

Revised 5-18-18

AGENDA

**REGULAR MEETING
BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500 ~ www.frankfort.ky.gov**

**May 21, 2018
5:00 P.M. (EDT)**

INVOCATION– REV. GARY HAGER, WESTVIEW BAPTIST CHURCH

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

The Board of Commissioners traditionally recognizes city employees who are retiring or are being promoted. At this meeting, the following individuals will be recognized:

Retirements:

Fire Department . Dan Allen will retire May 30, 2018 with over 13 years of service.

CITIZEN COMMENTS – PLEASE USE THE SIGN IN SHEET. INDIVIDUAL REMARKS ARE LIMITED TO FIVE MINUTES.

CONSENT CALENDAR

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

- 1. Minutes** – April 9, 2018 Work Session; April 16, 2018 Special Meeting . 4:30 p.m.; April 16, 2018 Special Meeting . 5:00 p.m.; April 23, 2018 Special Meeting; April 30, 2018 Special Regular Meeting.
- 2. Amendment No.1 for Strand Associates, Inc. to complete Financial Capability Analysis (FCA) update**
The purpose of this memorandum is to request approval from the City Commission for an amendment to a Professional Agreement with Strand Associates, Inc. for completion of the Financial Capability Analysis for the Long Term Control Plan and to authorize the Mayor to sign all related documents. In accordance with the Consent Judgment, the City of Frankfort Sewer Department (FSD) developed a Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) which was approved by the Kentucky Department for Environmental Protection Division of Enforcement (KDEP DOE) in September 2015. In March, 2017 FSD requested an extension for the deadline of the LTCP. The deadline is currently December 31, 2023 and the request is to extend it to December 31, 2033. In response to our request KDEP DOE requested a detailed FCA update which will focus on how the sewer billing rates required to meet the LTCP deadline effect the lowest income citizens. In August, 2017 the Commission approved a Professional Services Agreement with Strand Associates, Inc. to complete the update to the FCA. FSD met with the Division of Water and Division of Enforcement and presented an update on our Consent Judgment progress and updated FCA. They have requested some additional analysis by Strand and some additional meetings will also be included. Strand Associates has already attended 3 extra meetings than were specified in the original scope and estimate another 3 will be required. They are requesting a total of \$4,950 for this task. This is an amount not to exceed and they will charge for actual hours worked. The amendment request also includes an additional \$1,500 for additional FCA analysis requested by the division of water. The total amendment request is \$6,450 for the 2 items described. The cost for this amendment is not to exceed \$6,450. This project is in the current budget and funding is available in account 300.68.56555. This account has a budget of \$9,310,000.00 and as of February 28th the account has \$2,092,873.18 expensed and encumbered (Sewer).

Attachments: Letter from Strand, Amendment No. 1
Suggested Disposition: Receive and File; Approve

3. ASAP Fish Contract for use of Abandoned Tank

The purpose of this memo is to request approval of a Contract with Advancing Sustainable Aquaculture Performance for Fish (ASAPFish) to utilize excess equipment at the WWTP for an experimental program to develop a commercial model to optimize production and survival of aquaculture species in wastewater effluent and authorize the Mayor to sign all documents related to the contract. The City has previously entered into an Agreement with KSU and ASAPFish. Dr. Steve Mims, President of Advancing Sustainable Aquaculture Performance for Fish (ASAPFish), wishes to continue his development of a commercial model to optimize production and survival of major species (i.e. paddlefish and bass) to supply seed stock to regional fish farmers. Dr. Mims, then a professor at Kentucky State University (KSU), originally contacted the Sewer Department in 2004 to discuss utilizing excess facilities at the wastewater treatment plant to raise fish in our treated effluent. In 2006 the City signed the first of 4 contracts with KSU and the program has been a success for KSU and the results have been published in numerous publications, including several international publications. Dr. Mims has since retired from KSU and wants to continue his research and has started his own company. Dr. Mims is now partnering with KSU to help teach current students the benefits of using abandoned facilities to raise fish. Dr. Mims has requested the Sewer Department to lease out the abandoned 30,000 gallon in ground tank that is not being used. This will be a one year agreement with \$100 payment for use of the tank. The budget will have minimal impact as the cost to run the aerator in the tank will be minimal (Sewer).

