sourcewell Cooperative Purchasing Program master agreements with awarded Suppliers.

1.6 Participating Entity represents, through an authorized signatory, it is eligible for participation as defined in this Agreement.

Section 2: General Terms

2.1 Sourcewell will make its Cooperative Purchasing Program available to Participating Entity. Sourcewell master agreements are provided to Participating Entity "as is." Sourcewell makes no representation as to warranties of quality, merchantability, or fitness for a particular purpose for any purchase through a Supplier. Participation in the Program is voluntary and non-exclusive.

2.2 To purchase from Sourcewell master agreements, Participating Entity and Supplier will execute a Transaction Document(s) as mutually agreed. Participating Entity will be responsible for all aspects of its purchase, including ordering, inspecting, acceptance, payment, and any other

material terms as negotiated directly with Supplier.

- 2.3 The Parties to this Agreement will adhere to all applicable laws concerning the procurement in its respective jurisdiction.
- 2.4 Access to the Cooperative Purchasing Program is effective upon the date of Participating Entity’s completed registration. The Agreement will remain in effect until canceled by either party upon thirty (30) days written notice to the other party.
- 2.5 Each party agrees that it is responsible for its acts and the results thereof, to the extent authorized by law, and will not be responsible for the acts of the other Party.
- 2.6 There will be no financial remunerations by or obligations upon Participating Entity for participation in Sourcewell Cooperative Purchasing Program.
- 2.7 Sourcewell’s Cooperative Purchasing Program master agreements will be procured in compliance with Minnesota law and the Sourcewell Cooperative Purchasing Program.
- 2.8 The records and documents related to this this Agreement are subject to the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

Section 3: Approval

The Sourcewell Board of Director has approved this Policy effective January 1, 2024.

Sourcewell:

DocuSigned by:
By Greg Zylka
6BD483769B484F1
Authorized Signature – Signed

By Greg zylka
Name – Printed
Title Sourcewell Board of Directors Chair
Date 1/22/2024 | 8:34 PM CST

Participating Entity:

By _____
Authorized Signature – Signed

By _____
Name – Printed
Title _____
Date _____

DocuSigned by:
By Linda Arts
0EF5785E1EAD4CF...
Authorized Signature – Signed

By Linda Arts
Name – Printed
Title Sourcewell Board of Directors Clerk
Date 1/23/2024 | 2:01 PM CST

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Authorize a Contract with Vermeer Midwest for the purchase a Horizontal Grinder and 80' conveyer/stacker for use by Public Works Compost Division in the amount of \$749,274.38 - **C. YARBER**

Category: Municipal Order

Staff Work By: Jim Scutt, Debbie Collins,
Hope Reasons
Presentation By: Chris Yarber

Background Information: May 28, 2024 the Board of Commissioners authorized the acceptance of the 2024-2025 Kentucky Price Fund Composting Grant with Municipal Order No. 2902 for the purchase of a Horizontal Grinder and 80' conveyer/stacker for use by the Public Works Compost Division.

The City of Paducah received notice of successfully securing a Grant to purchase a Horizontal Grinder and 80' conveyer/stacker with a required local match of 25% of the total cost. Through Sourcewell purchasing agent, we have a quote from Vermeer Midwest for One (1) 2024 HG4000G2 Horizontal Grinder and One (1) 80' conveyer/stacker in the amount of \$749,274.38.

The purchase price of \$749,274.38 will be funded by \$561,955.78 from the awarded Grant and \$187,318.60 from the required 25% local match from Public Works Compost Division.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name: Equipment Other

Account Number: 50002211 542190

Staff Recommendation: Approve a Municipal Order for the purchase of One (1) Grinder and One (1) 80' conveyer/stacker from Vermeer Midwest, through Sourcewell purchasing agent, for use by the Public Works Compost Division in the amount of \$749,274.385. Funded by \$561,955.78 from the awarded Grant and \$187,318.60 from the required 25% local match from Public Works Compost Division.

Attachments:

1. MO purchase Horizontal Grinder and conveyer-stacke – Vermeer Midwest - Sourcewell
2. Vermeer Midwest quote Q-19700-2

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING THE PURCHASE OF A HORIZONTAL GRINDER AND 80' CONVEYER/STACKER FROM VERMEER MIDWEST IN THE AMOUNT OF \$749,274.38 THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM PARTICIPATION AGREEMENT

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

SECTION 1. That the Finance Director is hereby authorized to make payment to Vermeer Midwest in an amount of \$749,274.38 for the purchase of a Horizontal Grinder and 80' Conveyor/Stacker for use by the Public Works Compost Division. This purchase shall be made through the Sourcewell Cooperative Purchasing Program Participation Agreement. Further, the Mayor is hereby authorized to execute all documents related to said purchase.

SECTION 2. The purchase price of \$749,274.38 will be funded as follows:

- \$561,955.78 from a Grant authorized by Municipal Order 2902 (which required a 25% match); and
- \$187,318.60 (the required 25% match) from Public Works Compost Division, Equipment Other, Account Number 5000 2211 542190

SECTION 3. This Order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 27, 2024
Recorded by Lindsay Parish, City Clerk, November 27, 2024
\\mo\purchase Horizontal Grinder and conveyer-stacker – Vermeer Midwest - Sourcewell



3566 Citadel Circle
Newburgh, IN 47630
812-490-4400
www.vermeermidwest.com

10/22/2024

Quote #: Q-19700-2
PO #:

Bill To:
City Of Paducah
Jim Scutt
1120 North 10th St.
Paducah, KY 42001
270-444-5152

Ship To:
City Of Paducah
Jim Scutt
1120 North 10th St.
Paducah, KY 42001
270-444-5152

Qty	Product	DESCRIPTION	Net Total
1	New 2024 Vermeer HG4000G2 HORIZONTAL GRINDER BASE ASSY, 48 hours, SN# 1VRJ32A18R1050067	~ CAT 536 HP Tier 4F/StageV Engine ~ 44,000 lbs. Transport Weight ~ 31' Long, 8.2' Wide, 13.1' Tall ~ Tandem Axle Trailer Frame ~ Super Single Aluminum Wheels ~ Full Function Operator's Station ~ Radio Remote Control With Multi Function Control ~ PT Tech Dry Clutch With Hydraulic Actuator ~ Auto Reversing Engine Cooling Fan ~ Series III Duplex Drum ~ 22.5" Drum Diameter ~ 3.5" Wide Block Cutters, DAMAGE DEFENSE EQUIPPED ~ 26" x 60" Infeed Opening, Front Infeed Gate ~ 15' x 60" Infeed Table ~ Thrown Object Restraint System ~ Continuous Discharge Conveyor ~ 14' Discharge Conveyor Load Height ~ Magnetic Conveyor Drive Pulley, PVC Spray Bar Included, Overband Magnet, 3" Screens ~ 2 Year/2,000 CAT Limited Engine Warranty ~ 1 Year/1,000 Hour Parts and Labor Standard Vermeer Limited Warranty ~ Additional 12mo./1,000 Hour Parts and Labor Extended Warranty provided from Vermeer Corp at no extra cost ~ Travel (Warranty Only) for the 24mo./2000 hour period to be provided at no additional cost by Vermeer Midwest Vermeer Sourcewell Contract#030923-VRM City of Paducah Sourcewell Member #40423	\$599,929.38

Initials: _____

Quote #:Q-19700

Qty	Product	DESCRIPTION	Net Total
1	New 2024 MGL VT80, SN# 842T356	~ Length (working) 80' ~ Width (working) 8' 5" ~ Height (working) 35' ~ Length (transport) 53' 5" ~ Width (transport) 8' 5" ~ Height (transport) 11' 10" ~ Weight 25,000lbs ~ Chevron Patterned Mulch Belt, Width 42" , 2 Ply Clipped, Includes beater roller belt cleaner ~ Kohler KDI 1903 56HP Diesel ~ Ground footprint 13' 3" x 8' 5" ~ Wireless remote ~ Direct Side Feed Mulch Hopper (5 cu. yds for use with 3-4 yard bucket) (Installed onsite) ~ Stockpile Height 34' 6" ~ Cone capacity 2,700 CY ~ 12mo./1,000 hrs parts and labor MGL Warranty ~ 24mo./2,000 hrs parts and labor Kohler Engine Warranty	\$135,210.00

Untaxed Machine	\$735,139.38
Freight and Prep	\$14,135.00
Grand Total	\$749,274.38
Total Due	\$749,274.38

Finance Options with Approved Credit

Payment Details	Monthly Payment
Approximate payment on 60 months based on \$0 down	\$15,023.94

Additional Options

Quantity	Product Name	Net Total	Additional Price Per Month
1.00	CONFIDENCE PLUS 2 YRS PREMIUM W/ MAINTENANCE	\$48,828.00	\$978.41
CONFIDENCE PLUS PREMIUM PACKAGE ~ 24 Additional Months of Extended Warranty Coverage with NO HOUR RESTRICTIONS on your Vermeer Equipment Components. Engine Warranty Not Included.			
PLANNED MAINTENANCE ~ Parts & Labor rates are locked in and pre-paid for up to the selected hours of maintenance coverage or 5 years from date of purchase, whichever occurs first. ~ Includes 5 PM's. (50,250,500,750,1000Hr. marks) ~ Includes comprehensive inspections with each planned maintenance service.			
TRAVEL ~ 60% discount from published travel rates at the time of occurrence for PMs and warranty services for Extended Warranty term. Charge is per occurrence.			
DIAGNOSTICS ~ Diagnostics offered at no charge for entire Extended Warranty term.			

Initials: _____

Quote #:Q-19700

Proposal good for 30 days; we reserve the right at any time prior to acceptance to revoke this quotation.

Accepted by: _____

Date: _____

Thank you for your consideration.

Sincerely,

Alex Baker
alex.baker@vermeermidwest.com

Initials: _____

Quote #:Q-19700

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Approve the Application for a FEMA Assistance to Firefighter's Grant in the Amount of \$51,300 - **S.KYLE**

Category: Municipal Order

Staff Work By: Chris Owen, Steve Kyle,
Hope Reasons
Presentation By: Steve Kyle

Background Information: The Assistance to Firefighters Grant (AFG) is an annual grant program administered by the Federal Emergency Management Agency (FEMA) that offers grant funding to fire departments across the country. The grants focus on enhancing the safety of firefighters, and therefore public, with respect to fire and fire-related hazards. The AFG program provides funding for critical training and equipment.

