



**REGULAR MEETING OF THE MADISONVILLE, KENTUCKY CITY COUNCIL
CITY COUNCIL CHAMBERS, 77 NORTH MAIN ST, MADISONVILLE, KY 42431**

September 7, 2021 at 5:30 PM

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A. City Council - Special Called Meeting - Aug 16, 2021 5:30 PM
- 6. APPROVAL OF BILLS AND PAYROLL**
 - A. Bills & Payroll
- 7. DEPARTMENT REPORTS**
 - A. Police Department Report
- 8. COUNCIL COMMITTEE REPORTS**
- 9. NEW BUSINESS**
 - A. First Reading Ordinances**
 - A. AN ORDINANCE AMENDING CHAPTER 114 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO MINING IN AND UNDERLYING THE CITY
 - B. Public Speakers for Mining Ordinance 2 minute time limit**
 - C. Ordinance amending Ordinance 93-12 section 30.30 (compensation of City Council Members) of the Code of Ordinances of the City of Madisonville, Kentucky
 - D. Ordinance amending Ordinance 93-12 section 30.30 (compensation of Mayor) of the Code of Ordinances of the City of Madisonville, Kentucky
 - E. AN ORDINANCE AMENDING CHAPTER 30 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES FOR CITY OFFICE
 - F. AN ORDINANCE AMENDING CHAPTER 118 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES
 - G. AN ORDINANCE AMENDING CHAPTER 96 OF THE CODE OF ORDINANCES OF THE CITY OF MADISONVILLE (RELATING TO PROPERTY TAX)

Our Mission: To deliver the necessary government services to the citizens of Madisonville in the most effective and cost-efficient manner possible.

Our Core Values: Integrity, Professionalism, Excellence, Service, Commitment, and People

B. Resolutions

- A. Accept Bid for Exterior Building Sealing for Buildings located at 98 and 99 East Center Street, Madisonville, Kentucky
- B. Accept Bid for Surplus Mack Trucks
- C. Reject Bids for construction of restroom facilities parking lot and walking trail at Cherry Park and Permission to re-bid restroom facilities
- D. A RESOLUTION APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE; AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH LEASE.
- E. Resolution to declare building as surplus

C. Municipal Orders

- 1. RE-APPOINTMENT OF JENNY GIBSON TO THE HISTORIC DISTRICT COMMISSION
- 2. RE-APPOINTMENT OF DEAN SHEETS TO THE HISTORIC DISTRICT COMMISSION

10. ITEMS FOR DISCUSSION

- A. Permission to Bid Restroom Facilities at Cherry Park and Grapevine Lake

11. PROCLAMATIONS

- 1. Constitution Week

12. ADJOURNMENT

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**SPECIAL CALLED MEETING OF THE MADISONVILLE, KENTUCKY CITY COUNCIL
COMMUNITY ROOM/BESHEAR BUILDING, MADISONVILLE COMMUNITY COLLEGE,
2000 COLLEGE DRIVE, MADISONVILLE, KY 42431**

August 16, 2021 at 4:30 PM

MINUTES

1. **CALL TO ORDER BY MAYOR KEVIN COTTON**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION BY COUNCILMEMBER STEVENSON**
4. **ROLL CALL**

Attendee Name	Title	Status	Arrived
Kevin Cotton	Mayor	Present	
Misty Cavanaugh	Ward 1	Present	
Tony Space	Ward 2	Present	
Adam Townsend	Ward 3	Present	
Amy Cruz	Ward 4	Present	
Frank Stevenson	Ward 5	Present	
Chad Menser	Ward 6	Present	

5. **APPROVAL OF MINUTES**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Frank Stevenson, Ward 5
SECONDER: Tony Space, Ward 2
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

A. City Council - Regular Meeting - Aug 2, 2021 4:30 PM

6. **APPROVAL OF MINUTES**

1. City Council - Special Called Meeting - Aug 11, 2021 11:30 AM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Adam Townsend, Ward 3
SECONDER: Tony Space, Ward 2
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

7. **APPROVAL OF BILLS AND PAYROLL**

A. Bills & Payroll

Our Mission: To deliver the necessary government services to the citizens of Madisonville in the most effective and cost-efficient manner possible.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Frank Stevenson, Ward 5
SECONDER:	Adam Townsend, Ward 3
AYES:	Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

8. DEPARTMENT REPORTS

A. Fire Department Report

9. NEW BUSINESS

A. Resolutions

A. Accept the offer to sell the surplus property located at 900 & 912 South Main Street, Madisonville, Kentucky

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chad Menser, Ward 6
SECONDER:	Frank Stevenson, Ward 5
AYES:	Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

B. Resolution to declare Receipt Printers as Surplus

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tony Space, Ward 2
SECONDER:	Adam Townsend, Ward 3
AYES:	Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

C. SURPLUS OF FOUR MACK TRUCKS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Townsend, Ward 3
SECONDER:	Tony Space, Ward 2
AYES:	Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

D. Accept Bid for WasteWater Pump

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Frank Stevenson, Ward 5
SECONDER:	Tony Space, Ward 2
AYES:	Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

E. Accept Bid for Septage Receiving Station

Minutes Acceptance: Minutes of Aug 16, 2021 4:30 PM (Approval of Minutes)

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Our Core Values: Integrity, Professionalism, Excellence, Service, Commitment, and People

RESULT: ADOPTED [UNANIMOUS]
MOVER: Adam Townsend, Ward 3
SECONDER: Frank Stevenson, Ward 5
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

F. RESOLUTION FOR SUPPLEMENTAL RESIDENTIAL DEVELOPMENT INCENTIVES

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tony Space, Ward 2
SECONDER: Frank Stevenson, Ward 5
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

10. ITEM FOR DISCUSSION

A. Request for Sugg Street to be closed for various dates

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tony Space, Ward 2
SECONDER: Adam Townsend, Ward 3
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

11. ADJOURNMENT

RESULT: ADOPTED [UNANIMOUS]
MOVER: Adam Townsend, Ward 3
SECONDER: Tony Space, Ward 2
AYES: Cavanaugh, Space, Townsend, Cruz, Stevenson, Menser

Minutes Acceptance: Minutes of Aug 16, 2021 4:30 PM (Approval of Minutes)

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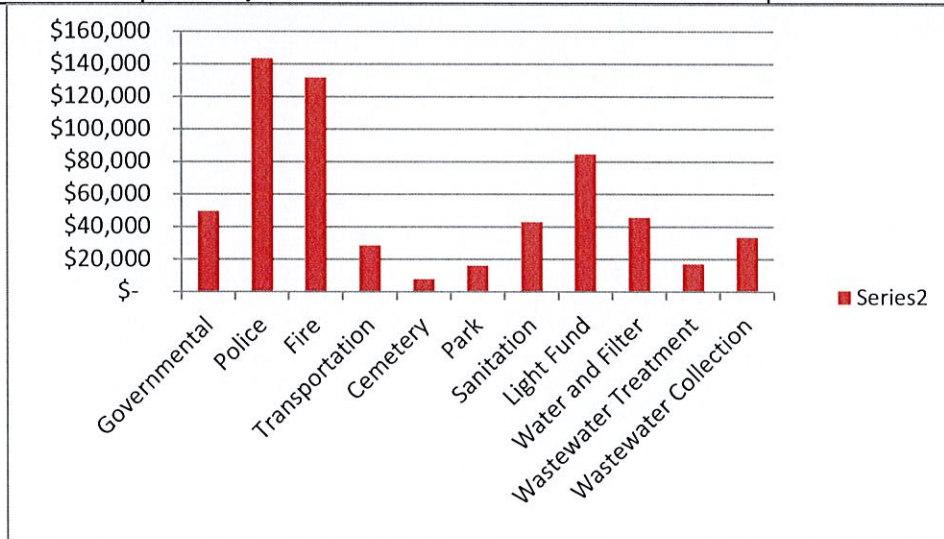
Our Core Values: Integrity, Professionalism, Excellence, Service, Commitment, and People

Bills and Payroll for Council Meeting 8/16/2021

Co#	Bank#	Fund Name	
100	1	General Fund	\$ 168,633.48
			\$ 8,399.60
		Total General Fund	\$ 177,033.08
190	9	Sanitation	\$ 13,065.54
			\$ 23,461.40
		Total Sanitation	\$ 36,526.94
200	9	Electric/Utility Office	\$ 181,298.27
		Total Electric/Utility Office	\$ 181,298.27
210	8	Water and Filter	\$ 49,921.85
		Total Water Filter	\$ 49,921.85
	9	Waste Water Collection and Treatment	\$ 175,281.48
		Total Wastewater Collection and Treatment	\$ 175,281.48

Estimated Payroll

Co#	Dept #	Department Name	Amount
100	Various	Governmental	\$ 49,472
100	2100	Police	\$ 143,311
100	2300	Fire	\$ 131,641
100	3300	Transportation	\$ 28,286
100	5000	Cemetery	\$ 7,672
100	7000	Park	\$ 15,877
190	3100	Sanitation	\$ 42,766
200	1000/4500	Light Fund	\$ 84,510
200	4700/4600	Water and Filter	\$ 45,345
200	2000	Wastewater Treatment	\$ 16,923
200	2001	Wastewater Collection	\$ 33,166
		Total Payroll	\$ 598,968



Number of Employees paid September 30, 2021

Communication: Bills & Payroll (Approval of Bills and Payroll)

CMP	DEPT	NAME	REGULAR	OVERTIME	SPC-OVT	TOTAL
100	1100	ELECTED OFFICIALS	4,592.78	.00	.00	4,592.78
100	1200	ADMINISTRATION	22,692.23	14.44	.00	22,706.67
100	1400	FINANCE	12,377.27	.00	.00	12,377.27
100	1500	CITY CLERK	4,672.44	.00	.00	4,672.44
100	1700	ZONING	3,945.44	.00	.00	3,945.44
100	1900	CITY ENGINEER	.00	.00	.00	.00
100	2200	ALCOHOLIC BEVERAGE	1,176.92	.00	.00	1,176.92
		Total Government	49,457.08	14.44	.00	49,471.52
100	2100	POLICE DEPT-MADISO	120,206.35	16,578.22	.00	136,784.57
100	2150	POLICE FICA	6,476.39	50.08	.00	6,526.47
		Total Police	126,682.74	16,628.30	.00	143,311.04
100	2300	FIRE DEPT-MADISONV	85,232.62	43,510.91	1,963.44	130,706.97
100	2350	FIRE FICA/NON HAZA	933.90	.00	.00	933.90
		Total Fire	86,166.52	43,510.91	1,963.44	131,640.87
100	3300	TRANSPORTATION DEP	28,252.22	34.01	.00	28,286.23
		Total Transportati	28,252.22	34.01	.00	28,286.23
100	5000	CEMETERY DEPARTMEN	7,163.67	508.18	.00	7,671.85
		Total Cemetery	7,163.67	508.18	.00	7,671.85
100	7000	PARK DEPARTMENT	15,519.11	357.67	.00	15,876.78
100	7100	POOL EMPLOYEES	.00	.00	.00	.00
		Total Park	15,519.11	357.67	.00	15,876.78
190	3100	SANITATION DEPARTM	41,908.36	857.27	.00	42,765.63
		Total Sanitation	41,908.36	857.27	.00	42,765.63
200	1000	UTILITY OFFICE	24,648.12	418.18	.00	25,066.30
200	1001	METER READING	.00	.00	.00	.00
200	4500	LIGHT DISTRIBUTION	58,257.36	1,186.47	.00	59,443.83
		Total Utility Offi	82,905.48	1,604.65	.00	84,510.13
210	2000	WASTEWATER TREATME	16,720.60	202.67	.00	16,923.27
210	2001	WASTEWATER COLLECT	32,247.98	917.86	.00	33,165.84
		Total Wastewater T	48,968.58	1,120.53	.00	50,089.11
211	4600	FILTER DEPARTMENT	16,111.25	2,884.07	.00	18,995.32
211	4700	WATER DEPARTMENT	25,575.28	774.00	.00	26,349.28
		Total Water	41,686.53	3,658.07	.00	45,344.60
		Grand Totals	528,710.29	68,294.03	1,963.44	598,967.76