Attachments: Agreement
Suggested Disposition: Receive and File; Approve

4. REMOVED

5. REMOVED

6. Mowing Contract—Stanley and Sons Lawn Care

The purpose of this memo is to recommend the approval of a Mowing contract with Stanley and Sons Lawn Care and authorize the Mayor to sign all related documents. The Sewer Department currently has 5 properties that it contracts for mowing; additionally, mowing at the Wastewater Treatment Plant was added. A bid advertisement was issued for mowing services on April 22 and 4 responses were received May 2. References were checked on the apparent low bidder, Stanley and Sons Lawn Care.

The Extended Bids are as follows:

Stanley and Sons Lawn Care	\$22,990.00
T o Lawn Care	\$24,970.00
Creative Design Landscapes	\$26,158.00
John o Lawn Care	\$33,730.00

The contract is based on an estimated number of mowing per year so we would request a Purchase Order for \$37,000.00 in case there is a need for a couple extra rounds of mowing. This contract will keep the pump stations and treatment plant grass cut while allowing city personnel to work on maintenance and operations. Funding for this project is available in Account No. 200-68-53295. This account has \$160,000 budgeted and as of March 30, \$104,458 has been expensed and encumbered (Sewer).

Attachments: Contract (to be provided)
Suggested Disposition: Receive and File; Approve

7. Reject Bids for construction- Old Lawrenceburg Road Pump Station Replacement

The purpose of this memorandum is to request approval to reject the bids for the Old Lawrenceburg Road Pump Station Replacement Project. The current station was brought on line in 1982 and surpassed its 20 year design life. This station is a Can type station that is buried. With its placement close to the bank of the Kentucky River, the combination of stresses from flood waters and the bank instability have started to collapse the ceiling of the station. This project is to build a replacement before the station becomes structurally unstable. On April 26 bids were opened for this project and 1 bid was received. The single bid of \$2,997,000.00

by Smith Contracting was above the engineer's estimate. We recommend to reject this bid; the engineer will look to see what can be done to decrease the project cost and attract more bidders. There is no budget impact for rejecting these bids.

Attachments: None

Suggested Disposition: Receive and File; Approve

8. Contract Extension with Enviro Tech Chemical Services, Inc. for Peracetic Acid

The purpose of this memo is to recommend the authorization a contract extension with Enviro Tech Chemical Services, Inc. to provide peracetic acid for disinfection of the plant effluent and allow the Mayor to sign all related documents. During switch out of the ozone system, the Sewer Department used Peracetic Acid (PAA) as a temporary disinfectant. The Department's Kentucky Pollution Discharge Elimination System (KPDES) Permit requires that the effluent discharged by the WWTP not exceed a monthly average for E Coli of 130 colonies per 100 milliliter and the weekly average cannot exceed 240 colonies per 100 milliliter. The Department uses ozone to meet these limits but currently the ozone system is operating at a reduced capacity due to equipment limitations. The Sewer Department opened bids on October 15, 2015 for PAA to be used for disinfection of effluent from the wastewater treatment plant and Enviro Tech Chemical Services, Inc. was the lowest bidder for PAA. Due to ongoing issues with the ozone generating system and the need to increase dosage during rain events, the Department's use of PAA has increased substantially in order to meet our permit limits for E Coli. Note that during the time we use PAA there will be significantly less liquid oxygen due to the limited ability of the generators, which will offset the increased cost of the PAA. Failure to purchase the PAA will result in permit violations during rain events.

The bids from 2015 for all vendors were as follows:

Enviro Tech Chemical Services, Inc.	\$4.32 per dry pound
PeroxyChem	\$4.64 per dry pound
Solvay Chemicals, Inc.	\$5.65 per dry pound
Source Technologies, LLC	\$9.96 per dry pound

The Contract Extension is for a period of one year with 2 one-year renewals remaining, subject to mutual agreement between both parties. It is estimated that the Sewer Department could use up to 25,000 gallons of PAA during the coming year for a total cost of \$154,000 at \$6.16 per gallon; however, the amount of PAA used is directly dependent upon the amount of wastewater treated at the plant and an extremely wet year or extremely dry year will also significantly impact the amount of PAA used. The plant uses PAA to disinfect the effluent flow. The weekly permit limit is 240 colonies/100ml and the monthly permit limit 130 colonies/100ml. The annual budget for PAA is \$154,000.00. This will provide secondary disinfection for the effluent flow for the entire year (Sewer).