The Paducah Fire Department is requesting \$51,300 in federal funding for Fire Ground Survival Training and an additional prop for the training. The Fire Department will be required to contribute a 10% match in the amount of \$5,700 to reach a total project cost of \$57,000. The 10% match will be included in the FY26 budget for the Fire Department.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve the application for a FEMA Assistance to Firefighters Grant and for the Mayor to sign all documentation related to same.

Attachments:

1. MO - app - FEMA AFG – Fire Ground Survival Training

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR AN ASSISTANCE TO FIREFIGHTERS GRANT IN AN AMOUNT OF \$51,300 FOR THE PADUCAH FIRE DEPARTMENT

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute a grant application and all documents necessary through the Federal Emergency Management Agency (FEMA), for an Assistance to Firefighters Grant (AFG) in the amount of \$51,300, for Fire Ground Survival Training and an additional prop for the training. A 10% local match in the amount of \$5,700 will be provided through the Fire Department's FY26 budget. The total project amount is \$57,000.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 27, 2024
Recorded by Lindsay Parish, City Clerk, November 27, 2024
\\mo\grants\app - FEMA AFG – Fire Ground Survival Training

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Approve procurement of radios from Communications International in an amount of \$218,325 -
D. DENTON

Category: Municipal Order

Staff Work
By: Steve Kyle
Presentation
By: David Denton

Background Information: The City is in the process of replacing its radio system. As a result, the fire department has radios that have to be replaced in order to work on the new system. The fire department has identified new radios for purchase at a discounted price. The City Manager issued a non-competitive negotiation determination letter due to the price that the radios are being sold. The department recommends the purchase of these radios at the discounted price. These radios are being sold at \$4,300.00/radio versus the new price of \$15,000.00/radio. While these radios are built to the same standard, they are discounted because they were built prior to the date of the NFPA approval being obtained. The fire department is purchasing 50 radios for a total of \$218,325.00.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: 911 Radio Equipment Upgrade, Governance, and Revenue

Communications Plan:

Funds Available: Account Name: Project: City-Wide Radio Purchase, Equipment Communication

Account Number: EQ0036, 10001802-542130

Staff Recommendation: Purchase radios at the discounted price.

Attachments:

1. MO agree – Communications International – Fire Department Radios
2. City Manager Written Procurement Determination

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF FIFTY (50) RADIOS FROM COMMUNICATIONS INTERNATIONAL IN THE AMOUNT OF \$218,325 TO BE USED BY THE PADUCAH FIRE DEPARTMENT

WHEREAS, the City is currently in the process of replacing its radio system; and

WHEREAS, as a result, the Fire Department needs to purchase new radios that are compatible with the new system; and

WHEREAS, the Fire Department has identified radios at the discounted price of \$4,300 (the new price of radios is \$15,000); and

WHEREAS, the City Manager has issued a non-competitive negotiation determination letter due to the discounted price of the radios that are being purchased; and

WHEREAS, this will be a noncompetitive negotiation purchase pursuant to KRS 45A.380(11) and related procurement policies of the Paducah's Code of Ordinances.

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

SECTION 1. The City Commission hereby authorizes the purchase of fifty (50) radios from Communications International in the amount of \$218,325 for use by the Fire Department.

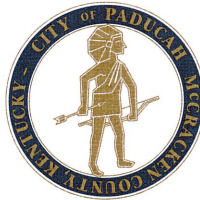
SECTION 2. This expenditure will be paid from the City-Wide Radio Purchase, Equipment Communication – Account Number EQ0036 and 1000 1802 542130.

SECTION 3. This Order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk



CITY OF PADUCAH

300 South 5th Street

P. O. Box 2267

Paducah, KY 42002-2267

Phone: (270) 444-8530

Daron E. Jordan, CEcD
City Manager

Michelle Smolen
Assistant City Manager

MEMO

TO: MAYOR, COMMISSIONERS, CITY CLERK, CHIEF KYLE

FROM: OFFICE OF CITY MANAGER

DATE: NOVEMBER 15, 2024

INRE: NON-COMPETITIVE NEGOTIATION DETERMINATION

The City of Paducah desires to contract with CI Communications for the purchase of Fifty (50) reconditioned L3 Harris XL-400 Extreme Fire Radios. These radios are P25 Phase II compliant and are compatible with the ongoing 911 Radio Upgrade project. CI Communications is offering a discounted price of \$4,300 per radio versus the normal purchase price of \$15,000 per radio. These radios are built to NFPA standards but were manufactured prior to the NFPA certification approval process being implemented.

It is the determination of the Office of City Manager, that the standard competitive procurement process would not be feasible and would not result in the substantial cost savings that would be achieved through non-competitive negotiations. Therefore, and pursuant to KRS 45A.380(11) and related procurement policies as found in the City of Paducah's Code of Ordinances, it my determination that procurement of these radios at the substantial per unit reduced rate will afford the City to acquire these radios at a major savings to the City of Paducah, and therefore may be obtained through non-competitive negotiations.

A handwritten signature in blue ink, appearing to read "D. E. Jordan", is written over a horizontal line.

Daron E. Jordan, CEcD
Paducah City Manager/ABC Director

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Approve procurement of Self-Contained Breathing Apparatus (SCBA) in the amount of \$49,380
- **D. DENTON**

Category: Municipal Order

Staff Work
By: David
Denton
Presentation
By: David
Denton

Background Information: The fire department is purchasing 6 Self-Contained Breathing Apparatus (SCBA) and 6 45 minute cylinders off of the KCTCS State Contract #PCT-00628 from 911 Fleet & Fire Equipment for a total of \$49,380.00. These are budgeted funds for the procurement.

Does this Agenda Action Item align with a Commission Priority? No
If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name: Fire Hoses/Rescue Equipment

Account Number: 10001802-540130

Staff Recommendation: Approval of purchase

Attachments:

1. MO - Purchase SCBA - Fire Department

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF SIX SELF-CONTAINED BREATHING APPARATUS (SCBA) AND SIX 45-MINUTE CYLINDERS FOR THE PADUCAH FIRE DEPARTMENT IN A TOTAL AMOUNT OF \$49,380 THROUGH THE KCTCS STATE CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

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

SECTION 1. That the Finance Director is hereby authorized to make payment to 911 Fleet & Fire Equipment in the amount of \$49,380 for the purchase of six self-contained breathing apparatus and six 45-minute cylinders through the KCTCS State Contract Number PCT-00628.

SECTION 2. That the Mayor is hereby authorized to execute all documents related to the purchase authorized in Section 1 above.

SECTION 3. This expenditure shall be paid from Account Fire Hoses/Rescue Equipment, Account Number 1000 1802 540130.

SECTION 4. This Municipal Order shall be effective from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 27, 2024
Recorded by Lindsay Parish, City Clerk, November 27, 2024
\\mo\Purchase SCBA – Fire Department

MUNICIPAL ORDER NO. _____

**A MUNICIPAL ORDER AUTHORIZING PURCHASE OF REAL
PROPERTY LOCATED AT 600 GLENWOOD DRIVE, PADUCAH,
McCRACKEN COUNTY, KENTUCKY**

WHEREAS, the Paducah Independent School District owns certain real property located at 600 Glenwood Drive, Paducah, Kentucky (hereinafter “Property”); and

WHEREAS, the City of Paducah desires to acquire said Property from the Paducah Independent School District; and

WHEREAS, the City of Paducah has offered, and the Paducah Independent School Board has accepted, an offer to purchase said Property for \$120,000; and

WHEREAS, the Board of Commissioners of the City of Paducah find that the acquisition of the Property for the amount of \$120,000 is reasonable and fair, advances a particular public purpose of the City, and is in the best interest of the City.

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

Section 1. Recitals and Authorizations. The Board of Commissioners declares that the acquisition of the Property by the City of Paducah for purposes of economic development advances a particular public purpose of the City, is in the best interest of the City and is hereby approved and authorized.

Section 2. Recitals and Authorizations. That the Mayor of the City of Paducah, Kentucky be and is hereby authorized to purchase on behalf of the City said Property for and in consideration of One Hundred Twenty Thousand Dollars (\$120,000.00). The Mayor is further authorized to execute all documentation necessary to effectuate the transfer of the Property to the City of Paducah.

Section 3. Earnest Money Deposit. The Finance Department for the City of Paducah is hereby authorized to issue a check in the amount of Five Thousand Dollars (\$5,000) to Keuler, Kelly, Hutchins, Blankenship & Sigler, LLP to be held in its escrow account and to be applied to the purchase price at the time of closing, as more particularly described in the Real Estate Closing Escrow Agreement, attached hereto as Exhibit A.

Section 4. Purchase Price. The Finance Department for the City of Paducah is further authorized to distribute funds for the purchase price of this property, as more particularly described in the Real Estate Purchase Agreement, attached hereto as Exhibit B. This shall be charged to the General Fund Fund Balance.

Section 5. Severability. If any section, paragraph or provision of this Order 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 Order.

Section 6. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Order were taken in an open meeting of the City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 7. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Order are, to the extent of such conflict, hereby repealed and the provisions of this Order shall prevail and be given effect.

Section 8. Effective Date. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

MAYOR

ATTEST:

City Clerk

Introduced by the Board of Commissioners, _____, 2024.

Adopted by the Board of Commissioners, _____, 2024.

Recorded by City Clerk, _____, 2024.