Communication: Bills & Payroll (Approval of Bills and Payroll)

CMP	DEPT	NAME	DATE	TOTAL	FULL	PART
100	1100	ELECTED OFFICIALS	9/03/21	7	1	6
100	1200	ADMINISTRATION	9/03/21	11	10	1
100	1400	FINANCE	9/03/21	5	5	
100	1500	CITY CLERK	9/03/21	2	2	
100	1600	AIRPORT	9/03/21	4	4	
100	1700	ZONING	9/03/21	2	2	
100	2100	POLICE DEPT-MADISONVILLE	9/03/21	53	47	6
100	2150	POLICE FICA	9/03/21	6	3	3
100	2151	DISPATCH	9/03/21	15	15	
100	2200	ALCOHOLIC BEVERAGE CONTROL	9/03/21	1		1
100	2300	FIRE DEPT-MADISONVILLE	9/03/21	64	64	
100	2350	FIRE FICA/NON HAZARDOUS	9/03/21	1	1	
100	3300	TRANSPORTATION DEPT	9/03/21	21	21	
100	5000	CEMETERY DEPARTMENT	9/03/21	6	6	
100	7000	PARK DEPARTMENT	9/03/21	11	11	
100	7200	MAHR PARK	9/03/21	7	6	1
190	3100	SANITATION DEPARTMENT	9/03/21	26	26	
200	1000	UTILITY OFFICE	9/03/21	15	15	
200	4500	LIGHT DISTRIBUTION DEPT	9/03/21	20	20	
210	2000	WASTEWATER TREATMENT	9/03/21	7	7	
210	2001	WASTEWATER COLLECTION	9/03/21	20	20	
211	4600	FILTER DEPARTMENT	9/03/21	12	12	
211	4700	WATER DEPARTMENT	9/03/21	17	17	
		Totals		333	315	18

Communication: Bills & Payroll (Approval of Bills and Payroll)

CMP	DEPT	NAME	REGULAR	OVERTIME	SPC-OVT	TOTAL
100	1100	ELECTED OFFICIALS	.00	.00	.00	.00
100	1200	ADMINISTRATION	231.75	.50	.00	232.25
100	1400	FINANCE	179.75	.00	.00	179.75
100	1500	CITY CLERK	40.58	.00	.00	40.58
100	1700	ZONING	70.00	.00	.00	70.00
100	1900	CITY ENGINEER	.00	.00	.00	.00
100	2200	ALCOHOLIC BEVERAGE	.00	.00	.00	.00
		Total Government	522.08	.50	.00	522.58
100	2100	POLICE DEPT-MADISO	4,119.11	382.50	.00	4,501.61
100	2150	POLICE FICA	325.50	1.50	.00	327.00
		Total Police	4,444.61	384.00	.00	4,828.61
100	2300	FIRE DEPT-MADISONV	4,958.75	1,971.75	74.75	7,005.25
100	2350	FIRE FICA/NON HAZA	68.75	.00	.00	68.75
		Total Fire	5,027.50	1,971.75	74.75	7,074.00
100	3300	TRANSPORTATION DEP	1,732.00	1.25	.00	1,733.25
		Total Transportati	1,732.00	1.25	.00	1,733.25
100	5000	CEMETERY DEPARTMEN	399.00	26.50	.00	425.50
		Total Cemetery	399.00	26.50	.00	425.50
100	7000	PARK DEPARTMENT	574.25	19.00	.00	593.25
100	7100	POOL EMPLOYEES	.00	.00	.00	.00
		Total Park	574.25	19.00	.00	593.25
190	3100	SANITATION DEPARTM	1,971.00	30.25	.00	2,001.25
		Total Sanitation	1,971.00	30.25	.00	2,001.25
200	1000	UTILITY OFFICE	1,102.25	16.75	.00	1,119.00
200	1001	METER READING	.00	.00	.00	.00
200	4500	LIGHT DISTRIBUTION	1,574.00	22.50	.00	1,596.50
		Total Utility Offi	2,676.25	39.25	.00	2,715.50
210	2000	WASTEWATER TREATME	534.50	6.00	.00	540.50
210	2001	WASTEWATER COLLECT	1,497.25	33.00	.00	1,530.25
		Total Wastewater T	2,031.75	39.00	.00	2,070.75
211	4600	FILTER DEPARTMENT	801.75	96.75	.00	898.50
211	4700	WATER DEPARTMENT	1,212.50	24.75	.00	1,237.25
		Total Water	2,014.25	121.50	.00	2,135.75
		Grand Totals	21,392.69	2,633.00	74.75	24,100.44

Communication: Bills & Payroll (Approval of Bills and Payroll)

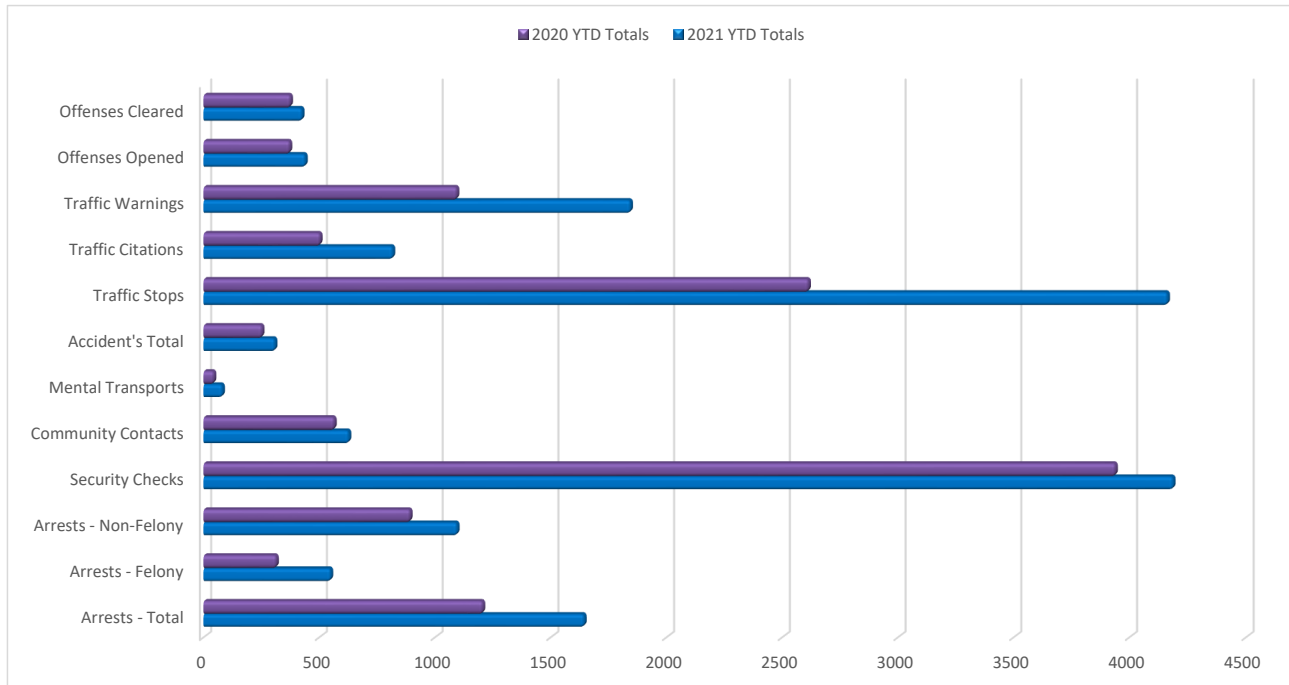


Madisonville Police Department Council Report September 7th, 2021



7.A

Type	Jul-21	Jul-20	2021 YTD Totals	2020 YTD Totals	Man Hours	May-21	Jun-21	Jul-21	Totals
Calls - Total Responses	4479	5118	29999	31022	Regular Hours	8617	8121.8	8014.74	24753.56
Arrests - Total	238	259	1644	1206	Over Time Hours	808	925	1300	3033
Arrests - Felony	63	73	549	314	Vacation Hours	259	858	527	1644
Arrests - Non-Felony	175	186	1095	892	Sick Hours	103	136.5	177.25	416.75
Security Checks	268	520	4187	3939	Training Hours	365	554	Unavailable	919
Community Contacts	104	137	627	564	Community Programs	0	0	Unavailable	0
Mental Transports	3	12	81	44	Volunteer Hours	0	0	409	409
Accident's Total	66	62	308	252	Crime Stopper Tips	15	18	Unavailable	33
Traffic Stops	728	509	4163	2613	Crime Stopper Arrests	14	12	Unavailable	26
Traffic Citations	117	79	817	503	Special Events: 4th Fest, Hopkins County Fair Volunteer events: 4th Fest, Hopkins County Fair, Breaking Bread				
Traffic Warnings	307	296	1844	1094					
Offenses Opened	61	57	439	372					
Offenses Cleared	69	65	425	375					
Stolen/Lost Property Value	\$ 32,436.26	\$ 30,839.14	\$262,742.36	\$413,556.89					
Recovered Property Value	\$ 14,256.26	\$ 3,625.99	\$64,518.47	\$186,767.16					
Average Response Time	5 Mins	4.03 Mins	3.88 Mins	5.18 Mins					



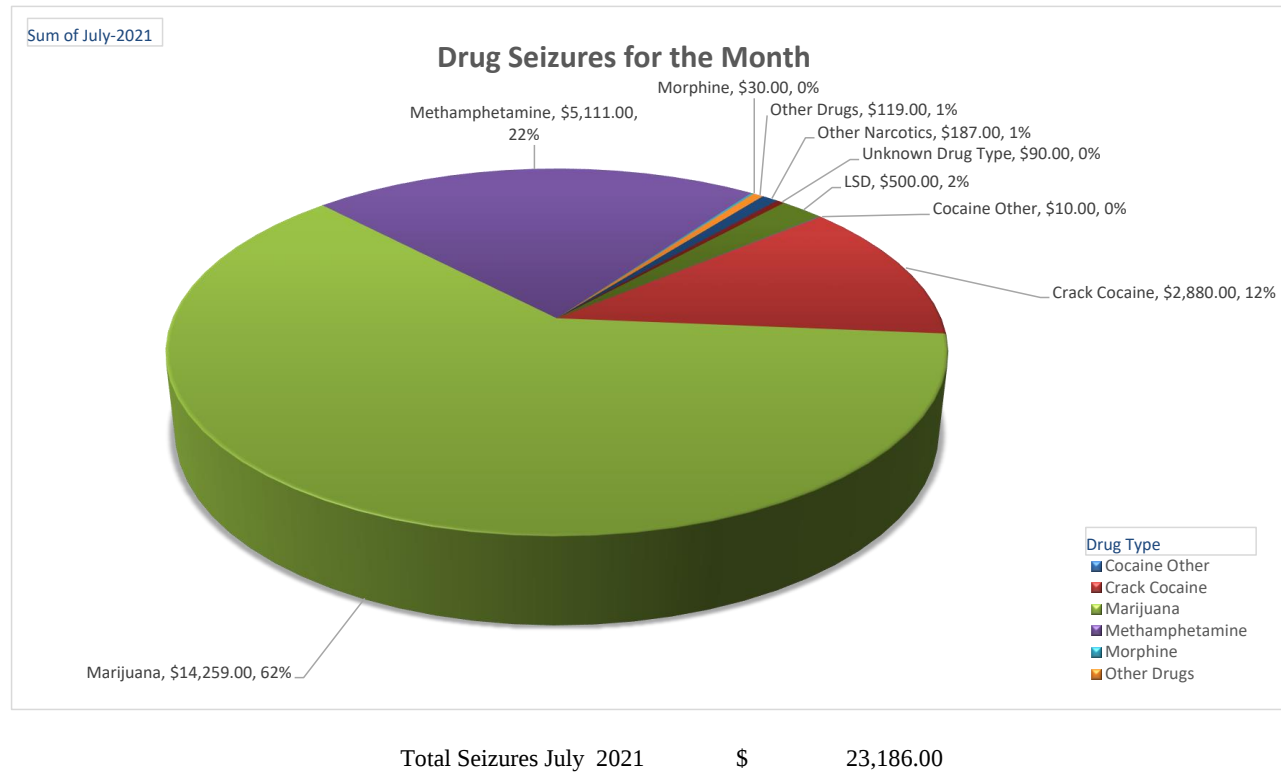
Communication: Police Department Report (Department Reports)