Attachments: Contract (to be provided)

Suggested Disposition: Receive and File; Approve

9. Request for approval to waive the Payment in Lieu of Taxes (PILOT) for 2017 for the Housing Authority of Frankfort

Request approval to waive the Payment in Lieu of Taxes (PILOT) for 2017 for the Housing Authority of Frankfort. The Frankfort Housing Authority is a governmental agency that was established in 1941. Furthermore, the Housing Authority's property is not listed as taxable property in the City's property tax data base. The Housing Authority of Frankfort has requested annually by letter from the Executive Director of the Housing Authority a waiver of the Payment in Lieu of Taxes (PILOT) (Finance).

Attachments: PILOT letter

Suggested Disposition: Receive and File; Approve

10. MOA with KY Transportation Cabinet

In order to expedite the repair of thirteen drainage inlets along East Main (state maintained roadway) between Capital Avenue and Glenss Creek Road, the KYTC would like to enter into an MOA to reimburse the City for hiring an engineering firm to design the project. KYTC has tentatively scheduled the resurfacing of East Main in the fall of 2019 or possibly 2020. The City will also be performing TIGER related utility work in a portion of this area as soon as the TIGER agreement is signed. The City would like the TIGER utility work and KYTC drainage repairs to be bid around the same time to minimize the disturbance window and possibly receive a better bid. Once the design is complete, we will hold off on bidding the KYTC work until the TIGER utility work is allowed to

be bid. This KYTC drainage work can be used for match on the TIGER grant. The actual installation of the new drainage inlets will be paid for by KYTC. Recommend approval of the MOA in the amount of \$11,700 for KYTC to reimburse the City for engineering contract work. Vaughn and Melton has been selected to perform the design and once the MOA is approved we will submit a PO for Vaughn and Melton.

Attachments: MOA

Suggested Disposition: Receive and File; Approve

11. Sewer Department Boat Ramp Lease with Buffalo Trace

The purpose of this memorandum is to provide information regarding a proposed lease agreement between the City and Buffalo Trace Distillery for use of the boat ramp on the property of the Sewer Department, and to request Board of Commissioners approval. On May 3, 2018, Buffalo Trace sent a letter to Sewer Deputy Director Ken Hogsten requesting temporary use of the Kentucky River boat ramp located on Sewer Department property at 1200 Kentucky Avenue. The lease is solely intended for Gray Construction Company to use the ramp during the Buffalo Trace expansion project.

The key features of the proposed lease are as follows:

- 1) The lease is for the period of May 14, 2018 through November 30, 2018. Temporary use was granted by Mr. Hogsten until the agreement could be considered by the Board of Commissioners.
- 2) Lessee may park its vehicles on the boat ramp and adjacent road.
- 3) The City/ Sewer Department retain the right to have access to the ramp at all times, and the Lessee cannot create a nuisance or interfere with the operations of the Sewer Department.
- 4) Lessee will pay a lump sum rent amount of \$2,500.00.
- 5) Lessee will maintain the ramp in its current condition, restore the property to the same or better condition upon termination, and pay for any damages.
- 6) Lessee will maintain required insurance during the lease.

Board of Commissioners approval of the proposed lease, and authorization of the Mayor to sign related documents, is recommended (Sewer).

Attachments: Exhibit, Boat Ramp Lease Agreement

Suggested Disposition: Receive and File; Approve

12. New Police Vehicle Purchase

The purpose of this memo is to request the purchase of two (2) 2018 Ford Police Interceptor Utility patrol vehicles utilizing funds from FY 2017-2018 budget and authorize the Mayor to sign all related documents.

This vehicle will be purchased from Paul Miller Ford through the state contract. Over the past several years, the Police Department has worked to improve the overall quality of the fleet. Through the purchase of an average of 6 new patrol vehicles each year since 2011, that quality has increased. Due to budget restraints caused by pension reform, there will only be four (4) vehicles included in the budget for fiscal year 2018-2019. Therefore, we request that these two additional vehicles be purchased from funds that are available in the current 2017-2018 budget year. The Police Department is asking that two (2) vehicles be purchased at this time. The purchase of these vehicles will be additional to the six in the budget. These vehicles will be purchased from Paul Miller Ford. The cost through state contract for the vehicles will be \$56,217.16. The up-fit will be completed by L&W Emergency Equipment, through approved state contracting, will be \$31,602.70. The vehicle will be purchased through budgeted funds from account 100.43.56555 and the up-fit will be paid from account 100.43. 56550. Unused funds from other accounts will be transferred to accommodate (Police).