MO\prop pur – 600 Glenwood Drive School Board

KKHB

RESOLUTION

A RESOLUTION APPROVING THE TRANSFER OF THE CITY OF PADUCAH SECTION 8 PROGRAM TO THE HOUSING AUTHORITY OF PADUCAH

WHEREAS, the Housing Authority of Paducah has managed the City of Paducah Section 8 HCV program through a contractual management, agreement for over five (5) years; and

WHEREAS, the City of Paducah Section 8 Office's Board desires to transfer City of Paducah Section 8 program to the Housing Authority of Paducah; and

WHEREAS, if the transfer is successful, the Housing Authority of Paducah's management of the program will expand the housing opportunities by providing indispensable resources for families with extremely low incomes, welcoming stakeholders' innovative and creative ideas, including ideas that require statutory, regulatory, and program and strengthen public housing for the future; and

WHEREAS, the City of Paducah, the Paducah City Commission and the City of Paducah Section 8 Office now wishes to enact this resolution in favor of the transfer the City of Paducah Section 8 program to the Housing Authority of Paducah.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF PADUCAH, AS FOLLOWS:

Section 1. It is hereby found, determined and declared that the City of Paducah hereby approves the transfer of the City of Paducah Section 8 Program to the Housing Authority of Paducah

Section 2. This Resolution shall be in full force and effect from and after the date of adoption.

ADOPTED by the Board of Commissioners of the City of Paducah, Kentucky, on November 27, 2024, signed by the Mayor, attested by the City Clerk and declared to be in full force and effect.

George Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Certification

I, the undersigned, do hereby certify that I am the duly qualified City Clerk of the City of Paducah, Kentucky (the “City”), and as such Clerk I further certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by the Board of Commissioners of the City at a properly convened meeting held on November 27, 2024, signed by the Mayor and now in full force and effect, all as appears from the official records of the City of Paducah in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand this November 27, 2024.

Lindsay Parish, City Clerk

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Employment Agreement with Gregory Guebert to be the City Engineer - **D. JORDAN**

Category: Municipal Order

Staff Work By: Stefanie Wilcox

Presentation By: Daron Jordan

Background Information: Authorize the Mayor to sign an Employment Agreement with Gregory Guebert to move him from Interim City Engineer to full-time City Engineer.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve the Employment Agreement with Gregory Guebert as the full-time City Engineer.

Attachments:

1. MO - agree-employment – Gregory Guebert – City Engineer
2. City Engineer - Employment Agreement Guebert Final

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND GREGORY GUEBERT FOR EMPLOYMENT AS CITY ENGINEER, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. Authorization. The Board of Commissioners of the City of Paducah hereby approves and the Mayor of the City of Paducah, Kentucky, is hereby authorized to execute an Employment Agreement with Gregory Guebert to be employed in the position of City Engineer.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 27, 2024
Recorded by Lindsay Parish, City Clerk, November 27, 2024
\\mo\agree-employment – Gregory Guebert – City Engineer

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Approve a Contract for Services with Columbia Art House, Inc. for the Columbia Theatre Facade Renovation - D. JORDAN

Category: Municipal Order

Staff Work
By: Daron
Jordan
Presentation
By: Daron
Jordan

Background Information: In February 2024, the City Commission pledged to financially support the Columbia Art House, Inc. through Municipal Order No. 2857, in their work to stabilize the facade of the Columbia Theatre with matching funds not to exceed \$500,000. The Columbia Art House, Inc. has secured the remaining necessary funds to stabilize the facade of the Columbia Theatre. This action authorizes a contract for services with Columbia Art House to disperse the funds. The City maximum payment will be the lesser of \$500,000 or one half of the aggregate amount of all invoices submitted related to the approved scope of work.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: Protecting Key Historical and Cultural Resources

Communications Plan:

Funds Available: Account Name: Columbia Theater

Account Number: 24000401 580940

Staff Recommendation: Approval.

Attachments:

1. MO contract-Columbia Theater Façade Stabilization 2024
2. CONTRACT FOR SERVICES - Columbia Art House Inc

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SERVICES WITH COLUMBIA ART HOUSE, INC. FOR THE COLUMBIA THEATRE FAÇADE STABILIZATION AND AUTHORIZING PAYMENT TO COLUMBIA ART HOUSE IN THE LESSER OF EITHER \$500,000 OR ONE-HALF OF THE AGGREGATE AMOUNT OF ALL INVOICES SUBMITTED

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute a contract with Columbia Art House, Inc. for façade stabilization in substantially the form attached hereto and made part hereof (Exhibit A). The maximum payment shall be the lesser of \$500,000 or one-half of the aggregate amount all invoices submitted related to the approved scope of work. This contract shall expire June 30, 2026.

SECTION 2. This expenditure shall be charged to Columbia Theater, Account No. 24000401 580940.

SECTION 3. This Municipal Order shall be effective from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

\\mo\contract-Columbia Theater Façade Stabilization 2024

EXHIBIT A

CONTRACT FOR SERVICES

This Contract for Services, effective this 27th Day of November, 2024, by and between the CITY OF PADUCAH ("City") and COLUMBIA ART HOUSE, INC.

WHEREAS, Columbia Art House, Inc. seeks to restore the Columbia Theatre to an active use that will be of cultural benefit to the City of Paducah, KY; and

WHEREAS, the City of Paducah has previously pledged to financially support the Columbia Art House, Inc, through Municipal Order No. 2857, in their work to stabilize the façade of the Columbia Theatre with matching funds not to exceed \$500,000; and

WHEREAS, in consideration that the Columbia Art House, Inc has secured the remaining necessary funds to stabilize the façade of the Columbia Theatre.

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

SECTION 1: TERM:

The term of this contract for services shall be from the effective date of the contract until June 30, 2026.

SECTION 2: TERMINATION:

Either party may terminate this Contract for Services upon failure of any party to comply with any provision of this agreement provided any such party notifies the other in writing of such failure and the breaching party fails to correct the breach within thirty (30) calendar days of the notice.

SECTION 3: PAYMENT:

By the 30th day of any given month, Columbia Art House, Inc shall remit, to the City Manager's Office, a copy of all associated invoices for work completed during the preceding 30 days. Upon confirmation that said invoices are related to the work as outlined elsewhere in this agreement, the City shall pay Columbia Art House, Inc one half the amount of the total of the invoices remitted. The City maximum payment, to the Columbia Art House, Inc, shall be the lesser of \$500,000 or one half of the aggregate amount all invoices submitted related to the approved scope of work. If this contract for services is terminated, the City shall not be obligated to make any further payments.

SECTION 4: OBJECTIVES AND SERVICES:

Columbia Art House, Inc. will contract with a fully licensed and capable vendor, or vendors, that have the requisite skills to accomplish the work required to stabilize the façade, and to accomplish other items of work that improve the curb appeal of the theatre, that will support the goal of ensuring the long-term viability of the Columbia Theatre.

SECTION 5: ACCOUNTING:

(A) Columbia Art House, Inc. shall be responsible for all accounting and financial management of the project and shall ensure that every entity that is performing work, in relationship to this contract for services, is properly licensed to operate within the City of Paducah, KY.

(B) Columbia Art House, Inc. shall furnish to the City a financial report that details the expenditure of any funds expended, for the purposes specified in Section 4, within two (2) weeks of the end of a Fiscal Year in which any funds were expended.

SECTION 7: ENTIRE AGREEMENT:

This contract for services embodies the entire agreement between the parties and all prior negotiations and agreements are merged in this agreement. This agreement shall completely and fully supersede all other prior agreements, both written and oral, between the parties.

SECTION 8: WITHDRAWAL OF FUNDS:

Notwithstanding any other provision in this Contract for Services, in the event it is determined that any funds provided to the Columbia Art House, Inc. are used for some purpose other than in furtherance of the services described herein, the City shall have the right to immediately withdraw any and all further funding and shall immediately have the right to terminate this Contract for Services without advance notice and shall have the right to all remedies provided in the law to seek reimbursement for all monies not properly accounted.

CITY OF PADUCAH

GEORGE BRAY, Mayor

ATTEST:

Lindsay Parish, City Clerk

COLUMBIA ART HOUSE, INC.

SIGNATURE: _____

TITLE: _____

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Amend Chapter 2 of the Code of Ordinances related to the Fire Department - **S. KYLE**

Category: Ordinance

Staff Work By: Steve Kyle
Presentation By: Steve Kyle

Background Information: This update is being brought forward to both update antiquated language and remove conflicting language that is covered by the contract with IAFF Local 168 that is also an ordinance.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Adopt recommended changes to the ordinance.

Attachments:

1. ORD 2-Fire Department 2024 Amendment

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING CHAPTER 2
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, the desires to amend Chapter 2, Division 5 “Fire Department” of the Code of Ordinances of the City of Paducah.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION A. That the City of Paducah, Kentucky, hereby amends Chapter 2, Division 5 “Fire Department” of the Paducah Code of Ordinances as follows:

Sec. 2-301. Chief.

The Chief of the Fire Department shall be the director and active executive head of the Department and all employees shall be subject to the Chief's supervision and control, but during the chief's absence from the City or inability to perform the duties of office the Deputy Chief, Assistant Chief, or Battalion Chief of the Fire Department shall have supervision and control of the Department.

Sec. 2-301.5. Administer and implement duties.

The Chief of the Fire Department shall have the responsibility for administering and implementing duties associated with the divisions of administration, suppression, fire prevention, and training.

Sec. 2-302. Captains.

All Captains in the Fire Department shall have and retain the same rank and shall be responsible to the Chief of the Fire Department for the proper conduct and performance of the duties of the firefighters at the stations to which they are assigned.

Sec. 2-303. Duties of members; leaving station while on duty.

(a) Duties.

(1) The Chief of the Fire Department shall designate duties to members of the Department so as to produce the greatest efficiency in the service, and the Chief's orders in such matters shall be explicitly complied with.

~~(2) Subject to the approval of the Chief of the Department or authorized designee, members of the Department may exchange duty with each other on a voluntary basis in instances including, but not limited to, situations where a member has depleted such member's sick time and vacation allowances and continues to be unable to return to duty, attendance at professional or union conferences and schools, and in other situations where the member's absence could not otherwise be compensated. Work back and exchange of duties as provided for herein shall in no way result in credit for extra compensation for the one performing the duty in the form of overtime, or other provisions for increased pay.~~

(b) Leaving station while on duty. No member of the Fire Department shall leave the member's station while on duty without the consent of the member's superior officer.

Sec. 2-304. Residency requirements.

All members of the Fire Department hired after October 1, 1988, shall reside within McCracken County or within forty-five (45) minutes of Station 4 as measured by a recognized mapping program, i.e., Mapquest, Google Maps, etc., as a condition of their continued employment within the Fire Department of the City.