Madisonville Police Department Council Report September 7th, 2021



7.A



Communication: Police Department Report (Department Reports)

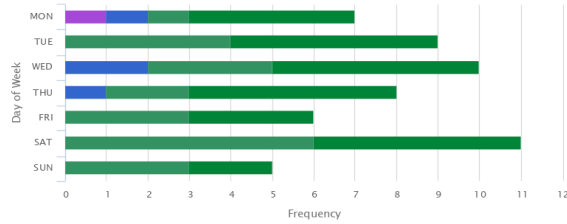


Madisonville Police Department Council Report September 7th, 2021

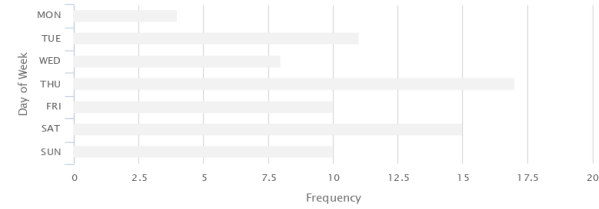


7.A

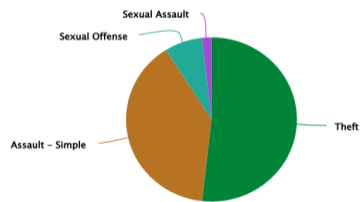
Part 1 Crimes by Day of Week



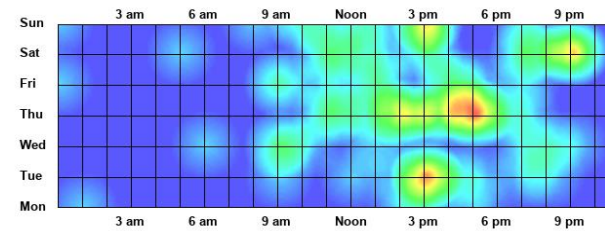
Traffic Accidents by Day of Week



Part 1 Crimes



Traffic Accident Highest Times



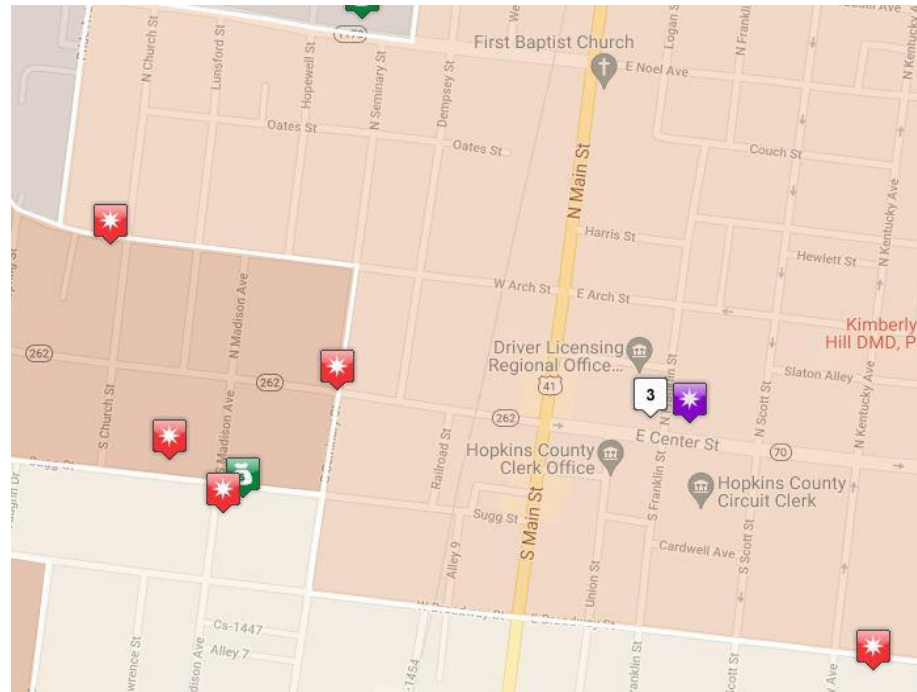


Madisonville Police Department Council Report September 7th, 2021



7.A

Part 1 Crimes Highest Density



Communication: Police Department Report (Department Reports)

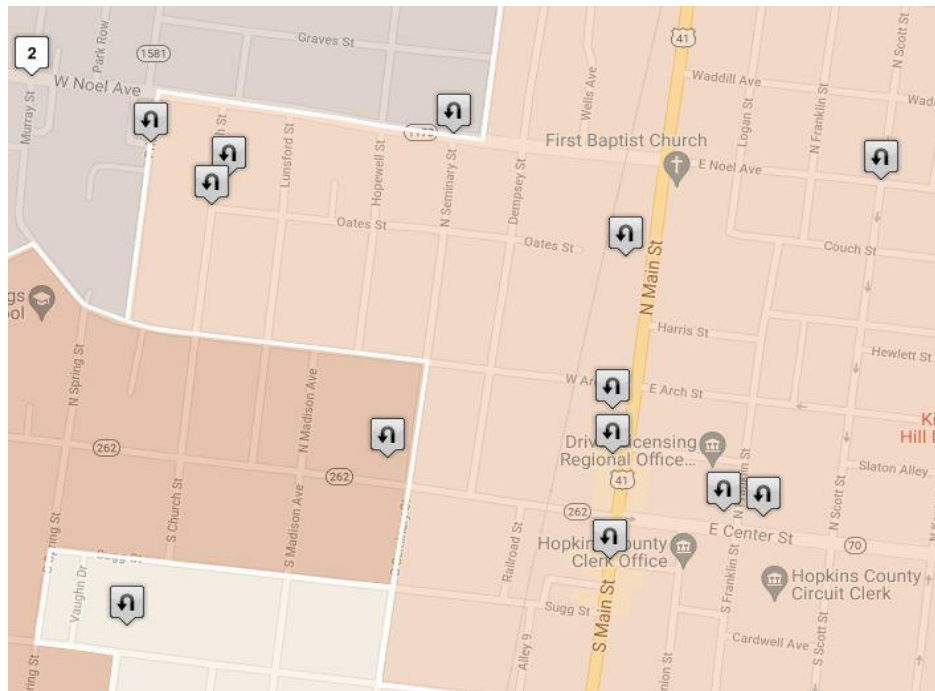


Madisonville Police Department Council Report September 7th, 2021



7.A

Traffic Accidents Highest Density



Communication: Police Department Report (Department Reports)

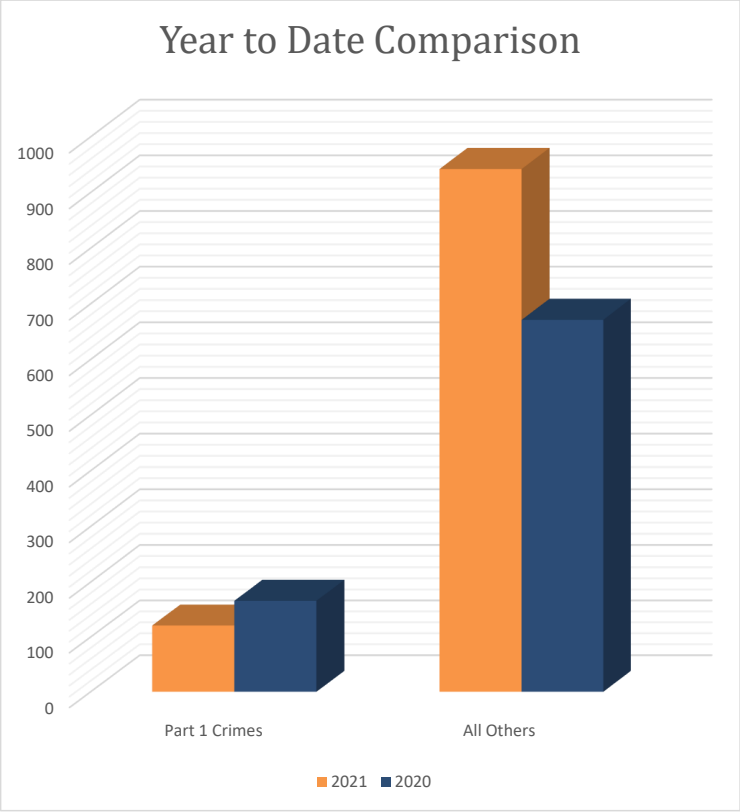
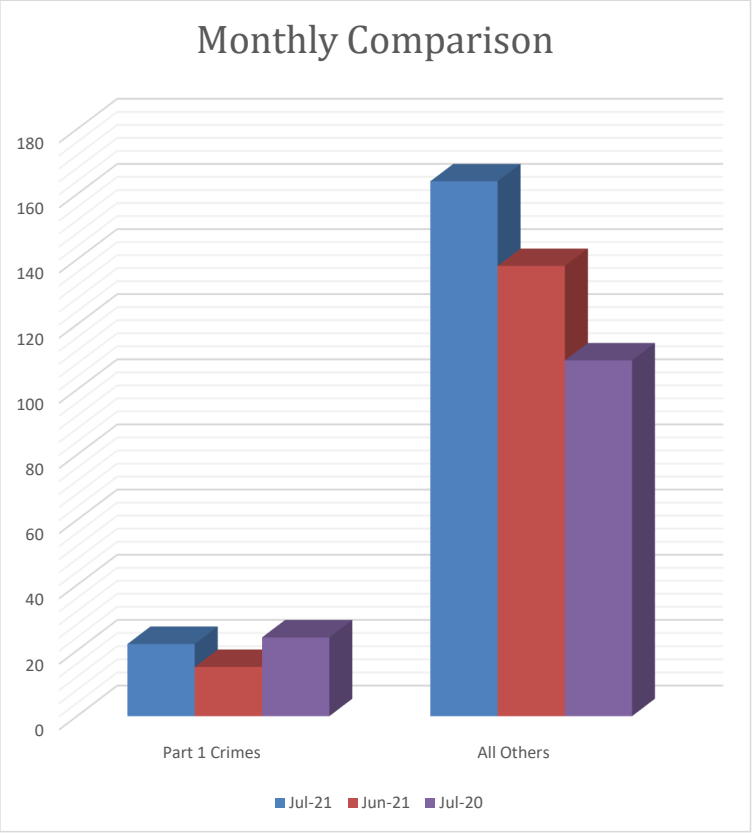


Madisonville Police Department Council Report September 7th, 2021



Crime Statistics Comparison

	Jul-21	Jun-21	Difference	Jul-20	Difference	Calendar Year to Date		
						2021	2020	Difference
Part 1 Crimes	22	15	47%	24	-8%	121	166	-27%
All Others	164	138	19%	109	50%	942	671	40%
Total	186	153	22%	133	40%	1063	837	27%



**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-8**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE CITY OF MADISONVILLE CODE OF
ORDINANCES RELATING TO MINING IN AND UNDERLYING THE CITY**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

VERSION 1

**CITY OF MADISONVILLE
ORDINANCE NO. 2021-_____**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE
CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO
MINING IN AND UNDERLYING THE CITY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY AS
FOLLOWS:

Chapter 114 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 114.02 FINDINGS OF FACT.

(C) The Council further finds that in order to minimize the risk to [prevent] future generations of its citizens from exposure to known and existing hazards caused by underground mining that it is in the interest of the general welfare that further mining in and underlying the city be restricted as herein provided [prohibited].

§ 114.03 REGULATIONS.

(A) It shall be unlawful to mine coal by the surface, auger, or strip method of mining within the city limits of the city.

(B) It shall be unlawful to mine coal by the long wall method of mining within the city limits of the city without the prior written consent of the owner of the surface estate.