Attachments: None

Suggested Disposition: Receive and File; Approve

13. Kentucky Office of Homeland Security Grants

Staff requests authorization for the filing of an application for the 2018 Kentucky Office of Homeland Security Grant for the purchase of two high fidelity patient simulators for the Fire Department's paramedic program. The Kentucky Office of Homeland Security has grant funds available under the Homeland Security Program for patient simulation manikins and other related items. The City of Frankfort's Fire Department is in need of these high fidelity patient simulators to augment its paramedic program while enhancing internal training programs as it continues preparing for natural and man-made disasters. Overall costs for these high fidelity patient simulators will be \$117,095.00. The grant will reimburse 100%. The Frankfort Fire Department is in dire need of these high fidelity patient simulators. These simulators allow for enhanced training tools as we

produce quality paramedics. These simulators bring the latest simulation technology paired with intractability to supplement learning. The availability of these grant funds will offset the cost of purchasing these vital pieces of equipment. The entire purchase price of \$117,095.00 will be reimbursed by the KOHS Grant (Grants/Fire).

Attachments: Resolution

Suggested Disposition: Receive and File; Adopt Resolution

14. Lifepak 15 Maintenance Agreement

The purpose of this memo is to request authorization of a service agreement renewal with Physio-Control for the maintenance and repair of five Lifepak 15 (LP15) cardiac monitors for a term of four years and authorize the Mayor to sign all related documents. The Frankfort Fire Department purchased five LP15 cardiac monitors to aid in its mission of providing excellent pre-hospital care. These devices were placed on all frontline ambulances and allow paramedics the opportunity to identify life threatening cardiac dysrhythmias and acute myocardial infraction (heart attacks) rapidly while also bridging new treatment technologies in their treatments. Coupled with excellent Advanced Life Support practitioners, these devices have been responsible for a significant increase of diagnostics and survivability in cardiac patients. This contract renewal is for five of our LP15 cardiac monitors and will be for a four years term requiring renewal in February of 2022. The remaining LP 15 devices are under a separate service agreement as they were purchase at different times and are subject to different pricing and term limits. These devices, like all other mechanical devices, are essential to annual routine maintenance to insure operation, readiness, and longevity. Replacement cost for these devices, should one need to be replaced due to failed routine maintenance is approximately \$30,000.00. The annual budget impact for this agreement will be \$7,497.00 annually with a four-year term impact of \$29,988.00. Funds are budgeted annually in 100.41.53250 . EMS Maintenance and Repairs account for this expenditure (Fire).

Attachments: Service Plan Quote

Suggested Disposition: Receive and File; Approve

15. Neighborhood Reinvestment Grant Reallocation

Staff requests to reallocate Neighborhood Reinvestment Grant funds from the Bellepoint/Buttimer Hill Area to projects in the other designated areas. The Neighborhood Reinvestment Grant application process was opened September 1, 2017. Funds for the South Frankfort Area, the Central Business and the Holmes Street Area have been exhausted. There are funds that were not allocated in the Bellepoint/Buttimer Hill Area and since the deadline for submission was May 1, 2018 staff would like to use the available funds for projects submitted in the other areas. Since the Bellepoint/Buttimer Hill Area has additional funds that will not be expended staff requests to utilize those funds in the other areas where projects were submitted but not funded due to lack of grant funds. If these funds are not reallocated they will likely not be used for their intended purpose of Neighborhood Reinvestment. These funds have already been approved as part of a \$300,000 Neighborhood Reinvestment Program. This change will not impact the budget. Staff recommends approval of the reallocation of funds and the expansion of the Holmes Street Area. Once approval is given staff will contact previous applicants of the Neighborhood Reinvestment Grant that will now receive funding (Grants).

Attachments: None

Suggested Disposition: Receive and File; Approve

16. Personnel	Employee	Department	Date	Other
Retirement	Dan Allen	Fire	5/30/18	Firefighter III (authorize payment of accrued leave)
Resignation	Demetrius Lindsey	Police	5/24/18	Patrol Officer I (authorize payment of accrued leave)
Resignation	Zach McCain	Fire/EMS	5/30/18	Firefighter I (authorize payment of accrued leave)

Attachments: Dan Allen, retirement letter; Demetrius Lindsey, resignation letter; Zach McCain, resignation letter

Suggested Disposition: Receive and File; Approve

BOARDS

1. Board Appointments – None

ACTION ITEMS

These are items where discussion is held by the City Commission. Items such as Ordinances, Orders and Resolutions are discussed under this section of the agenda. Public comments are not allowed except as authorized by the Mayor.