Sec. 2-305. Command at scene of fire.

The ~~Captain-Officer~~ of the first Fire Department company arriving at a fire shall be in charge until the arrival of the Chief of the Department or a Deputy Chief, Assistant Chief, or Battalion Chief. In the absence of the Chief, any Chief Officer at the scene shall assume the duties of the Chief. The ~~Captain-Officer~~ of each company shall lead, direct and continue with the ~~Captain's Officer's~~ company for the duration of the fire, or until the fire is extinguished, or until relieved by the ~~Captain's Officer's~~ superior.

Sec. 2-306. Use of automotive equipment.

No member shall use the automotive equipment of the Fire Department except in the performance of duty. Each member shall strictly observe all traffic laws, ordinances and regulations of the City, except in answering alarms, and then shall use utmost diligence in the handling of the equipment. Each member using automotive equipment shall use every precaution to preserve the same in good order and good appearance.

Sec. 2-307. Number, rank and salaries of members in the suppression division; additional compensation.

(a) The number and rank of members of the Fire Department of the City and the salary of each position that shall be paid upon satisfactory completion of consecutive years of service in the Fire Department shall be as established by ordinance. The schedule of such salaries and positions shall be on file with the City Clerk.

~~(b) — In the event employees of the Fire Department act in a position of responsibility higher than the position the employee holds, and the temporary assignment is to be for greater than ten (10) consecutive 24-hour shifts (excluding unscheduled overtime), then the wage rate of the employee will be adjusted according to such amounts as established by ordinance. Such compensation shall be paid for any condition creating an absence within a position for which the acting officers are required to serve, including vacancy within the position, illness, vacations and holiday times, acting in another position, or temporary additional assignments. Such compensation shall not be paid for assignments resulting from members operating on work-back provisions, attending school or seminars, or for any other reason than stated above. Acting pay shall be accounted for by the Assistant Fire Chiefs, and payment shall be made in a manner corresponding with the actual dates working in said acting position. Acting pay shall be subject to all payroll deductions.~~

~~(c) — Captains, Lieutenants and firefighters shall be paid the established hourly rates during each weekly period beginning on Monday and ending on Sunday for the first forty (40) hours of duty, and at one and one-half (1½) times said hourly rates for each duty hour in excess of forty (40).~~

~~(d) — A firefighter who is regularly assigned as a relief driver by the Chief of the Fire Department, after approval by the City Manager, shall for this assignment receive additional compensation in an amount as established by ordinance.~~

Sec. 2-308. Uniforms.

(a) While on duty, all officers and personnel will be required to wear the uniform prescribed by the Chief of the Department. When off duty, the uniform may be worn, but in no instance while on or off duty will part of the uniform be permitted.

(b) ~~All new members of the Fire Department shall be entitled to an additional clothing allowance as established by municipal order of the City.~~ In the event the member does not remain an employee in the department for more than seventy-five (75) calendar days, all uniforms purchased with the initial payment shall be returned to the Chief of the Department.

~~(c) — All members who are required to wear uniforms shall be paid an amount as established by the City's current policies and procedures.~~

Sec. 2-309. Disposition of rewards, gifts and donations.

~~Any and all rewards, fees, gifts and donations paid or given on account of extraordinary or meritorious service by members of the Fire Department shall be delivered to the Fire Chief, who shall forthwith turn the same over to the Treasurer of the City to be deposited to the credit of the Police Officers' and Firefighters' Pension Fund.~~

Sec. 2-310. Reserved.

Sec. 2-311. Grievance procedure.

~~There is hereby established a grievance procedure for members of the Fire Department who have a complaint arising out of their employment.~~

~~(1) — A complaint shall be filed within three (3) days after knowledge of its occurrence. The complaint shall be filed with the Supervising Chief Officer of your respective Division. The complaint shall be in writing and shall contain a clear, concise statement of the cause of the grievance. The Supervising Chief Officer will attempt to remedy the problem presented and shall answer the grievance not later than the next work shift following the filing of the grievance.~~

~~(2) — Any party not satisfied by the decision of the Supervising Chief Officer may appeal to the Chief of the Department within two (2) days following the receipt of the answer by the Supervising Chief Officer. The appeal shall be in writing and contain a statement of the reason for the appeal and have attached thereto a copy of the original grievance together with a copy of the decision of the Supervising Chief Officer. The Chief of the Department shall thereupon investigate the problem and render a decision within three (3) days from the date the appeal is filed.~~

~~(3) — Any party aggrieved by the decision of the Chief of the Department or who is not satisfied with the decision may appeal the complaint and decision to the City Manager. All written matter of record in the case shall be forwarded to the City Manager within three (3) days following the decision by the Chief, and the City Manager shall render an opinion in the case within five days after receipt of the appeal.~~

(4) — ~~The decision of the City Manager may be appealed by any aggrieved party to the Board of Commissioners. All written matter in the case shall be forwarded to the City Clerk, who shall make all records available to the Commission. The appeal shall be in writing and shall contain a clear and concise statement of the issues to be presented to and heard by the Board. The Board shall set a time for hearing the grievance at its earliest convenience and without any undue delay. The decision of the Board shall be final and binding, except for any judicial review which might otherwise be provided for by law.~~

(5) — ~~For any hearing before the Board of Commissioners, any party to the action may request the summoning of witnesses. During all prior proceedings, the party before whom the grievance is pending shall determine what witnesses and what evidence shall be presented. The complainant, however, may be represented during any step in this grievance procedure by the complainant's own self, by an attorney at law, or by the president, vice-president or any steward of any organization recognized as representing the members of the Fire Department. When so designated by the member-complainant, the individual or board hearing the complaint shall recognize the said president, vice-president or steward as a representative of the member. Whenever a hearing is conducted at a time when the complainant or the complainant's representative is on duty, a special leave of absence shall be granted to provide for attendance at the hearing without loss of any pay.~~

(6) — ~~In the calculation of all time limits stated herein, all Saturdays, Sundays and holidays shall be excluded, and the time for filing on the final day shall be not later than 5:00 p.m., current time.~~

Sec. 2-312. Report of neglect of duty.

It shall be the duty of the Chief of the Fire Department to report, in writing, to the Board of Commissioners, any failure, neglect or refusal on the part of any member of the Fire Department to use such member's best endeavor to enforce laws, perform such member's duties and report violations of law to the Chief.

Sec. 2-313. Dismissal, suspension or demotion of members.

(a) Grounds.

(1) In addition to the causes for reprimand, dismissal, suspension and demotion provided for by law, all members of the Fire Department shall be subject to reprimand, demotion, suspension and dismissal for violation of City and/or Department rules and any similar types of misconduct, examples of which include the following: ~~of the following causes:~~

a. Drinking beer, wine, whiskey or any other alcoholic or intoxicating liquor while on duty ~~or while wearing any part of the member's uniform.~~

b. Being intoxicated ~~either on or off~~ duty.

c. Insubordination or disrespect to the City Manager, the Mayor, any member of the Board of Commissioners, or to any superior officer or employee, or refusal or failure to obey or execute any command or order given by a superior officer.

d. ~~Loitering while on duty or while wearing the member's uniform.~~

e. Conviction in any court of a felony.

f. Attempting to in any way influence any person's vote in any election, or interfering with or obstructing the holding of any election or registration of voters.

g. Allowing as many as three (3) orders of attachment or garnishes against the member's salary or wages for just debts.

h. Cowardice, inefficiency or neglect in the performance of duty, or disobedience of lawful orders of a superior officer.

i. Such mental, physical or educational incapacity or disability as renders the member incapable of properly performing the member's duty.

j. Abandonment of, without just cause, or failure to support the member's family.

k. Any immoral habits, lascivious or improper conduct not herein enumerated which would render the member an unfit or improper person for employment in the Fire Department, or which would in any way tend to bring discredit or criticism to the Fire Department, the City government or any of its employees.

l. The acceptance of any gift or contribution of any kind from any person which may be calculated to place such member of the Fire Department under obligation to the contributor or anyone else. A gift having a fair market value of more than \$200.00, whether in the form of money, service, loan, travel, entertainment, hospitality, or any other form is presumed to be a violation of this section.

m. Entering any disorderly house except in the discharge of duty.

n. Using indecent, profane or obscene language while on duty or while wearing any part of the member's uniform such that member(s) of the public can hear.

o. Impoliteness or rudeness in dealing with the public or in the performance of duty.

p. Slovenliness or untidiness in person or uniform or failure to wear the prescribed uniform while on duty.

q. Being absent from duty without proper permission.

r. Engaging in disputes or quarrels with another employee or member of the Department while either or any of them are on or off duty, or using any indecent, obscene or profane names or language in addressing any officer of the Department or other person.

(2) Any member of the Fire Department who shall, on a hearing, be found guilty of charges for violation of the rules and regulations prescribed in subsection (a)(1) of this section shall be reprimanded, demoted, suspended or dismissed from the service in the discretion of the Board of Commissioners.

(b) Demotion. When a member of the Fire Department is demoted by the Board of Commissioners from one (1) grade or classification to a lower grade or classification, the member shall have the same status as one appointed or promoted to such lower grade. A demoted member shall be advised as to such member's position for future advancement and of the duties for which such member is qualified. The member's position for future promotion shall also be made known to all members within the rank to which such member has been demoted.

(c) Suspension. A suspended member of the Fire Department shall receive no pay during the time of suspension unless the member is acquitted of the charges against such member, and if so acquitted the member may be allowed pay for the time so suspended by order of the Board of Commissioners.

Sec. 2-314. Firefighter recruitment and selection standards.

The Firefighter Candidate Recruitment Qualifications and Selection Procedure Manual, ~~a copy of which is on file with the City Clerk~~ fire department standard operating procedure SOG 208, shall be a part of this Code to the same effect as if set out in full herein.

Sec. 2-315. Firefighter training and qualifications; appointee probationary period.

(a) EMT certification. Any person employed on a permanent basis as a firefighter in the Paducah Fire Department shall, within a period of twenty-four (24) months, complete the required course and become certified as an Emergency Medical Technician (EMT) through the Commonwealth Department of Human Resources. Further, all firefighters so employed shall keep their EMT certification current at all times and participate in continuing EMT education and training programs. Failure to maintain EMT certification, with absence of good cause, shall be grounds for discipline or dismissal pursuant to KRS 95.450 .