~~(C)[(B)] [It shall be unlawful to mine]~~ There shall be no mining of coal by the underground or deep shaft method of mining within the city limits of [the city] Madisonville except within the area identified on Exhibit A attached hereto and incorporated herein by reference. Mining in all other areas of the city of Madisonville is expressly prohibited. Mining within the authorized area identified on Exhibit A shall be subject to the following restrictions:

(1) No mining shall occur within 250 linear feet of any residence or occupied dwelling located on the surface estate without the prior written consent of the record title owner of the surface estate. If there are multiple owners of the property consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(2) If the owner of the mineral estate does not own the surface estate overlying the mineral estate, there shall be no mining of coal without the prior written consent of the record title owner of the

surface estate. If there are multiple owners of the surface estate, consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(3) No coal shall be mined within the permitted area unless the coal is at a depth of at least 650 below the surface.

(4) No mining related facilities, except facilities relating to miner health and safety, shall be located on the surface without the written consent of the surface owner. No mine entrance shall be located within the city limits of Madisonville;

(5) It shall unlawful to mine coal by the underground or deep method of mining even within the permitted area identified on Exhibit A unless the person or entity proposing to conduct mining operations provides unto the city of Madisonville prior to the commencement of such mining operations: (a) true, accurate and legible maps showing the area proposed to be mined identifying thereon all existing residences and occupied dwellings located on the surface of the area proposed to be mined; (b) written consent from all record title owners of the surface estate for mining operations to be conducted underlying the surface estate where the surface and mineral estates are not owned by the same person or entity;

(6) Once mining operations have commenced within the permitted area identified on Exhibit A, the person or entity conducting such mining operations shall provide unto the City true and accurate mining maps with supporting mathematical calculations showing the amount of coal mined and removed from the property which shall not exceed 50% of the original coal in place, leaving at least 50% of the coal in place to support the surface estate. The foregoing information shall be furnished no less frequency than every 90 days and shall be subject to public inspection. Sufficient coal shall be left in place to protect all existing structures located on the surface estate from mine-related subsidence;

(7) All mining operations shall be conducted in compliance with all applicable state, federal and local laws, rules and regulations applicable to said mining operations;

(8) If a surface owner consents to mining operations beneath the surface estate, at the request of the owner of the surface estate the person or entity conducting the mining operations will provide at its own expense to the owner of the surface estate a pre-mining survey of any occupied dwelling located on the surface estate to establish a baseline showing the condition and state of repair of the property prior to the commencement of mining operations;

(9) The person or entity conducting mining operations shall be responsible for any and all damages resulting from such mining operations; and

(10) Any person or entity found to have intentionally violated this Ordinance shall be permanently barred from conducting future mining operations within the city of Madisonville, and shall reimburse the City for all legal fees and costs incurred by the City in proving such violation.

§ 114.99 PENALTY.

Any person who violates § 114.03 shall be guilty of a misdemeanor and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each violation hereof. Each day's operation in violation of this ordinance shall constitute a separate violation. In addition to the foregoing penalty, the city of Madisonville shall have the right to seek an injunction to prohibit mining operations which are in in violation of this ordinance. In the event a court of competent jurisdiction determines that a mining operation is in violation of this ordinance, the mining operator shall be responsible for the payment of all court costs and reasonable attorney fees incurred by the city of Madisonville in enforcing this ordinance.

VERSION 2

**CITY OF MADISONVILLE
ORDINANCE NO. 2021-_____**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE
CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO
MINING IN AND UNDERLYING THE CITY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY AS FOLLOWS:

Chapter 114 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 114.02 FINDINGS OF FACT.

(C) The Council further finds that in order to minimize the risk to ~~[prevent]~~ future generations of its citizens from exposure to known and existing hazards caused by underground mining that it is in the interest of the general welfare that further mining in and underlying the city be restricted as herein provided ~~[prohibited]~~.

§ 114.03 REGULATIONS.

(A) It shall be unlawful to mine coal by the surface, auger, or strip method of mining within the city limits of the city.

(B) It shall be unlawful to mine coal by the long wall method of mining within the city limits of the city without the prior written consent of the owner of the surface estate.

~~(C)[(B)] [It shall be unlawful to mine]~~ There shall be no mining of coal by the underground or deep shaft method of mining within the city limits of [the city] Madisonville except within the area identified on Exhibit A attached hereto and incorporated herein by reference. Mining in all other areas of the city of Madisonville is expressly prohibited. Mining within the authorized area identified on Exhibit A shall be subject to the following restrictions:

(1) No mining shall occur within 250 linear feet of any residence or occupied dwelling located on the surface estate without the prior written consent of the record title owner of the surface estate. If there are multiple owners of the property consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(2) If the owner of the mineral estate does not own the surface estate overlying the mineral estate, there shall be no mining of coal without the prior written consent of the record title owner of the surface estate. If there are multiple owners of the surface estate, consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(3) No coal shall be mined within the permitted area unless the coal is at a depth of at least 450 below the surface.

(4) No mining related facilities, except facilities relating to miner health and safety, shall be located on the surface without the written consent of the surface owner. No mine entrance shall be located within the city limits of Madisonville;

(5) It shall unlawful to mine coal by the underground or deep method of mining even within the permitted area identified on Exhibit A unless the person or entity proposing to conduct mining operations provides unto the city of Madisonville prior to the commencement of such mining operations: (a) true, accurate and legible maps showing the area proposed to be mined identifying thereon all existing residences and occupied dwellings located on the surface of the area proposed to be mined; (b) written consent from all record title owners of the surface estate for mining operations to be conducted underlying the surface estate where the surface and mineral estates are not owned by the same person or entity;

(6) Once mining operations have commenced within the permitted area identified on Exhibit A, the person or entity conducting such mining operations shall provide unto the City true and accurate mining maps with supporting mathematical calculations showing the amount of coal mined and removed from the property which shall not exceed 50% of the original coal in place, leaving at least 50% of the coal in place to support the surface estate. The foregoing information shall be furnished no less frequency than every 90 days and shall be subject to public inspection. Sufficient coal shall be left in place to protect all existing structures located on the surface estate from mine-related subsidence;

(7) All mining operations shall be conducted in compliance with all applicable state, federal and local laws, rules and regulations applicable to said mining operations;

(8) If a surface owner consents to mining operations beneath the surface estate, at the request of the owner of the surface estate the person or entity conducting the mining operations will provide at its own expense to the owner of the surface estate a pre-mining survey of any occupied dwelling located on the surface estate to establish a baseline showing the condition and state of repair of the property prior to the commencement of mining operations;

(9) The person or entity conducting mining operations shall be responsible for any and all damages resulting from such mining operations; and

(10) Any person or entity found to have intentionally violated this Ordinance shall be permanently barred from conducting future mining operations within the city of Madisonville, and shall reimburse the City for all legal fees and costs incurred by the City in proving such violation.

§ 114.99 PENALTY.

Any person who violates § 114.03 shall be guilty of a misdemeanor and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each violation hereof. Each day's operation in violation of this ordinance shall constitute a separate violation. In addition to the foregoing penalty, the city of Madisonville shall have the right to seek an injunction to prohibit mining operations which are in in violation of this ordinance. In the event a court of competent jurisdiction determines that a mining operation is in violation of this ordinance, the mining operator shall be responsible for the payment of all court costs and reasonable attorney fees incurred by the city of Madisonville in enforcing this ordinance.

VERSION 3

CITY OF MADISONVILLE ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING CHAPTER 114 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO MINING IN AND UNDERLYING THE CITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY AS FOLLOWS:

Chapter 114 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 114.02 FINDINGS OF FACT.

(C) The Council further finds that in order to minimize the risk to ~~[prevent]~~ future generations of its citizens from exposure to known and existing hazards caused by underground mining that it is in the interest of the general welfare that further mining in and underlying the city be restricted as herein provided ~~[prohibited]~~.

§ 114.03 REGULATIONS.

(A) It shall be unlawful to mine coal by the surface, auger, or strip method of mining within the city limits of the city.

(B) It shall be unlawful to mine coal by the long wall method of mining within the city limits of the city without the prior written consent of the owner of the surface estate.

~~(C)[(B)] [It shall be unlawful to mine]~~ There shall be no mining of coal by the underground or deep shaft method of mining within the city limits of [the city] Madisonville except within the area identified on Exhibit A attached hereto and incorporated herein by reference. Mining in all other areas of the city of Madisonville is expressly prohibited. Mining within the authorized area identified on Exhibit A shall be subject to the following restrictions:

(1) No mining shall occur within 250 linear feet of any residence or occupied dwelling located on the surface estate without the prior written consent of the record title owner of the surface estate. If there are multiple owners of the property consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(2) If there are occupied dwellings on the surface estate, no coal shall be mined underlying the surface estate of such property without the prior written consent of the owner or owners of the occupied dwellings. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(3) No coal shall be mined within the permitted area unless the coal is at a depth of at least 450 below the surface.

(4) No mining related facilities, except facilities relating to miner health and safety, shall be located on the surface without the written consent of the surface owner. No mine entrance shall be located within the city limits of Madisonville;

(5) It shall unlawful to mine coal by the underground or deep method of mining even within the permitted area identified on Exhibit A unless the person or entity proposing to conduct mining operations provides unto the city of Madisonville prior to the commencement of such mining operations: (a) true, accurate and legible maps showing the area proposed to be mined identifying thereon all existing residences and occupied dwellings located on the surface of the area proposed to be mined; (b) written consent from all record title owners of the surface estate for mining operations to be conducted underlying the surface estate where the surface and mineral estates are not owned by the same person or entity;

(6) Once mining operations have commenced within the permitted area identified on Exhibit A, the person or entity conducting such mining operations shall provide unto the City true and accurate mining maps with supporting mathematical calculations showing the amount of coal mined and removed from the property which shall not exceed 50% of the original coal in place, leaving at least 50% of the coal in place to support the surface estate. The foregoing information shall be furnished no less frequency than every 90 days and shall be subject to public inspection. Sufficient coal shall be left in place to protect all existing structures located on the surface estate from mine-related subsidence;

(7) All mining operations shall be conducted in compliance with all applicable state, federal and local laws, rules and regulations applicable to said mining operations;

(8) If a surface owner consents to mining operations beneath the surface estate, at the request of the owner of the surface estate the person or entity conducting the mining operations will provide at its own expense to the owner of the surface estate a pre-mining survey of any occupied dwelling located on

the surface estate to establish a baseline showing the condition and state of repair of the property prior to the commencement of mining operations;

(9) The person or entity conducting mining operations shall be responsible for any and all damages resulting from such mining operations; and

(10) Any person or entity found to have intentionally violated this Ordinance shall be permanently barred from conducting future mining operations within the city of Madisonville, and shall reimburse the City for all legal fees and costs incurred by the City in proving such violation.

§ 114.99 PENALTY.

Any person who violates § 114.03 shall be guilty of a misdemeanor and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each violation hereof. Each day's operation in violation of this ordinance shall constitute a separate violation. In addition to the foregoing penalty, the city of Madisonville shall have the right to seek an injunction to prohibit mining operations which are in in violation of this ordinance. In the event a court of competent jurisdiction determines that a mining operation is in violation of this ordinance, the mining operator shall be responsible for the payment of all court costs and reasonable attorney fees incurred by the city of Madisonville in enforcing this ordinance.

VERSION 4

CITY OF MADISONVILLE ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING CHAPTER 114 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO MINING IN AND UNDERLYING THE CITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY AS FOLLOWS:

Chapter 114 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 114.02 FINDINGS OF FACT.

(C) The Council further finds that in order to minimize the risk to ~~[prevent]~~ future generations of its citizens from exposure to known and existing hazards caused by underground mining that it is in the interest of the general welfare that further mining in and underlying the city be restricted as herein provided ~~[prohibited]~~.

§ 114.03 REGULATIONS.

(A) It shall be unlawful to mine coal by the surface, auger, or strip method of mining within the city limits of the city.

(B) It shall be unlawful to mine coal by the long wall method of mining within the city limits of the city without the prior written consent of the owner of the surface estate.

~~(C)(B)~~ ~~[It shall be unlawful to mine]~~ There shall be no mining of coal by the underground or deep shaft method of mining within the city limits of [the city] Madisonville except within the area identified on Exhibit A attached hereto and incorporated herein by reference. Mining in all other areas of the city of Madisonville is expressly prohibited. Mining within the authorized area identified on Exhibit A shall be subject to the following restrictions:

(1) No mining shall occur within 250 linear feet of any residence or occupied dwelling located on the surface estate without the prior written consent of the record title owner of the surface estate. If there are multiple owners of the property consent must be obtained from all owners of legal age. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(2) If there are occupied dwellings on the surface estate, no coal shall be mined underlying the surface estate of such property without the prior written consent of the owner or owners of the occupied dwellings. Said written consent shall be filed of record in the Hopkins County Court Clerk's Office;

(3) No coal shall be mined within the permitted area unless the coal is at a depth of at least 650 below the surface.

(4) No mining related facilities, except facilities relating to miner health and safety, shall be located on the surface without the written consent of the surface owner. No mine entrance shall be located within the city limits of Madisonville;

(5) It shall unlawful to mine coal by the underground or deep method of mining even within the permitted area identified on Exhibit A unless the person or entity proposing to conduct mining operations provides unto the city of Madisonville prior to the commencement of such mining operations: (a) true, accurate and legible maps showing the area proposed to be mined identifying thereon all existing residences and occupied dwellings located on the surface of the area proposed to be mined; (b) written consent from all record title owners of the surface estate for mining operations to be conducted underlying the surface estate where the surface and mineral estates are not owned by the same person or entity;

(6) Once mining operations have commenced within the permitted area identified on Exhibit A, the person or entity conducting such mining operations shall provide unto the City true and accurate mining maps with supporting mathematical calculations showing the amount of coal mined and removed from the property which shall not exceed 50% of the original coal in place, leaving at least 50% of the coal in place to support the surface estate. The foregoing information shall be furnished no less frequency than every 90 days and shall be subject to public inspection. Sufficient coal shall be left in place to protect all existing structures located on the surface estate from mine-related subsidence;

(7) All mining operations shall be conducted in compliance with all applicable state, federal and local laws, rules and regulations applicable to said mining operations;

(8) If a surface owner consents to mining operations beneath the surface estate, at the request of the owner of the surface estate the person or entity conducting the mining operations will provide at its own expense to the owner of the surface estate a pre-mining survey of any occupied dwelling located on the surface estate to establish a baseline showing the condition and state of repair of the property prior to the commencement of mining operations;

(9) The person or entity conducting mining operations shall be responsible for any and all damages resulting from such mining operations; and

(10) Any person or entity found to have intentionally violated this Ordinance shall be permanently barred from conducting future mining operations within the city of Madisonville, and shall reimburse the City for all legal fees and costs incurred by the City in proving such violation.

§ 114.99 PENALTY.

Any person who violates § 114.03 shall be guilty of a misdemeanor and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each violation hereof. Each day's operation in violation of this ordinance shall constitute a separate violation. In addition to the foregoing penalty, the city of Madisonville shall have the right to seek an injunction to

prohibit mining operations which are in in violation of this ordinance. In the event a court of competent jurisdiction determines that a mining operation is in violation of this ordinance, the mining operator shall be responsible for the payment of all court costs and reasonable attorney fees incurred by the city of Madisonville in enforcing this ordinance.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September, 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September, 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-9**

**ORDINANCE AMENDING ORDINANCE 93-12 SECTION 30.30 (COMPENSATION OF CITY
COUNCIL MEMBERS) OF THE CODE OF ORDINANCES OF THE CITY OF
MADISONVILLE, KENTUCKY**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

Chapter 30.30 of the City of Madisonville Code of Ordinances is hereby amended as follows:

Section 30.30: Elected Officers

(A) Council shall by ordinance fix the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

(B) Effective January 1, 2023, the annual compensation of a City Councilmember is and shall be fixed at Fifteen Thousand (\$15,000.00) Dollars

(C) The amounts stated above shall be subject to adjustment as provided in KRS 83A.070 et seq. and as provided in Chapter 30.34 of the Code of Ordinances.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September, 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September, 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-10**

**ORDINANCE AMENDING ORDINANCE 93-12 SECTION 30.30 (COMPENSATION OF
MAYOR) OF THE CODE OF ORDINANCES OF THE CITY OF MADISONVILLE,
KENTUCKY**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

Whereas, the City of Madisonville has continued to grow and develop and as such the operations of the City have grown larger and more complex;

Whereas, The City Council of the City of Madisonville desires that the Mayor's position be fairly and adequately compensated based on the expected job performance and duties of the Mayor, which is expected to be a full-time job;

Chapter 30.30 of the City of Madisonville Code of Ordinances is hereby amended as follows:

Section 30.30: Elected Officers

(A) Council shall by ordinance fix the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

(B) The annual compensation of the Mayor is and shall be fixed at Seventy-Five Thousand (\$75,000.00) Dollars ~~Thirty Nine Thousand Five Hundred (\$39,500.00)~~ effective January 1, 2023 ~~1994~~.

(C) The amounts stated above shall be subject to adjustment as provided in KRS 83A.070 et seq. and as provided in Chapter 30.34 of the Code of Ordinances.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-11**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CITY OF MADISONVILLE CODE OF
ORDINANCES RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES FOR
CITY OFFICE**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

Chapter 30 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 30.09 NOMINATION AND ELECTION OF CANDIDATES FOR CITY OFFICE.

(A) Effective upon the adoption and publication of this Ordinance, the nomination and election to the offices of mayor and the city council shall be nonpartisan, and shall be governed by KRS 83A.045(2)(a)and(c), KRS 83A.050, KRS 83A.170, KRS 83A.175, and KRS Chapters 116 to 121.

(B) A candidate for city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January before the day fixed by KRS Chapter 118 for holding a primary for nominations for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.

§ 30.14 COUNCIL MEMBERS.

(A) Election; term of office.

(1) ~~At an election to be held on the first Tuesday after the first Monday in November in every odd-numbered year,~~ At a regular election held every other year at a time that is in accordance with KRS Chapters 116 to 121, there shall be elected six Council Members from the six wards of the city, as follows: From the first ward, one Council Member; from the second ward, one Council Member; from the third ward, one Council Member; from the fourth ward, one Council Member; from the fifth ward, one Council Member; from the sixth ward, one Council Member.

(B) Qualifications. A member shall be at least eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office. A candidate for council shall be a

resident of the city for not less than one (1) year prior to his or her election, and shall be a resident of the ward for which council office is sought.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September, 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September, 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-12**

**AN ORDINANCE AMENDING CHAPTER 118 OF THE CITY OF MADISONVILLE CODE OF
ORDINANCES RELATING TO ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

Chapter 118 of the City of Madisonville Code of Ordinances is hereby amended as follows:

§ 118.26 DISTILLED SPIRITS AND WINE LICENSES; FEES.

The city shall have the power and authority to issue the following kinds of distilled spirits and wine licenses upon proper application and the payment of the prescribed fee:

<u>License Type</u>	<u>Fee</u>
(A) Non-quota Type-1 retail drink license - convention center, (includes distilled spirits, wine & malt beverages), per annum	\$800
(B) Quota retail package license, per annum	\$600
(C) Non-quota Type-2 retail drink license, (includes distilled spirits, wine & malt beverages), per annum	\$800
(D) Special, temporary license, per event (includes distilled spirits, wine & malt beverages)	\$100
(E) Quota retail drink license, per annum	\$1,000
(F) Distiller's license, per annum	\$500
(G) Microbrewery license, per annum	\$500

§ 118.28(1) BUSINESS AUTHORIZED BY DISTILLER'S LICENSE - CLASS B DISTILLER'S LICENSE.

(1) A distiller's license shall authorize the licensee to engage in the business of distiller at the premises specifically designated in the license, to maintain aging warehouses, and to transport for himself or herself only any alcoholic beverage which he or she is authorized under the license to manufacture or sell. The licensee shall transport alcoholic beverages only by a vehicle operated by himself or herself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits shall be transported on the same truck or vehicle as malt beverages, except by a common carrier, unless the owner of the truck or vehicle holds a distributor's license.

(2)(a) The manufacture of distilled spirits at the distillery shall not be less than six hundred (600) gallons in one (1) year.

(b) Distillers that produce fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class B (craft distillery).

(3)(a) A distiller that is located in a wet territory, or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under KRS 242.1243, may sell distilled spirits by the drink or by the package at retail to customers in accordance with KRS 243.0305.

(b) Any distilled spirits sold under this subsection shall be taxed and distributed in the same manner as sales under KRS 243.0305(2).

(c) Except as provided in this subsection, sales under this subsection shall be governed by all of the statutes and administrative regulations governing the retail sale of distilled spirits by the drink.

(4) Nothing in this section shall be construed to:

(a) Vitate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages; or

(b) Allow delivery or shipment of alcohol into dry or moist territory.

§ 118.28(2) BUSINESS AUTHORIZED BY A MICROBREWERY LICENSE -- MICROBREWERY PERMITTED TO SELL MALT BEVERAGES PRODUCED ON THE PREMISES FOR ON-PREMISES OR OFF- PREMISES PURPOSES WITHOUT TRANSFERRING PHYSICAL POSSESSION TO A DISTRIBUTOR IF THE MICROBREWERY MEETS REPORTING REQUIREMENTS AND HAS BOTH A RETAIL DRINK LICENSE AND A RETAIL PACKAGE LICENSE -- MICROBREWERY TO PAY WHOLESALE AND EXCISE TAXES ON SALES OF MALT BEVERAGES -- SAMPLING BY EMPLOYEES.

(1) A microbrewery license shall authorize the licensee to perform the following functions:

(a) Engage in the business of a brewer under the terms and conditions of KRS 243.150, provided that production of malt beverages at the microbrewery shall not exceed fifty thousand (50,000) barrels in one (1) year;

(b) Serve on the premises complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed sixteen (16) ounces per patron, provided the microbrewery is located in wet territory or a precinct that has authorized the sale of alcoholic beverages at microbreweries under KRS 242.1239;

(c) Sell malt beverages produced on the premises of the microbrewery to licensed distributors;

(d) Sell malt beverages produced on the premises of the microbrewery for on- and off-premises purposes in accordance with subsection (3)(b) and (c) of this section, pursuant to the following:

1. Without restriction on the amount of malt beverages sold by the drink for on-premises consumption provided the microbrewery is located in wet territory or a precinct that has authorized the sale of alcoholic beverages at microbreweries under KRS 242.1239; and

2. With a restriction on the amount of malt beverages sold for off-premises consumption, in an aggregate amount not to exceed thirty-one (31) gallons per person per day that shall not include more than three (3) cases in case format; and

(e) Sell:

1. Unlimited amounts of malt beverages by the drink; and

2. Not more than one (1) case of packaged malt beverages; produced on the premises of the microbrewery to consumers at fairs, festivals, and other similar types of events located in wet territory, in accordance with subsection (3)(b)2. and (c)2. of this section.

(2) A microbrewery license shall not be deemed to be incompatible with any other license except for a distributor's license under the provisions of KRS 243.180.

(3) In accordance with the provisions of this section, a microbrewery license holder may:

(a) Hold retail drink and package licenses both on and off the premises of the microbrewery. The holder of a microbrewery license is exempt from the provisions of KRS 244.570 and 244.590 as applied to any retail licenses held by the microbrewery license holder, and from any other sections which would restrict the co-ownership of the microbrewery license and any retail licenses described in this section;

(b) Sell malt beverages produced on the premises of the microbrewery for on- premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided:

1. The microbrewery possesses a retail drink license for those premises; and

2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3); and

(c) Sell malt beverages produced on the premises of the microbrewery for off- premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided that:

1. The microbrewery possesses a retail package license for those premises; and

2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3).