(b) Qualifications for employment. No person shall be employed as an appointee for employment as a firefighter in the Fire Department who does not possess the following qualifications and comply with the following requirements:

(1) They must be able to read, write and understand the English language and must be a high school graduate or hold a certificate of high school equivalence issued on the basis of a successful completion of the General Educational Development Test administered and approved under the supervision of the United States Armed Forces Institute, or a recognized institute of higher learning, or the state.

(2) They must be at least ~~nineteen~~ eighteen (1918) years of age.

(3) They must be a person of sobriety and integrity who at all times has been an orderly law-abiding citizen.

(4) They must be able to identify the colors of red, green and yellow.

(5) They must have standard visual acuity, without correction, not less than 20/40 in one eye, and 20/100 in the other eye; and, with correction, not less than 20/20 in one eye, and 20/40 in the other eye.

(6) They must have a valid driver's license. The firefighter candidate recruit qualifications and selection procedure manual, a copy of which is on file with the City Clerk, shall be a part of this Code to the same effect as if set out in full herein.

(7) They must have US citizenship.

(8) They must be able to work full-time.

(9) They must have a valid Candidate Physical Agility Test (CPAT) card current through the expected hire date.

(10) They must submit to a criminal background check.

(c) Probationary period.

(1) All appointments to the Fire Department shall be for a probationary period of one (1) year from the completion of the initial training period of thirteen (13) weeks to thirty-two (32) weeks (based on a forty (40) hour work week). The initial training period shall not exceed thirty-two (32) weeks. During this time appointees shall be paid the hourly wage as established by ordinance at the same time other regular firefighter wages are paid. Upon completion of the initial training period the Fire Chief shall assign the appointee to a regular platoon, working twenty-four (24) hours on duty and forty-eight (48) hours off duty and paid the hourly wage by ordinance at the same time other regular firefighter wages are paid. Until the probationary period has elapsed, the appointment shall be conditional. At any time during this probationary period, the appointee may be summarily removed by the Board of Commissioners of the City. During this probationary period the appointee shall not be entitled to the grievance procedure of KRS 95.450 . At such time the appointee may have successfully completed the probationary period they shall become a member of the Fire Department and entitled to the procedures of KRS 95.450 .

(2) Until the one (1) year probationary period has elapsed, the appointment shall be conditional. As such, the appointee shall not be entitled to the discipline procedures of KRS 95.450 . At any time during the appointee's probationary period, the appointee may be summarily removed by the Board of Commissioners of the City.

(d) Additional training. After the completion of the above requirements, each member shall engage in all training needed to meet State requirements.

(e) Supervision of training program. The training program provided for in subsections (c)(1) and (2), and (d) of this section shall be under the direction and supervision of the Chief of the Fire Department, subject to any rules and regulations adopted by the Board of Commissioners and the Kentucky Fire Commission, and each person employed as an appointee for employment as a firefighter shall participate therein and shall perform such duties as may be assigned to the person by such Chief.

SECTION B. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION C. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____, 2024

Adopted by the Board of Commissioners, _____, 2024

Recorded by the City Clerk, _____, 2024

Published by *The Paducah Sun*, _____, 2024

KKHB

Ord\2-Fire Department 2024 Amendment

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Amend Chapter 46 of the Code of Ordinance related to Addressing - **S. KYLE**

Category: Ordinance

Staff Work By: Steve Kyle, Eric Stuber, Greg Guebert,
Anthony Copeland

Presentation By: Steve Kyle

Background Information: There is currently an ordinance on the books that determines how the City identifies and assigns and addresses. However, the address has no penalty section for the City to force an owner to use the address that was assigned. This change is being recommended to give authority to the ordinance to require an owner to use the address that is assigned. These changes are made to meet the requirements of our annual audit that 911 Communications goes through to verify all of their data and receive funding.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Accept the recommended changes to the ordinance.

Attachments:

1. 46-addressing amendment

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING CHAPTER 46
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, the health and safety of the citizens of the City of Paducah is dependent upon enforcement of minimum fire, housing and sanitation standards and the only effective means of enforcing such codes is by consistent enforcement and routine systemized inspections of all physical structures; and

WHEREAS, the City of Paducah enacted Ordinance No. 2019-4-8568 to create standard addressing for properties and buildings in the City of Paducah; and

WHEREAS, the City now desires to amend said ordinance to require property owners to comply with addressing assignment changes and to create a penalty section.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION A. That the City of Paducah, Kentucky, hereby amends Chapter 46 of the Paducah Code of Ordinances by amending the following sections:

Sec. 46-13. Address revisions.

- (a) Whenever, in the opinion of the Fire Prevention Division, it shall become necessary or advisable to readdress any or all parcels and buildings, the Fire Prevention Division shall designate the address for all such properties and buildings; and notify the owners and/or occupants. **Following notice from the Fire Prevention Division that a parcel has a revised address, it shall be the owners and/or occupants' duty to change or update address displays or building markers consistent with revised address for the parcel or building. Failure to comply shall result in penalties set forth in 46-14(c).**
- (b) The Fire Prevention Division will assign revised addresses as required for parcels and buildings. Any changes or modifications to parcels and/or buildings will require a submittal documenting such changes so that the Fire Prevention Division can give notice of such change, update or modification to all affected parties. Engineering Public Works Department will assign building and property revised addresses related to subdivisions, waiver of subdivisions and commercial developments as those related plats originate in the Planning Department with Engineering Public Works oversight.
- (c) Any property owner requesting a change or modification to a parcel or building address shall be responsible for the payment of all costs incurred as a result of the change or modification. All such requests shall be submitted in writing to the Fire Prevention Division and shall be reviewed and subject to the approval by the Fire Prevention Division.
- (d) A request for an address change is subject to a fee of \$100.00.

Sec. 46-14. Maintenance of address display; defacement; noncompliance, penalties.

- (a) The Fire Prevention Division is authorized to require the owner of any business or residential parcel or building within the City to replace or repair a damaged or missing address display or identifier at the expense of the owners thereof. Fire Prevention Division may issue notices of violations to enforce sections 46-10 through 46-14 ~~46-12~~ and such violations may be enforced as civil offenses pursuant to the procedure set forth in subsection (c) herein~~in section 46-4~~.
- (b) Violations. The following shall constitute violations:
- (1) The failure of any owner of a business or residential structure to affix an address or property identifier, or any part thereof, upon a structure or other device, within thirty (30) business days of notification by the Fire Prevention Division;
 - (2) The failure of any owner of a business or residential structure to change or update an address or property identifier, or any part thereof, upon a structure or other device, within thirty (30) days of notification of an address revision by the Fire Prevention Division.
 - (23) Defacing, moving, or removing by any person, any address or property identifier, or any part thereof, in such a way to cause the address not to be clearly visible and identifiable at all times during daylight hours, including, but not limited to, obstruction preventing visibility;
 - (34) Naming a private access easement without the prior approval of the Fire Prevention Division; or
 - (45) Placing or causing to be placed any sign bearing an identifier not approved by the Fire Prevention Division, upon any private access easement.

(c) Enforcement and Penalties.

(1) *Warning.* If after thirty (30) days following notice of an address revision by the Fire Prevention Division, the property still remains marked with an inaccurate address, a written warning shall be issued to the property owner and such warning shall be posted to the property. If the property remains marked with an inaccurate address, forty (40) days following notification of an address revision, the penalty set forth in subsection (2) herein shall apply.

(2) *Penalty.* Any person in violation as set forth in Sec. 46-14(b) is subject to the penalty of Sec. 1-19 of the Code of Ordinances. Each day's violation shall constitute a separate and distinct offense.

(3) *Enforcement.* Violations shall be enforced through the Code Enforcement Board pursuant to Sec. 42-40 of this Code.

SECTION B. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission

and its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION C. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

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

George Bray, Mayor

ATTEST:

Lindsey Parish, City Clerk

Introduced by the Board of Commissioners, _____, 2024

Adopted by the Board of Commissioners, _____, 2024

Recorded by the City Clerk, _____, 2024

Published by *The Paducah Sun*, _____, 2024

4883-1139-8870

Ord\46-addressing amendment

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Amend Chapter 78 "Personnel" of the Code of Ordinances - **S. WILCOX**

Category: Ordinance

Staff Work By: Stefanie Wilcox
Presentation By: Stefanie
Wilcox

Background Information: Amend Chapter 78, Personnel, Article, II, Benefits and Leave adding Veterans Day – November 11th as a City-recognized holiday in appreciation for those who have served, and to assist in recruitment and retention of staff.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Amend the ordinance to add Veterans Day beginning in 2025.

Attachments:

1. ORDINANCE AMENDING PERSONNEL ORDINANCE 11 12 2024

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING CHAPTER 78 PERSONNEL, ARTICLE II BENEFITS
AND LEAVES AND ARTICLE III COMPENSATION OF THE CODE OF
ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, Chapter 78, Article II subsection (a) of the Paducah Code of Ordinances as it currently reads adding Veteran's Day – November 11th as a City-recognized holiday;

WHEREAS, the Board of Commissioners deems it in the best interest of the City to amend Chapter 78, Article II to increase the number of City-recognized Holidays for employees and in appreciation for those who have served, and to assist in recruitment and retention of staff;

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

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 78 Personnel, Article II of the Paducah Code of Ordinances by amending the following sections:

Sec. 78-31. – Holidays.