(4) The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are produced by the microbrewery at its licensed premises and:

(a) Offered for sale by the microbrewery at that same premises under the microbrewery's retail drink or package license; or

(b) Offered for sale by the microbrewery at a fair, festival, or other similar type of event as authorized under subsection (1)(e) of this section.

All other malt beverages produced by the microbrewery which are offered for retail sale shall be sold and physically transferred to a licensed distributor in compliance with all other relevant provisions of KRS Chapters 241 to 244, and a licensed microbrewery shall not otherwise affect sales of malt beverages directly to retail customers except as provided in subsection (3)(b) and (c) of this section under KRS 243.027 to 243.029 if the microbrewery holds a direct shipper license.

(5) (a) A microbrewery selling malt beverages in accordance with subsection (3)(b) and (c) of this section shall pay all wholesale sales taxes due under KRS 243.884. For the purposes of this subsection,

"wholesale sales" means a sale of malt beverages made by a microbrewery under subsection (3)(b) and (c) of this section, as applicable.

(b) A Microbrewery⁶ shall pay the excise tax on malt beverages in accordance with KRS 243.720(3) and 243.730 and shall be entitled to the credit set forth in KRS 243.720(3)(b).

(6) A microbrewery shall not be located in dry territory.

(7) An employee of a microbrewery may sample the products produced by that microbrewery for purposes of education, quality control, and product development.

(8) This section does not exempt the holder of a microbrewery license from the provisions of KRS Chapters 241 to 244, nor from any rules of the board as established by administrative regulations, nor from regulation by the board, except as expressly stated in this section. The provisions of this section shall not be deemed inconsistent with the provisions of KRS 244.602.

(9) Nothing in this section shall be construed to vitiate the policy of this Commonwealth, as set forth in KRS 244.167 and 244.602, supporting an orderly three (3) tier system for the production and sale of malt beverages.

§ 118.61 HOURS OF SALE.

(D) Class B Distiller's Retail Sales. Premises for which there had been granted a license for Class B Distiller's retail sales shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight Monday through Saturday and from 12:00 noon until 12:00 midnight on Sunday.

~~(E)~~ ~~(D)~~ Violations; Revocation or Suspension of Licenses. Any licensee for sales of alcoholic beverages by the drink or package who remains open for business at any time except the hours permitted under this section shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this chapter and his license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September, 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September, 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE, KY
ORDINANCE O-2021-13**

**AN ORDINANCE AMENDING CHAPTER 96 OF THE CODE OF ORDINANCES OF THE
CITY OF MADISONVILLE (RELATING TO PROPERTY TAX)**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

§96.01 PROPERTY TO BE ASSESSED AND TAX LEVIED ANNUALLY.

All real and personal property within the corporate limits of the City subject to tax for the City purposes shall be assessed each year as provided by law and ad valorem taxes shall be levied thereon for city purposes.

§96.02 EFFECT ON EXISTING ORDINANCES.

Nothing in this ordinance shall be deemed to effect the validity of any annual tax levy ordinance or any ordinance levying a specific tax and all such ordinances shall remain in full force and effect under their respective terms and conditions.

§96.03 ADOPTING HOPKINS COUNTY ASSESSMENT.

The City does hereby adopt, approve, and elect to use the annual assessment of property prepared for Hopkins County for property situated within the corporate limits of the City as the basis of the ad valorem tax levied herein. The City Clerk shall notify the Commonwealth of Kentucky, Department of Revenue, and the Property Valuation Administrator of Hopkins County, Kentucky, immediately upon election of the City to adopt said assessment. Each year the City shall appropriate and pay to the office of the Hopkins County Property Valuation Administrator a sum for the use of said assessment as prescribed by law.

§96.04 ASSESSMENT DATE.

Pursuant to KRS 132.285, the assessment date for the City shall conform to the assessment date of Hopkins County, the time for levying the city tax rate, fiscal year, and any other dates that will enable the effective adoption of the county assessment, notwithstanding any statutory provisions to the contrary, are hereby designated to conform with the appropriate dates prescribed for the County by statute.

§96.05 DUE AND DELINQUENCY DATES.

(A) All taxes hereunder shall be due and payable on or before November 30, 2021 ~~[2020]~~. A discount of two percent (2%) shall be allowed on each tax bill for general purposes, if paid on or before October 31, 2021 ~~[2020]~~. Those tax bills remaining unpaid after November 30, 2021 ~~[2020]~~ shall be declared "Delinquent" and shall bear interest at a rate of twelve percent (12%) per annum, until paid.

(B) In addition, thereto, a penalty of ten percent (10%) of the amount of tax for general assessment shall be added to said bill and collected, being the penalty for nonpayment when due.

§96.06 TAX STATEMENT.

Each year the Finance Director of the City shall prepare and mail a tax statement to each taxpayer

at his last known address.

§96.07 FINANCE DIRECTOR TO COLLECT TAXES.

(A) Except as provided herein, all ad valorem taxes levied by the City shall be collected by the Finance Director of the City in the manner and upon the terms prescribed by law.

(B) When the bill has been declared delinquent, the Finance Director shall then proceed with the Collection of the delinquent tax bills, penalty and interest as provided herein, and to enforce the payment of same by distraint or levy and sale of property as provided by law. The Finance Director will also report to the Council monthly the progress made in collecting delinquent taxes during the previous month.

(C) All ad valorem taxes levied against motor vehicles and/or watercraft may be collected by the Clerk of the Hopkins County Court. If such taxes are so collected, the City shall pay to the Clerk such sum as provided by law.

§96.08 AD VALOREM TAX RATES FOR 2021 ~~2020~~.

The ad valorem rates for 2021 [~~2020~~] shall be as follows:

(A) The tax rate for real estate shall be \$.122 for each one hundred dollars (\$100.00) of assessed valuation;

(B) The tax rate for motor vehicles and/or watercraft shall be \$.15 for each one hundred dollars (\$100.00) of assessed valuation.

(C) The tax rate for all other tangible personal property shall be \$.1657 [~~\$.1559~~] for each one hundred dollars (\$100.00) of assessed valuation; and

§96.09 USE OF REVENUE

All monies derived herein shall be deposited in the General Fund of the City and shall be used and expended in defraying current, general, and incidental expenses of the City.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 7th day of September, 2021 and the second reading on the 20th day of September, 2021. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 20th day of September, 2021

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

**CITY OF MADISONVILLE
RESOLUTION R-2021-25**

**ACCEPT BID FOR EXTERIOR BUILDING SEALING FOR BUILDINGS LOCATED AT 98
AND 99 EAST CENTER STREET, MADISONVILLE, KENTUCKY**

WHEREAS, the City of Madisonville advertised bids for Exterior Building Sealing for Buildings located at 98 and 99 East Center Street, Madisonville, Kentucky to be opened on September 3, 2021 at 10:00 a.m.; and

WHEREAS, the City of Madisonville received one bid as follows:

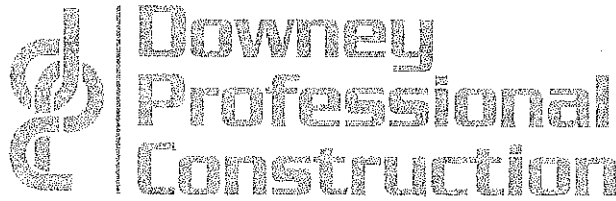
Name	Bid Amount Fire Station 98 E Center Street	Bid Amount Police Station 99 E. Center Street
Downey Professional Construction	\$57,750.00	\$51,000.00

WHEREAS, Downey Professional Construction was the only bid received and met all specifications that were required by the City of Madisonville.

NOW THEREFORE, BE IT RESOLVED that the City Council accepts and awards the bid to Downey Professional Construction for the exterior building sealing for buildings located at 98 and 99 East Center Street, Madisonville, Kentucky in the amount of \$57,570.00 for the Fire Station and \$51,000.00 for the Police Station.

ADOPTED on this 7th day of September, 2021.

ATTEST:



JOSH MITCHELL, OWNER
 2874 Anton Road
 MADISONVILLE, KENTUCKY 42431
 Office: (270) 825-1757
 Fax: (270) 821-1573
 josh@downeypro.com

PROPOSAL SUBMITTED TO: City of Madisonville
 Re: Police and Fire exterior restoration
 Madisonville, Ky 42431

The following is a list of items included in the current construction cost and serves as a more detailed itemization of the components reflected by the scope of work provided.

General Construction Components:

Fire Station

- Exterior masonry general restoration wash down, atmospheric stain removal, apply Prosoco Siloxane water repellent- Labor + Material + 10 year warranty (18,500 sq ft)
- Removal/Repair/Replace brick and mortar as needed (1,000 sq ft)
- Remove/Replace all joint sealant (2,000 linear ft)

Total \$57,750.00

Police Station

- Exterior masonry general restoration wash down, atmospheric stain removal, apply Prosoco Siloxane water repellent- Labor + Material + 10 year warranty (16,000 sq ft)
- Removal/Repair/Replace brick and mortar as needed (1,000 sq ft)
- Remove/Replace all joint sealant (1,500 linear ft)

Total \$51,000.00

Exclusions:

- Any other item not detailed in above description

Attachment: Downey Bid (R-2021-25 : Accept Bid for Exterior Building Sealing)

**CITY OF MADISONVILLE
RESOLUTION R-2021-26**

ACCEPT BID FOR SURPLUS MACK TRUCKS

WHEREAS, the City of Madisonville opened bids to sale four Mack Trucks on September 2, 2021 at 10:30 a.m.; and

WHEREAS, the City of Madisonville received 1 bid on each truck as shown below:

Bidder	2021 MACK TE64 Front loader VIN# 1M2TE2GC0MM0 05073	2021 MACK LR46 Sidleloader Stock #EM1542 VIN#1M2LR2G C2MM003796	2021 MACK LR 46 Sideloader- Stock #EM1543 VIN#1M2LR2GC 4MM003797	2021 MACK LR46 - Sideloader Stock #EM1544 VIN#1M2LR2GC 6MM003798
New Way Fleet Force	\$205,177.00	\$233,552.00	\$233,552.00	\$233,552.00

WHEREAS, New Way Fleet Force was the only bid for Mack Truck 1 in the amount of \$205,177.00 and;

WHEREAS, New Way Fleet Force was the only bid for Mack Truck 2 in the amount of \$233,552.00 and;

WHEREAS, New Way Fleet Force was the only bid for Mack Truck 3 in the amount of \$233,552.00 and;

WHEREAS, New Way Fleet Force was the only bid for Mack Truck 4 in the amount of \$233,552.00 and;

NOW THEREFORE, BE IT RESOLVED that the City Council accepts and awards the bid to sell Mack Truck 1; 2 3 and 4 to New Way Fleet Force for \$205,177.00 for 2021 Mack Truck TE64 and for the three (3) 2021 Mack Truck LR 46 the sum of \$233,552.00 each.

ADOPTED on this 7th day of September, 2021.

ATTEST:

City of Madisonville Mack Trucks Bid

New Way Fleet Force is submitting a bid for the following trucks:

2021 Mack TE64 with New Way Front Loader Body

VIN# 1M2TE2GC0MM005073

Bid Amount \$205,177.00

2021 Mack LR46 with a New Way Sidewinder Body

VIN#1M2LR2GC2MM003796

Bid Amount \$233,552.00

2021 Mack LR46 with New Way SideWinder Body

VIN#1M2LR2GC4MM003797

Bid Amount \$233,552.00

2021 Mack LR46 with New Way SideWinder Body

VIN#1M2LR2GC6MM003798

Bid Amount \$233,552.00

Signed

Jesse Geeslin

FleetForce

Director of Sales

715.321.6048

jgeeslin@newwayfleetforce.com



**CITY OF MADISONVILLE
RESOLUTION R-2021-27**

**REJECT BIDS FOR CONSTRUCTION OF RESTROOM FACILITIES PARKING LOT AND
WALKING TRAIL AT CHERRY PARK AND PERMISSION TO RE-BID RESTROOM
FACILITIES**

WHEREAS, the City of Madisonville advertised sealed bids for the construction of restroom facilities, parking lot and walking trail at Cherry Park to be opened on August 12, 2021 at 10:00 a.m.; and

WHEREAS, the City of Madisonville received two bids as follows:

Name	Base Bid Amount	Alt. Bid (- Restrooms)
Downey's Construction	\$201,000.00	\$2,800.00
Garrigan Bldg & Const.	\$195,539.00	\$93,000.00

WHEREAS, the bids were higher than expected.