(a) The following days during each calendar year are hereby designated as holidays on which all City employees will be granted a holiday:

- (1) New Year's Eve Day;
- (2) New Year's Day (January 1);
- (3) Martin Luther King, Jr. Day;
- (4) Memorial Day;
- (5) Juneteenth National Independence Day;
- (6) Independence Day (July 4);
- (7) Labor Day;
- (8) Veteran's Day (November 11);
- ~~(8)~~(9) Thanksgiving Day;
- ~~(9)~~(10) The day immediately following Thanksgiving Day;
- ~~(10)~~(11) Christmas Eve (December 24);
- ~~(11)~~(12) Christmas Day (December 25);

~~(12)~~(13) One personal day;

and other holidays as may from time to time be designated by motion of the Board of Commissioners. If any of the days mentioned herein as holidays fall on a Saturday or Sunday, in such event, such holiday shall be recognized on a day, Monday through Friday, as determined by the City Commission.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____, 2024

Adopted by the Board of Commissioners, _____, 2024

Recorded by the City Clerk, _____, 2024

Published by *The Paducah Sun*, _____, 2024

Agenda Action Form

Paducah City Commission

Meeting Date: November 27, 2024

Short Title: Amend chapter 106 related to business licenses - **D. JORDAN**

Category: Ordinance

Staff Work By: Stephanie Millay,
Jonathan Perkins
Presentation By: Daron Jordan

Background Information: From time to time, the City of Paducah's code of ordinances needs to be refreshed and clarification language added. This amendment adds clarifying language to make it clear that EACH business location must be treated as a stand-alone license; and, that each location is licensed as such. This is a housekeeping amendment.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Staff recommends that the proposed ordinances clarification amendment be passed.

Attachments:

1. Ordinance Amending Gross Receipts License Tax

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING CHAPTER 106, ARTICLE III, GROSS RECEIPTS
LICENSE TAX, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, in enacting Chapter 106, Article III of the Paducah Code of Ordinances, the City's intent was to require all physical locations of businesses within the City's limits to obtain a business license; and

WHEREAS, at least one business has taken the position that the Ordinance, as it currently reads, is unclear in that regard; and

WHEREAS, the Board of Commissioners deems it necessary and in the best interest of the City to amend various provisions of Chapter 106, Article III to ensure the City's intent is clear; and

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

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 106, Article III, Gross Receipts License Tax, of the Paducah Code of Ordinances by amending the following sections:

Sec. 106-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means and includes a person who provides a service for and on behalf of another person for a commission under an agreement or arrangement whereby the person receiving the commission is obligated to pay for such person's own expenses associated with such person's transaction of business without reimbursement from the other party. Such expenses would include expenses relating to office rent and maintenance, clerical assistance and support staff, associates and agents, advertisement, and other expenses which are typically incurred in carrying

on a business. The Finance Director shall be authorized to determine whether a person constitutes an agent under this article.

Business means and includes the carrying on, transacting or exercise, for gain or economic benefit, either directly or indirectly, of any business, trade, profession, occupation, vocation, calling or other type of commercial or mercantile activity of every kind and description, and the rendering of any type of service associated therewith, which is conducted in the City. The term "business" shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions (or other associations performing the services usually performed by trade associations or unions), or the United Way; corporations organized and operated exclusively for religious, charitable, scientific, literary, educational, or civic purposes, or for the prevention of cruelty to children or animals; or clubs or fraternal organizations operated exclusively for social, literary, educational or fraternal purposes, where no part of the earnings or income or receipts from such units, groups, or associations ensures to any private shareholder or individual; provided, however, that, if any such unit, group, or association shall engage in activities other than the activities in which such units, groups, or associations usually engage, such other activities shall be included in the term "business." Activities conducted for gain or profit by any educational institution, hospital, or any other institution mentioned in this article are included in the term "business."

Business entity means and includes all individuals, sole proprietorships and associations, and all legally created entities, including, but not limited to, corporations, limited liability companies, business development corporations, partnerships, limited partnerships, registered limited liability partnerships, joint stock companies, receiverships, trusts, professional service organizations, or any other legal entity or organization through which business is conducted. A business entity shall also include an agent as that term is defined under this article, and an independent contractor or other person who is not an employee as that term is defined under article IV. A business entity shall not include any employee who is required to pay the license fee on the employee's compensation under article IV.

Business entity location means and includes each physical location of a business entity.

Fiscal year shall have the same meaning as defined in section 7701(a)(24) of the Internal Revenue Code.

Gross receipts shall be defined in accordance with the following provisions:

- (1) The term "gross receipts" means and includes all revenues or receipts of value derived from the sale, lease, or other disposition of goods, services or property, or the title, use and possession relating thereto, from any business, of any kind conducted in the City, in the form of cash, credits, or other value proceeding from or accruing from the sale of tangible property (real or personal) or the rendering of any services, or both, including and without any deductions therefrom for interest, rentals, royalties, the cost of material used, the cost of goods sold, labor costs, taxes, or any other costs, or any other expenses whatsoever; provided, however, that a deduction from gross receipts shall be authorized for the following amounts, subject to the condition that such deduction is made and scheduled on the return and application which reports the gross receipts:
 - a. The amount of State or Federal excise, sales and use taxes computed on a basis of the sales prices of commodities sold by a taxpayer.

- b. The amount of any refund or credit given on a sale price of property sold and returned during the period covered by the return. If the total amount received is refunded or allowed as a credit, the total sales price of the article returned may be deducted from gross receipts. If a part of the total sales price is refunded or allowed as a credit, the amount to be deducted from the gross receipts is the amount refunded or allowed as a credit.
 - c. The amount of accounts receivable which have been written off during the period covered by the return, provided that such accounts receivable were reported as gross receipts under the return.
 - d. The amount of gross receipts from the sale of alcoholic beverages licensed under chapter 6 and laws of the state.
- (2) The term "gross receipts," when used in connection with, or in respect to, financial transactions involving the sale of notes, stocks, bonds, or other securities, or the loan, collection, or advance of money, or the discounting of notes, bills or other evidence of debt, or the assignment of, or purchase of, municipal, County, or State tax bills, means the gross interest, gross discount, gross commission, or other gross receipts earned by means of or resulting from such financial transactions, but the term "gross receipts" shall not include amounts received as repayment of the principal of debts.
 - (3) The term "gross receipts," when applied to all principals and agents, includes not only the amounts actually received by them but also includes all commissions paid by them or received for them by brokers, commission merchants, attorneys, or agents in such transactions, as the case may be, and all other expenses and discounts incident thereto.
 - (4) The term "gross receipts" shall not include the gross receipts from sales made by a participant in an event relating to a parade or general assembly for which a permit was issued.
 - (5) The term "gross receipts" shall not include any gross receipts which are solely attributable to any activity performed outside of the City which would be defined as an activity in interstate commerce which would be protected under the Commerce Clause of the United States Constitution.
 - (6) The term "gross receipts" as otherwise defined under any classification which is identified and described under division 2 of this article shall be as defined in accordance with the specific provisions which are set forth under such classification.

Manufacturing means and includes the process whereby material having no commercial value for its intended use before processing and which has appreciable commercial value for its intended use after processing by machinery. The term "manufacturing" shall not include processing or finishing operations which do not change the general design or form of a product. The term "manufacturing" shall not include foundries, machine shops or in shops, blacksmiths or other sheet iron or metal work.

Person means and includes an individual, firm, partnership, joint venture, association, corporation (domestic and foreign), trust, estate, assignee, receiver, or any other legal entity or group or combination acting as a unit.

Revenue and receipts of value means and includes any value received from the sale, lease or other disposition of goods, services or property, or the title, use and possession of same. In addition to meaning a sale of property for money, the term "revenue and receipts of value" also includes any transaction, exchange, or barter or disposal or otherwise, for a consideration. The amount to be reported as receipts from a sale, lease or other disposition in a trade or business is as follows:

- (1) If the sale, lease or other disposition was made for a consideration wholly in cash, the total cash received constitutes the receipts.
- (2) If the sale, lease or other disposition was made for part in cash, the balance to be paid within a period of time, the amount of cash plus the amount which was to be paid constitutes the receipts, provided that the subsequent receipt of the deferred payment does not constitute a receipt under this article.
- (3) If the sale or lease or other disposition was made for part in cash and part by note or other evidence of indebtedness, the amount of cash plus the face value of the note of indebtedness constitutes the receipt; provided, however, that the subsequent receipt of payment of such note or evidence of indebtedness does not constitute a receipt within the meaning of this article.
- (4) If a sale, lease or other disposition is made for credit, the amount of such credit constitutes the receipt; provided, however, that subsequent liquidating of such credit does not constitute a receipt within the meaning of this article.
- (5) If the sale, lease or other disposition is on an installment basis, the total amount of the installments paid, or to be paid, constitutes the receipts, including any interest or carrying charges.
- (6) If the sale, lease or other disposition is made by exchange of property of any kind, the fair market value of the property received in exchange constitutes the receipts. However, where a used article is accepted in part payment of the purchase price of a new article, such as automobiles, furniture, washing machines, radios, mechanical refrigerators, and the like, the seller of the new article shall report the sales price of the new article less any allowance made for the used article. When such used article is sold, the sales price of the used article shall constitute receipts within the meaning of this article.

Tax district means and includes a city of the first to fifth class, County, urban-county, charter county, consolidated local government, school district, special taxing district, or any other statutorily created entity with the authority to levy net profits, gross receipts, or occupational license taxes.

Taxable gross receipts means and includes the gross receipts realized by a business entity from a each physical business located and conducted in the City, or if a business entity realizes gross receipts from a business located both in the City and another tax district, that portion of the gross receipts which are taxable in accordance with the apportionment made under the apportionment provisions of section 106-67.

Wholesale means and includes the sale of something for resale or doing a regular business of selling large quantities of goods, wares or merchandise to industries, institutions or other

businesses for processing in their operations at markups in prices which are comparable to those of wholesalers selling to retailers.

[. . .]

Sec. 106-63. License and payment of tax required; exemptions.

- (a) It shall be unlawful for any business entity or business entity location to engage in any business in the City until that business entity has first obtained a separate business license certificate for ~~that~~ each business entity location and paid the amount of license tax to the Finance Director as required under this article; provided, however, that the provisions of this section and article shall not apply to:
 - (1) Persons who anticipate and earn less than \$600.00 in gross receipts as defined in section 106-61 from a business located in the City for any calendar or fiscal year.
 - (2) Business entities which are exempt from having to comply with the provisions of this article by virtue of Federal or State law.
- (b) If any business entity dissolves or withdraws from the City during any reporting period, or if any business entity surrenders or loses its charter during any reporting period, the dissolution, withdrawal, or loss or surrender of charter shall not relieve the business entity from its obligation to file the annual license tax return and pay the annual license tax on its taxable gross receipts realized during such reporting period as required under this article, nor shall it be relieved from the liabilities which arise from any failure to perform such obligations which are prescribed under this article.

[. . .]

Sec. 106-64. New business; business entity to file application for business license for each separate business entity location; payment of minimum annual license tax; payment of annual license tax in following year.

- (a) In the event a business entity intends to engage in a new business in the City, the business entity shall first obtain a business license certificate for each such business entity location, and pay the minimum annual license fee which is defined under division 2 of this article.
- (b) To obtain a business license certificate, the business entity shall file an application for a business license certificate with the Finance Director for each business entity location. The application shall be made on a form provided by the Finance Director. The business entity shall report the business entity's legal name, any tradename which will be utilized by the business entity, each business that the business entity intends to conduct in the City, the address of the location of cash business, and any other information which is required by the Finance Director as reflected on the application form. The business entity shall pay the minimum annual license tax to the Finance Director for each business entity location at the time that the application is filed.

- (c) In the event the Finance Director determines that the business entity has properly filed ~~the~~ an application and paid the appropriate minimum annual license tax for each business entity location, the Finance Director shall issue a business license certificate for ~~the each~~ each business location for which the application was made in accordance with the provisions under section 106-69.
- (d) In the event any business entity realizes taxable gross receipts from a new business for all or a part of a reporting period as defined under section 106-65, the business entity shall be required to file the annual license tax return and business license application(s), and pay the annual license tax for such reporting period, as required under said section.

Sec. 106-65. Annual license tax imposed on business entities at each separate location; filing of annual license tax return and business license application; payment of annual license tax; due date for filing and payment of tax.

- (a) Each business entity which conducts business in this City shall be required to pay an annual license tax based upon its taxable gross receipts which are realized by ~~the each~~ each business entity location from such business. The amount of the license tax shall be determined in accordance with this section, and the provisions which are set forth under division 2 of this article. The annual license tax imposed under this section shall be for the privilege of doing business in the City, and is utilized as a measure to raise revenue to help defray the costs incurred by the City in providing municipal services which support, protect and promote the business of all business entities.
- (b) Each business entity shall be required to prepare and file an "Annual License Tax Application" for each business location. This return and application shall include the annual license tax return which is required to be filed under this section, and the annual application for a business license certificate which is required to be filed under section 106-69.
- (c) The business entity shall file the return(s) and application(s) on or before the due date of April 15 of each calendar year; provided, however, that if the business entity operates on a fiscal year which is not based on the calendar year, the business entity shall file the return(s) and application(s) on or before the 15th day of the fourth month following the close of the business entity's fiscal year. The return and application shall be filed with the Finance Director.
- (d) The return and application shall be made on a form provided by the Finance Director. Each return and application submitted by the business entity shall identify the name and address of the business entity as reflected on the business entity's State tax return, along with the physical address for the business entity location for which the application is submitted, each kind of business which the business entity location conducted in the City in the reporting period, ~~the address of each location or locations of each business~~, the gross receipts and taxable gross receipts which are realized from ~~each the~~ the business during the reporting period, and the annual license tax which is due. The business entity shall attach a copy of its Federal tax return, together with all supporting statements and schedules, to its return and application.

- (e) The business entity shall make its return based on the preceding calendar year period, and shall report all taxable gross receipts realized by the applicable business entity location during such reporting period. Provided, however, that if a business entity makes a Federal income tax return on a fiscal year basis, the business entity shall make its return based on its fiscal year period, and shall report all taxable gross receipts realized by the business entity location during such reporting period.
- (f) The business entity shall also report the annual license fee which is to be paid by the business entity. The annual license fee shall be based on the business entity's location's taxable gross receipts realized during the reporting period, and shall be computed in accordance with the classifications and the schedules as set forth under division 2 of this article. The business entity shall pay the annual license fee to the Finance Director at the time that the business entity files ~~it's~~ a return and application. The annual license tax shall be paid without regard to any extension of time for filing of the return and application.

Sec. 106-66. Proof of timely filing; weekends and holidays.

- (a) Each business entity shall file each required return and application, and pay the annual license tax, on or before the close of city business on the due date. A business entity shall be deemed to have complied with this filing requirement if the business entity shall have tendered the return and application and the payment of the annual license tax to the United States Post Office for mail delivery service prior to 12:00 midnight of the due date. To evidence such tender, the business entity shall be required to obtain proof of such timely tender, which proof may be by postmark or by such other evidence which is acceptable to the Finance Director. Provided, however, that in the event the payment of the annual business tax fails for any reason, whether by insufficient funds, lack of proper execution of form, or other reason, payment of the annual license fee shall be deemed untimely, and shall subject the business entity to the penalties as set forth under this article.
- (b) Whenever the due date for filing a return and application and payment of the annual license tax falls on a Saturday or Sunday, the business entity shall be given an extension until the following Monday to file the return and application and pay the license tax. In the event the following Monday is a city holiday, the business entity shall be given an additional extension to the City's next business day to file the return and application and pay the license tax.
- (c) Notwithstanding the aforementioned extension, the business entity shall nevertheless comply with the requirements for a timely filing as defined under this section.

Sec. 106-67. Taxable gross receipts; apportionment.

- (a) All gross receipts realized by a business entity from a one or more businesses located in the City shall be deemed taxable gross receipts, except as otherwise provided under this section or under any other provision of this article.
- (b) Except as otherwise provided in subsection (d) of this section, where the business is located both in the City and another tax district, gross receipts shall be apportioned as follows:
 - (1) For business entities with both payroll and sales revenue in more than one (1) tax district, by multiplying the gross receipts by a fraction, the numerator of which is the

- payroll factor, which is described in subsection (c) of this section, plus the sales factor, which is described in subsection (d) of this section, and the denominator of which is the number two (2); and
- (2) For business entities with sales revenue in more than one (1) tax district, by multiplying the gross receipts by the sales factor as set forth in subsection (d) of this section.
 - (c) The payroll factor is a fraction, the numerator of which is the total amount of compensation paid or otherwise payable by the business entity location during the reporting period which is attributable to services performed by the business entity's location's employees in the City, and the denominator of which is the total compensation paid or otherwise payable by the business entity location during the reporting period for all of the services performed by the business entity's location's employees wherever located. Compensation attributable to employees in the City is based on the time that the employees performed services in the City.
 - (d) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity location in the City during the reporting period, and the denominator of which is the total sales revenue of the business entity location everywhere during the reporting period.
 - (1) The sale, lease, or rental of tangible personal property is in the City if:
 - a. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the City, regardless of the f.o.b. (free on board) point or other conditions of the sale;
 - b. The property is shipped from an office, store, warehouse, factory, or other place of storage in the City and the purchaser is the United States government;
 - c. Sales made from a place of business within the City, both to persons within the City and to persons outside the City, including sales made by contracts entered into in the City or sales, where deliveries of commodities are made within the City;
 - d. In the case of a business entity owning or operating a one or more businesses located both in and outside of the City for the sale of goods, wares or merchandise, the sales of goods, wares, or merchandise which are located in the City at the time of sale or delivery of such goods, wares, or merchandise.
 - (2) Sales revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the City based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the City and the denominator of which is the total time spent performing that income-producing activity.
 - (3) Sales revenues from the lease or rental of real property is allocated to the tax district where the property is located.
 - (e) For purposes of this section, the term "sales revenues" shall mean and include receipts from the sale, lease or rental of goods, services or property, and the term "compensation" shall

mean and include those amounts which are a part of compensation as that term is defined under article IV of this chapter.

- (f) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the City, the business entity may petition the Finance Director, or the Finance Director may require, in respect to all or any part of the business entity's business activity, if reasonable:
 - (1) Separate accounting;
 - (2) The exclusion of any one (1) or more of the factors;
 - (3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the City; or
 - (4) The employment of any other method to effectuate an equitable allocation and apportionment of gross receipts.
- (g) In the event a business entity makes a petition with the Finance Director under subsection (e) of this section, and the Finance Director agrees to accord to the business entity a reasonable alternate method of apportionment, the Finance Director shall have the authority to require the business entity to continue the utilization of the alternate method of apportionment in future returns and applications made by the business entity.

Sec. 106-68. Extension of time for filing return and application.

- (a) In the event a business entity is unable to file its final return and application(s) on or before the due date, the business entity may request the Finance Director for an extension to file its final return and application(s). Provided, however, that to obtain an extension, the business entity shall have complied with the following filing and payment requirements, all of which filings and payment shall be made with the Finance Director on or before the due date:
 - (1) The business entity shall have filed a written request for an extension, identifying all business entity locations for which the extension is requested;
 - (2) The business entity shall have filed its estimated return and application(s) on its estimated taxable gross receipts realized during the reporting period; and
 - (3) The business entity shall have paid the annual license tax on the estimated taxable gross receipts for all business entity locations.
- (b) The Finance Director shall have the authority to grant a business entity an extension of not more than six (6) months. In the event the Internal Revenue Service has granted the business entity an extension period which exceeds six (6) months, the Finance Director shall accord to the business entity the same extension period, provided that the business entity shall have complied with the requirements as set forth under subsection (a) of this section.
- (c) In the event an extension is granted by the Finance Director, the business entity shall pay any additional license tax which may be due at the time that the business entity files its amended return and application. As part of the additional license tax to be paid hereunder, the business entity shall also be required to pay an amount equal to twelve (12) percent per annum simple interest on the additional license tax from the time of the original due date for

filing the return and application to the time that the additional annual license tax is actually paid to the City. A fraction of a month is counted as an entire month.

Sec. 106-69. Business license certificate.