NOW THEREFORE, BE IT RESOLVED that the City Council reject the bids for the construction of restroom facilities, parking lot and walking trail at Cherry Park.

ADOPTED on this 7th day of September, 2021.

ATTEST:

Madisonville Cherry Park

Bid Opening

August 23, 2021 @ 10:00 am

Company	Base Bid	Alt. Bid(-RR)
Allied Construction		
Downey Construction	201,000.00	2800.00
Garrigan Bldg & Construction	195,539.00	93000.00
Princeton Lumber		

198200

102539.00

BID FORM

Proposal of GARRIGAN BUILDING & CONSTRUCTION (hereinafter called "Bidder")
 a Kentucky CORPORATION/ A PARTNERSHIP/ AN INDIVIDUAL doing business as
 (State) (Strike out inapplicable terms)
Garrigan Building & Construction LLC (Insert name of business).

To: City of Madisonville (hereinafter called "Owner")
 Gentlemen:

The Bidder, in compliance with your invitation for bids and having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, and acknowledge that the quantities shown herein are estimated quantities subject to increase or decrease as provided in the specifications, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies; and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

The Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project as stipulated in item # 9 of the information to bidders. Weather related extension requests may be made. If no extensions have been granted the Bidder further agrees to pay as liquidated damages, the sum of Five Hundred dollars (\$500.00) for each consecutive day thereafter as hereinafter provided in Item 19 of the General Conditions.

BASE BID: Bidder agrees to perform all of the described work described in the specifications and shown on the plans for the sum of One Hundred Ninety Five Thousand Five Hundred Thirty Nine dollars +.00
 (Amount written in words)
 (\$ 195,539.00). In case of discrepancy, the amount shown in words will govern.
 (Amount written in numbers)

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The bidder agrees that this bid shall be good and may not be withdrawn for a period of 90 calendar days after the scheduled closing time for received bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Item 29 of the General Conditions.

The bid security attached in the sum of 200,000 Two Hundred Thousand (\$200,000) is to become property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expenses to the Owner caused thereby.

Respectfully submitted:

By: [Signature]
 Signature

By: Garrigan Building & Const. LLC
 Company

Date: 8/23/21

**Cherry Park
UNIT BID SHEET
August 23, 2021 @ 10:00 am**

	<u>TASK</u>	<u>QTY</u>	<u>UNIT</u>	<u>UNIT \$</u>	<u>TOTAL \$</u>
1	Mobilization/Demobilization (max 3% of bid)	1	LS	5000 ⁰⁰	5,000 ⁰⁰
2	Topsoil Removal	500	CY	12.45	6,227 ⁰⁰
3	Grading/Engineered Fill	150	CY	65.83	9,875 ⁰⁰
4	CMP 12 inch	110	LF	50.18	5,520 ⁰⁰
5	Drop Inlet	1	EA	2698	2698 ⁰⁰
6	Sidewalk	55	SY	106.28	5845 ⁰⁰
8	Restrooms	1	EA	93,000	93,000
9	Sewer Tap w/ 3 cleanouts	180	LF	19.56	3521 ⁰⁰
10	Water Tap	45	LF	25.33	1140 ⁰⁰
11	DGA	380	TN	42.08	15,992
12	Base Asphalt	55	TN	190.98	10,504
13	Surface Asphalt	165	TN	186.79	30,821
14	Erosion Control	1	LS	2698	2698
14	Seeding	1	AC	2698	2698
	Total Construction				195,539
Alt	Delete Restrooms	1	LS	93,000	93,000
David Cronigan Name 8/23/21 Date GARRIGAN BUILDING AND CONSTRUCTION, LLC Company					

Note: If funding is not sufficient, the owner reserves the right to delete the restrooms



Bid Bond

CONTRACTOR:*(Name, legal status and address)*

Garrigan Building & Construction, LLC

650 Pennyriple Dr
Madisonville, KY 42431**OWNER:***(Name, legal status and address)*

City of Madisonville

63 Main St.
Madisonville, KY 42431**SURETY:***(Name, legal status and principal place of business)*The Ohio Casualty Insurance Company
175 Berkeley Street
Boston, MA 02116**MAILING ADDRESS FOR NOTICES:**Liberty Mutual Surety Claims
P.O. Box 34526
Seattle, WA 98124

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: 5% of Bid Amount Five Percent of Bid Amount**PROJECT:***(Name, location or address, and Project number, if any)*

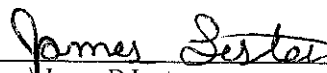
Construction of Restroom, parking lot and waling trail Cherry park

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

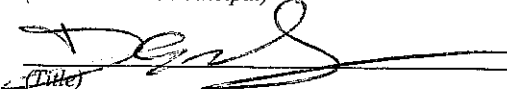
Signed and sealed this 19th day of August, 2021.


(Witness) James D Lester

Garrigan Building & Construction, LLC

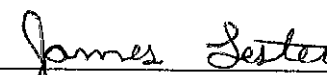
(Contractor as Principal)

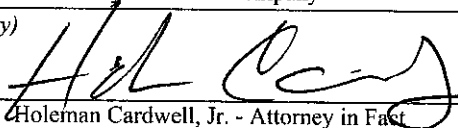
(Seal)


(Title)

The Ohio Casualty Insurance Company

(Surety)


(Witness) James D Lester


(Title) Holman Cardwell, Jr. - Attorney in Fact

**BID-0010251**

Init.

/

LMS-20862e 02/21

Liberty Mutual Surety vouches that the original text of this document conforms exactly to the text in AIA Document A310-2010 Edition Bid Bond.



The Ohio Casualty Insurance Company

POWER OF ATTORNEY

Principal: Garrigan Building & Construction, LLC

Agency Name: Cole and Durham Insurance Agency, LLC

Bond Number: BID-0010251

Obligee: City of Madisonville

Bid Bond Amount: (5% of Bid Amount) Five Percent of Bid Amount

KNOW ALL PERSONS BY THESE PRESENTS: that The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of New Hampshire (herein collectively called the "Company"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint **Holeman Cardwell, Jr.** in the city and state of **MADISONVILLE, KY**, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Company in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of the Company has been affixed thereto this 26th day of September, 2016.



The Ohio Casualty Insurance Company

By:

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY ss

On this 26th day of September, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of The Ohio Casualty Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of The Ohio Casualty Insurance Company, which is now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature or electronic signatures of any assistant secretary of the Company or facsimile or mechanically reproduced or electronic seal of the Company, wherever appearing upon a certified copy of any power of attorney or bond issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company do hereby certify that this power of attorney executed by said Company is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Company this 19th day of August, 2021.



By:

Renee C. Llewellyn, Assistant Secretary

BID FORM

Proposal of Downey Professional Construction (hereinafter called "Bidder")
 a KENTUCKY CORPORATION/ A PARTNERSHIP/ AN INDIVIDUAL doing business as
 (State) Downey Professional Construction (Strike out inapplicable terms)
 (Insert name of business)
 To: CITY OF MARIETTA (hereinafter called "Owner")

Gentlemen:

The Bidder, in compliance with your invitation for bids and having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, and acknowledge that the quantities shown herein are estimated quantities subject to increase or decrease as provided in the specifications, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies; and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

The Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project as stipulated in item # 9 of the information to bidders. Weather related extension requests may be made. If no extensions have been granted the Bidder further agrees to pay as liquidated damages, the sum of Five Hundred dollars (\$500.00) for each consecutive day thereafter as hereinafter provided in Item 19 of the General Conditions.

BASE BID: Bidder agrees to perform all of the described work described in the specifications and shown on the

plans for the sum of TWO HUNDRED AND ONE THOUSAND DOLLARS & ZERO CENTS
 (Amount written in words)

(\$ 201,000 ⁹⁰¹). In case of discrepancy, the amount shown in words will govern.
 (Amount written in numbers)

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The bidder agrees that this bid shall be good and may not be withdrawn for a period of 90 calendar days after the scheduled closing time for received bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Item 29 of the General Conditions.

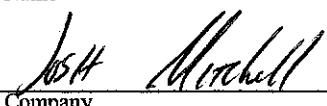
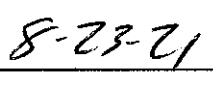
The bid security attached in the sum of _____ (\$ _____) is to become property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expenses to the Owner caused thereby.

Respectfully submitted:

By: [Signature]
 Signature

By: Downey Professional Construction
 Company

Date: 8-23-21

Cherry Park UNIT BID SHEET August 23, 2021 @ 10:00 am					
	TASK	QTY	UNIT	UNIT \$	TOTAL \$
1	Mobilization/Demobilization (max 3% of bid)	1	LS	\$500	500
2	Topsoil Removal	500	CY	\$8	4,000
3	Grading/Engineered Fill	150	CY	\$50	7,500
4	CMP 12 inch	110	LF	\$35	3,850
5	Drop Inlet	1	EA	\$1,600	\$1,600
6	Sidewalk	55	SY	\$35	\$1,925
8	Restrooms	1	EA	\$1,400	\$2,800
9	Sewer Tap w/ 3 cleanouts	180	LF		
10	Water Tap	45	LF		
11	DGA	380	TN	\$30	\$11,400
12	Base Asphalt	55	TN	\$153	\$8,415
13	Surface Asphalt	165	TN	\$153	\$25,245
14	Erosion Control	1	LS	\$1,000	\$1,000
14	Seeding	1	AC	\$1,500	\$1,500
	Total Construction				60,735
Alt	Delete Restrooms	1	LS		2,800
Name _____ Date _____					
 					
Company _____					
					

Note: If funding is not sufficient, the owner reserves the right to delete the restrooms

WAIVER OF LIEN

STATE:

OWNER:

COUNTY OF:

CONTRACTOR:

PROJECT:

To Whom It May Concern:

Whereas the undersigned has been employed by CITY OF MADISONVILLE to furnish materials and labor for the premises known as CHERRY PARK of which CITY OF MADISONVILLE is the Owner.

The undersigned, for an in consideration of TWO HUNDRED AND ~~ONE~~ THOUSAND DOLLARS & ZERO CENTS
amount in words.
 (\$ 200,000) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, do hereby waive and release any and all lien, and claim or right to lien on said above-described site/premises and improvements thereon under the Statutes of the State of Kentucky relation to Mechanic's liens, on account of labor or services, material, fixtures, and apparatus heretofore furnished to this date by the undersigned for the said site/premises.

Given under our hands and seals this 23RD day of August 2021.

[Signature]
 (Company Officer Signature)

JOSH MITCHELL
 Printed Name

Notary Public _____

My Commission Expires: _____

Seal

IN WITNESS WHEREOF, the parties of these presents have executed this contract in four (4) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

Owner: _____

By: _____ Title: _____

Date: _____

Contractor: _____

By: _____ Title: _____

Date: _____



Bid Bond

CONTRACTOR:*(Name, legal status and address)*

Downey Professional Construction Co., Inc.

2874 Anton Road
Madisonville, KY 42431**OWNER:***(Name, legal status and address)*

City of Madisonville

63 Main St.
Madisonville, KY 42431-9512**SURETY:***(Name, legal status and principal place of business)*The Ohio Casualty Insurance Company
175 Berkeley Street
Boston, MA 02116**MAILING ADDRESS FOR NOTICES:**Liberty Mutual Surety Claims
P.O. Box 34526
Seattle, WA 98124

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

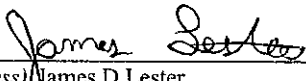
BOND AMOUNT: 5% of Bid Amount Five Percent of Bid Amount**PROJECT:***(Name, location or address, and Project number, if any)*

Construction of Restroom, parking lot and waling trail Cherry park

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

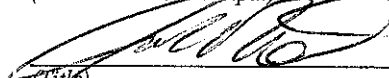
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 23rd day of August, 2021.
(Witness) James D Lester

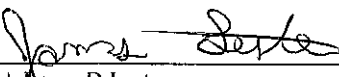
Downey Professional Construction Co., Inc.

(Contractor as Principal)

(Seal)

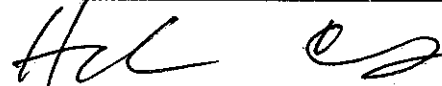

(Title)

PRESIDENT


(Witness) James D Lester

The Ohio Casualty Insurance Company

(Surety)


(Title) Holeman Cardwell, Jr. - Attorney in Fact**BID-0010284**

Init.

Liberty Mutual Surety vouches that the original text of this document conforms exactly to the text in AIA Document A310-2010 Edition Bid Bond.

LMS-20862e 02/21



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

9.B.C.a

The Ohio Casualty Insurance Company

POWER OF ATTORNEY

Principal: Downey Professional Construction Co., Inc.

Agency Name: Cole and Durham Insurance Agency, LLC

Bond Number: BID-0010284

Obligee: City of Madisonville

Bid Bond Amount: (5% of Bid Amount) Five Percent of Bid Amount

KNOW ALL PERSONS BY THESE PRESENTS: that The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of New Hampshire (herein collectively called the "Company"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint **Holeman Cardwell, Jr.** in the city and state of **MADISONVILLE, KY**, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Company in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of the Company has been affixed thereto this 26th day of September, 2016.



The Ohio Casualty Insurance Company

By:

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY ss

On this 26th day of September, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of The Ohio Casualty Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of The Ohio Casualty Insurance Company, which is now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature or electronic signatures of any assistant secretary of the Company or facsimile or mechanically reproduced or electronic seal of the Company, wherever appearing upon a certified copy of any power of attorney or bond issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company do hereby certify that this power of attorney executed by said Company is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Company this 23rd day of August, 2021.



By:

Renee C. Llewellyn, Assistant Secretary



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/21/2021

9.B.C.a

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cole & Durham 145 E. Center St., Suite 1A Madisonville KY 42431		CONTACT NAME: Karla Martz PHONE (A/C, No, Ext): (270) 821-5527 FAX (A/C, No): (270) 245-5026 E-MAIL ADDRESS: martz@coledurham.com	
INSURED Downey Professional Construction Inc 2874 Anton Rd Madisonville KY 42431		INSURER(S) AFFORDING COVERAGE INSURER A: FCCI Insurance Company INSURER B: FCCI Insurance Group INSURER C: Brickstreet Mutual Insurance Co. INSURER D: INSURER E: INSURER F:	
		NAIC # 10178	

COVERAGES **CERTIFICATE NUMBER:** CL206910365 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC ☐ OTHER:			CPP100057583	06/01/2021	06/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			CA100057582	06/01/2021	06/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist \$ 1,000,000
	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$			UMB100057584	06/01/2021	06/01/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☒ Y	N/A		WCB1030935	02/16/2021	02/16/2022	PER STATUTE ☒ OTH-ER ☐ E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Leased or Rented Equipment			CPP100057583	06/01/2021	06/01/2022	\$1,000 ded \$110,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Cherry Park - Construction of Restrooms, parking lot and walking trails.

CERTIFICATE HOLDER City of Madisonville 63 N Main Street Madisonville KY 42431	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Holeman Candwell, Jr.</i>
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**CITY OF MADISONVILLE
RESOLUTION R-2021-28**

A RESOLUTION APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE; AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH LEASE.

WHEREAS, the governing body of the City of Madisonville, Kentucky (the "Lessee") has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes to enter into lease agreements with or without the option to purchase in order to provide for the use of the property for public purposes;

WHEREAS, the governing body of the Lessee (the "Governing Body") has previously determined, and hereby further determines, that the Lessee is in need of the Project, as defined in the Lease hereinafter described; and

WHEREAS, the Governing Body has determined and hereby determines that it is in the best interests of the Lessee that the Lessee enter into a Lease Agreement (the "Lease"), to be administered by Kentucky Association of Counties Leasing Trust (the "Program Administrator") and funded by the bank or financial institution offering the lowest and best interest rate, as selected by the Lessee upon the advice of the Program Administrator (the "Lessor"), for the leasing by the Lessee from the Lessor of the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. The Lessee hereby approves the Lease Agreement (the "Lease") and all Collateral Documents, to the extent defined and identified in the Lease, each in substantially the form presented to this Governing Body. It is hereby found and determined that the Project identified in the Lease is public property to be used for public purposes. It is further determined that it is necessary and desirable and in the best interests of the Lessee to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters contained in the closing memorandum with respect to the Lease, or as may be required by the Lessor prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Mayor and City Clerk of the Lessee are hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

Section 2. Administration of the Lease. The Kentucky Association of Counties Leasing Trust is hereby acknowledged to be the program administrator under the Lease.

Section 3. Severability. If any Section, paragraph or provision of this Resolution 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 Resolution.

Section 4. Open Meetings Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing

Body, and that all deliberations of this governing Body 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 5. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 6. Effective Date. This Resolution shall take effect from and after its passage and publication of a summary thereof, as provided by law.

ADOPTED on this 7th day of September, 2021.

ATTEST:

VOMAC TRUCK Sales & Service, Inc.

9.B.D.a

10000 STATE HWY. 57 N EVANSVILLE IN 47725 Phone: (800) 776-6225

www.vomactruck.com

DEAL # DE-02188

CUST # EM6689

NEW & USED

BUYER'S ORDER



PURCHASER CITY OF MADISONVILLE DATE 8/27/2021
 ADDRESS PO BOX 705 CITY MADISONVILLE STATE KY ZIP 42431-0014
 COUNTY Hopkins AREA CODE _____ TELEPHONE NO. (270) 824-2117

Stock#: EM1572	VIN:1M2LR2GC0NM005600	New 2022 Mack LR64	Price:	\$274,750.00
			Per Unit:	\$274,750.00
Stock#: EM1573	VIN:1M2LR2GC2NM005601	New 2022 Mack LR64	Price:	\$274,750.00
			Per Unit:	\$274,750.00
Stock#: EM1574	VIN:1M2LR2GC4NM005602	New 2022 Mack LR64	Price:	\$274,750.00
			Per Unit:	\$274,750.00
Stock#: EM1577	VIN:1M2TE2GC7NM006772	New 2022 MACK TE64	Price:	\$241,250.00
			Per Unit:	\$241,250.00
			Total Price	\$1,065,500.00
			Total	\$1,065,500.00

Warranty Contact:

FEIN # 61-6001864

DOT #

DISCLAIMER OF WARRANTIES THE SELLER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE UNLESS OTHERWISE STATED IN THIS DOCUMENT. SELLER NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THE ITEM/ITEMS.		All trucks are 'Subject to Prior Sale'. New trucks carry warranty as stated by manufacturer. Certain used trucks have a transferable warranty, however unless so stated, used trucks are sold on an AS IS, Where IS basis. By signature below, customer has inspected the vehicle to his/her satisfaction & agrees with the identification plates and/or markings on the vehicle with the above information. Any deposits are non-refundable unless financing cannot be obtained. No vehicles will be held more than three business days for credit approval on dealer-arranged financing from a conventional finance company. If customer requires financing from sub-prime lender, dealer reserves right to sell vehicle to second sale customer and refund deposit to customer. If customer making own payment arrangements, truck must be paid in full within two business days after deposit was made. Management reserves the right to make any final decisions. Customer has reviewed and approves specifications on truck(s) and all attachment(s).
THIS TRUCK SOLD ☐ WITH MANUFACTURERS STANDARD NEW TRUCK WARRANTY ☐ OTHER: _____ ☐ AS IS: WITH ALL FAULTS, I HEREBY MAKE THIS PURCHASE KNOWINGLY WITHOUT ANY GUARANTEE, EXPRESSED OR IMPLIED, BY THIS DEALER OR HIS AGENT. Purchaser hereby acknowledges the purchases of this truck as is, with all faults knowingly accepted and without any warranties express or implied, other than as indicated above by purchaser's initials. Purchaser's Initials _____	PURCHASER <u>City Of Madisonville</u> BY _____ SALESMAN <u>Matt Brown</u> ACCEPTED BY _____ THIS ORDER NOT BINDING UNTIL ACCEPTED BY DEALER	

**CITY OF MADISONVILLE
RESOLUTION**

RESOLUTION TO DECLARE BUILDING AS SURPLUS

WHEREAS, the City of Madisonville has a building known as Barn C at Mahr Park to be declared surplus; and

WHEREAS, the City of Madisonville requests to dispose of building by means appropriate according to KRS 82.083.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS: Barn C Building is now declared as surplus property. The City is authorized to dispose of the building by means according to KRS 82.083.

ADOPTED on this 7th day of September, 2021.

ATTEST:

**CITY OF MADISONVILLE
MUNICIPAL ORDER NO. 2021-10**

**IN RE: RE-APPOINTMENT OF JENNY GIBSON TO THE HISTORIC DISTRICT
COMMISSION**

IT SHALL BE AND HEREBY IS ORDERED BY THE CITY COUNCIL OF THE CITY OF
MADISONVILLE, KENTUCY AS FOLLOWS:

1. That Jenny Gibson shall be, and hereby is, re-appointed to the Historic District
Commission.
2. That the term of Jenny Gibson shall be for three (3) years and ending September 8, 2024.
3. That Jenny Gibson shall serve in accordance with the Laws of the United States of
America and the Commonwealth of Kentucky, and the ordinances of the City of Madisonville.

This the 7th of September, 2021.

ATTEST:

**CITY OF MADISONVILLE
MUNICIPAL ORDER NO. 2021-11**

**IN RE: RE-APPOINTMENT OF DEAN SHEETS TO THE HISTORIC DISTRICT
COMMISSION**

IT SHALL BE AND HEREBY IS ORDERED BY THE CITY COUNCIL OF THE CITY OF
MADISONVILLE, KENTUCY AS FOLLOWS:

1. That Dean Sheets shall be, and hereby is, re-appointed to the Historic District
Commission.
2. That the term of Dean Sheets shall be for three (3) years and ending September 8, 2024.
3. That Dean Sheets shall serve in accordance with the Laws of the United States of
America and the Commonwealth of Kentucky, and the ordinances of the City of Madisonville.

This the 7th of September, 2021.

ATTEST:



City Council
77 N. Main St.
Madisonville, KY 42431

SCHEDULED

ITEM FOR DISCUSSION 2021-14

Meeting: 09/07/21 05:30 PM
Department: City Clerk Department
Category: Bid
Prepared By: Kim Blue
Initiator: Kim Blue
Sponsors:
DOC ID: 1910

10.A

Permission to Bid Restroom Facilities at Cherry Park and Grapevine Lake



PROCLAMATION

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2021, marks the two hundred and thirty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

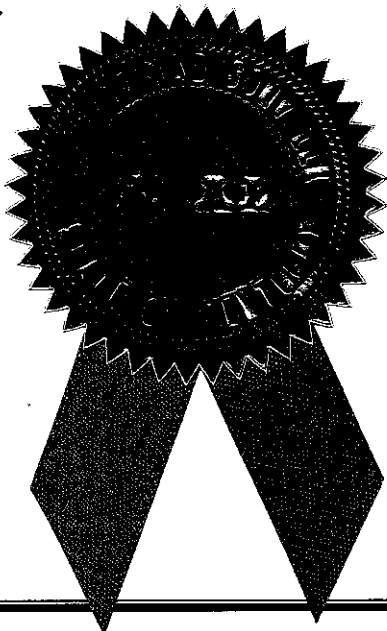
WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 17 through 23 as Constitution Week; and

NOW THEREFORE, BE IT RESOLVED, that I, Kevin Cotton, by virtue of the authority vested in me as Mayor of the City of Madisonville, Kentucky, do hereby proclaim September 17 through 23 as:

“Constitution Week”

and ask our citizens to reaffirm the ideals had by the Framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Madisonville to be affixed this 7th day of September, 2021.



Kevin Cotton, Mayor