- (a) *Issuance and contents.* Upon a business entity's proper filing of its return and application(s) and the payment of the proper annual license tax as defined under this article, the Finance Director shall issue a business license certificate to the business entity for each of its ~~qualified businesses~~ business entity locations. The license certificate shall be valid from the date of issuance to the date when the business entity is next required to file its annual return and application(s) as defined under section 106-65. Each license certificate shall state the name of the business entity to whom the certificate is issued, the business for which the certificate is being issued, and the address or location of the place of business being licensed and the expiration date of the certificate. If a business entity has more than one (1) business entity locations, ~~place of business~~, the business entity shall be required to obtain a separate license certificate for each ~~place of business~~ business entity location.
- (b) *Refusal.* No license certificate shall be issued under this article for any unlawful activity or for any business that the Finance Director, with the approval of the City Manager, shall consider to be detrimental to the public welfare or contrary to the public welfare or contrary to the public interest, but any such decision to refuse to issue a license may be appealed to the Board of Commissioners in accordance with the provisions of this section.
- (c) *Display.* Each business entity location shall display the license certificate issued under this article in a conspicuous place, ~~in each licensed place of business~~.
- (d) *Revocation or suspension of license certificate.*
 - (1) The license tax imposed under this article is for the privilege of doing business in the City and to help defray the costs incurred by the City in providing municipal services to its citizens, including each business entity. By reason of same, each business entity doing business in the City is presumed to have agreed to fully comply with and satisfy all of the obligations and duties as prescribed under this article, and all other city ordinances which regulate or restrict the use and enjoyment of the business entity's premises which are licensed under this article. Each business entity is further presumed to have agreed that in the event the business entity or its business entity location fails to comply with and satisfy any of the obligations prescribed under this article, or with any other city ordinance which regulates or restricts the use and enjoyment of such premises, the City shall have the right to revoke or suspend the business entity's license certificate for those premises.
 - (2) In the event the Finance Director has probable cause to believe that a business entity has failed to timely file any application for a business license or any annual return and application as required under this article, or has intentionally provided false information on any application or return and application, or has failed to operate the licensed premises in accordance with any applicable Federal or State law, or in accordance with any city ordinance, or has authorized or permitted a nuisance to exist on the licensed premises, the Finance Director shall file written charges against the business entity with the City Manager. The written charges shall identify the name and address of the business entity and the charged business entity location, the address of

the licensed premises, a narration of the facts upon which the charges are brought, and the legal grounds upon which the charges are made.

- (3) Upon the City Manager's receipt of the written charges, the City Manager shall review the written charges, and in the event the City Manager concurs with the Finance Director's finding of probable cause of the grounds stated in the written charges, the City Manager shall cause a written notice to be issued to the business entity informing the business entity of the written charges, and advising the business entity that it has a period of seven (7) days to cure and resolve the grounds which are stated in the written charges. The City Manager shall attach a copy of the written charges to the notice. In the event the business entity fails to cure and resolve the grounds as stated in the written charges within the seven (7) day period, the City Manager shall then file the written charges with the City Clerk, and thereafter, the matter shall be referred to the City Commission for hearing.
- (4) Upon the City Clerk's receipt of said written charges, the City Clerk shall schedule a hearing on the charges before the City Commission. The City Clerk shall cause a notice of the charges and the date of the hearing to be served upon the business entity, together with a copy of the written charges which were filed by the Finance Director, to be served on the business entity by certified mail or by service made by any city police officer. Any service made upon the president of the business entity, or the registered agent of the business entity, or the manager of the ~~licensed premises~~ business entity location shall be deemed proper and adequate service upon the business entity.
- (5) The City Commission shall conduct a hearing on the charges within thirty (30) days following the date that the written charges were filed with the City Clerk; provided, however, that the business entity has been served with the notice and the written charges at least ten (10) days before the hearing date. At the hearing, the Finance Director and the business entity shall have the right to legal counsel, the right to present witnesses and evidence, and the right to cross examine witnesses and rebut evidence. The hearing shall be transcribed in verifiable form.
- (6) At the conclusion of the hearing, the City Commission shall deliberate in closed session, and thereafter, shall enter its findings and decision on the written charges into the record. The City Commission shall render its decision based upon the preponderance of the evidence. In the event that the City Commission determines that the business entity has failed to comply with and satisfy its obligations as imposed under this article, or has authorized or permitted a nuisance or a violation of law to exist on the any of its licensed premises, the City Commission shall have the right to suspend or revoke the business entity's license certificate for the ~~licensed premises~~ business entity's location for a period not to exceed one (1) year. In the event the business entity's license certificate is revoked by reason of the business entity's failure to comply with or satisfy any of the business entity's obligations under this article, the City Commission shall have the right to reinstate the business entity's license certificate for the ~~licensed premises~~ business entity's location within a defined period of time following the business entity's full compliance with or satisfaction of the obligations which gave rise to the written charges. In the event the City Commission suspends or revokes a business entity's license certificate for a ~~licensed premises~~

business entity location, the business entity shall immediately cease and desist from operating any business at or on such ~~licensed premises~~ business entity location.

- (7) The business entity shall have the right to appeal the decision of the City Commission to the McCracken Circuit Court. Such appeal shall be made within thirty (30) days following the entry of the City Commission's decision. In the event of a timely appeal, the City Clerk shall deliver the written charges and a transcript of the hearing together with all exhibits which were presented at the hearing to the Clerk of the Court. The Court shall decide the matter on the record, unless the Court shall order otherwise.
- (8) Notwithstanding the provisions of this section, the City shall have all other rights and remedies as provided by law, including the right to enforce the provisions of this article through any legal or equitable proceedings with a court of competent jurisdiction, including injunctive relief, and the right to refer this matter to the County attorney for prosecution. The remedies provided under this section are in addition to all other remedies which the City may have under law.

[. . .]

Sec. 106-78. Penalty and interest for late payment.

- (a) In addition to the annual license tax imposed upon a business entity under this article, a business entity shall also pay a penalty equal to five percent of the annual license tax due for each calendar month or fraction thereof in the event that the business entity:
 - (1) Fails to file any return and application on or before the due date for filing the return and application, or if extended by agreement approved by the Finance Director, fails to file the return and application on or before the due date under the extension agreement; or
 - (2) Fails to pay the annual license tax reflected on the return and application on or before the due date prescribed for the payment of the license tax;

Provided, however, the total penalty imposed under this section shall not exceed twenty-five (25) percent of the total annual license tax due nor shall it be less than \$25.00.

- (b) In addition to the penalties prescribed in this section, such business entity shall also pay, as part of the license tax, an amount equal to twelve (12) percent per annum simple interest on any unpaid annual license tax which was due and payable to the City under this article from the time that the license tax was due until the license tax is finally paid to the City. A fraction of a month is counted as an entire month.
- (c) The annual license tax imposed on a business entity under this article, together with any penalties and interest which are imposed on a business entity under this section, shall be deemed the personal debt and liability of the business entity. The City shall have the right to enforce the collection of the annual license tax imposed under this article, and the penalties and interest imposed under this section, by civil action in a court of competent jurisdiction. To the extent authorized by law, the City shall be also entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this article.

- (d) Any person who willfully fails to make a return and application or who willfully makes a false return and application, or who willfully fails to pay the annual license tax imposed under this article, with the intent to evade payment of the annual license tax or any part thereof, shall be guilty of a Class A misdemeanor, and shall be subject to a fine of up to \$500.00 or imprisonment of not more than thirty (30) days, or both.
- (e) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this article of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material nature, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor, and shall be subject to a fine of up to \$500.00 or imprisonment of up to thirty (30) days, or both.
- (f) Any person who willfully operates a business in the City without first obtaining a license certificate as required under this article, or who willfully operates a business at a ~~licensed premises~~ business entity location following the revocation or suspension of the license certificate for ~~those premises~~ that location, shall be guilty of a Class A misdemeanor, and shall be subject to a fine of up to \$500.00 or imprisonment of up to thirty (30) days, or both.
- (g) Any person who violates the provisions under section 106-77 by intentionally inspecting confidential information of a business entity as defined under said section without proper authorization shall be guilty of a Class A Misdemeanor, and shall be subject to a fine of up to \$500.00 or imprisonment of up to thirty (30) days, or both.
- (h) Any person who violates the provisions under section 106-77 by intentionally divulging confidential information of a business entity as defined under said section without proper authorization shall be guilty of a Class A misdemeanor, and shall be subject to a fine of not more than \$500.00 or imprisonment up to thirty (30) days, or both.

[. . .]

Sec. 106-101. General license tax schedule; minimum annual license tax.

- (a) A business entity shall pay an annual license tax for each business entity location according to the classifications that apply to the business which the business entity conducts in the City at each business entity location, subject to the minimum annual license tax as defined in subsection (b) of this section. A description of each classification under this article is set forth in the following sections. The annual license tax which is to be paid under each classification shall be computed in accordance with the rate schedule which is referenced in the classification, unless otherwise specified in the classification. The rate schedules which are to be utilized in computing the annual license tax under this article are as follows:
 - (1) The amount of tax payable under Schedule A shall be determined by multiplying the business entity location's taxable gross receipts up to \$3,500,000.00 times 0.00045 and multiplying all gross receipts in excess of \$3,500,000.00 times 0.00005.

- (2) The amount of tax payable under Schedule B shall be determined by multiplying the business entity location's taxable gross receipts up to \$3,500,000.00 times 0.00075 and multiplying all gross receipts in excess of \$3,500,000.00 times 0.00005.
 - (3) The amount of tax payable under Schedule C shall be determined by multiplying the business entity location's taxable gross receipts up to \$3,500,000.00 times 0.0015 and multiplying all gross receipts in excess of \$3,500,000.00 times 0.00005.
 - (4) The amount of tax payable under Schedule D shall be determined by multiplying the business entity location's taxable gross receipts up to \$3,500,000.00 times 0.003 and multiplying all gross receipts in excess of \$3,500,000.00 times 0.00005.
 - (5) The amount of tax payable under Schedule E shall be determined by multiplying the business entity location's taxable gross receipts up to \$3,500,000.00 times 0.0045 and multiplying all gross receipts in excess of \$3,500,000.00 times 0.00005.
- (b) The minimum annual license tax for cash classification shall be \$35.00, except as otherwise provided in the classifications as hereinafter defined. Any minimum annual license tax that is paid by a business entity for any reporting period shall be allowed as a credit against the annual license tax which the business entity is required to pay for that reporting period as required under this article.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____, 2024

Adopted by the Board of Commissioners, _____, 2024

Recorded by the City Clerk, _____, 2024

Published by *The Paducah Sun*, _____, 2024