1. First Reading

An Ordinance amending the City of Frankfort Code of Ordinances, Section 37.31 relating to the employee classification and compensation pay plan.

Summary: This ordinance amends Section 37.31(E) of the City of Frankfort Code of Ordinances establishing the chart specifying City employee job titles and pay grades to change the title of Director of Planning and Building Codes to Director of Planning & Community Development; and add Assistant Police Chief and remove the references to Division Commanders and Shift Commanders in the Police Department.

Suggested disposition: Receive and File; Adopt Ordinance

2. Second Reading

An Ordinance amending Ordinance No. 3, 2017 Series appropriating the revenue to be received by the City of Frankfort for the Fiscal Year of 2017-18. **This Ordinance had its First Reading on April 30, 2018.**

To Summarize an ordinance amending the 2017-18 budget to provide monies for the City of Frankfort to fund the following:

- 1) City Hall Study by Brandsetter Carrol (\$12,500).
- 2) TIGER Engineering/Design (\$200,000)
- 3) Attorney Fees . FPB Investigation (\$35,000).
- 4) Downtown Master Plan by City Visions, Inc. (\$50,000).
- 5) City Manager/Grants Manager . Brownfield (\$58,126), Wetlands (\$3,269), and Recycling Grant (\$39,995) (pass thru).
- 6) LifePak Monitors for Fire/EMS, (\$100,000).
- 7) KRONOS . (\$18,000).
- 8) Community Grants, Grant preparation and Resource Roadmap (\$35,000).
- 9) Information Technology including LaserFiche, Public Safety Software Update and Website Design (\$57,930).
- 10) Police Department Vehicles (\$41,059.38).
- 11) Finance Software (\$25,000).

Total 2017-18 Gross Budget amendment \$675,879 (net amendment of Pass Thru Grants \$574,489)

Suggested disposition: Receive and File; Adopt Ordinance

3. Second Reading

An Ordinance amending Chapter 119, Sections 119.01, 119.02, 119.03, 119.04, 119.05, 119.06 and 119.99 of the City of Frankfort Code of Ordinances relating to outdoor café permits. **This Ordinance had its First Reading on April 30, 2018.**

Summary: This ordinance amends Sections 119.01, 119.02, 119.04, 119.05, 119.06 and 119.99 of the City of Frankfort Code of Ordinances to require an outdoor café permit holder to provide proof that it sells food in accordance with a proper Health Department permit and provides a copy of its food and beverage menu, including verification that it offers food from its menu for sale during outdoor café hours; to allow extension of an encroachment in front of an adjacent property owner's front property line with written, signed approval from the adjacent property owner. The approval can be revoked by the adjoining property owner in writing at any time, and no fee may be charged related to use of the adjoining encroachment area; to request that music cannot produce noise that violates the City's noise regulation ordinance and to require the music to end at 9:00 pm on Sunday, Monday, Tuesday and Wednesday and 10:00 pm on Thursday, Friday and Saturday.

Suggested disposition: Receive and File; Adopt Ordinance

4. Second Reading

An Ordinance appropriating the revenue to be received by the City of Frankfort for fiscal year 2018-2019. This Ordinance appropriates revenue to be received by the City of Frankfort for fiscal year 2018-2019 in accordance with the budget submitted and hereby approved. **This Ordinance had its First Reading on May 14, 2018.**

Suggested disposition: Receive and File; Adopt Ordinance

5. Surplus of Police Department Cell Phones

The Police Department currently has 27 cell phones no longer in use. The Police Department switched from Verizon to Sprint to obtain the automated injury detection device for officer safety. Our old phones would not work with the Sprint account so we need to surplus them for a credit to our Sprint account saving us over \$2,000 thousand dollars. These phones will be traded in towards the purchase of similar phones that will work with the Sprint network. The trade in value is equal to or more than the fair market value of the phones.

An Order is now required to declare certain property as surplus.

Suggested disposition: Receive and File; Adopt Order

6. Letter of Support for Economic Development

The purpose of this memorandum is to request Board of Commissioners approval of an economic incentive for job creation and to approve the Mayor signature of a letter of support expressing such approval. The Kentucky Economic Development Finance Authority is considering approval of a Kentucky Business Investment (KBI) Program application for Investors Heritage Life Insurance Company to allow the expansion of their operations in the city of Frankfort.

The proposed expansion includes the creation of 75 new jobs (15 per year for 5 years) with a starting pay range between \$30,000 - \$100,000 with an average starting salary of \$50,000 and an investment of nearly \$1million. The impact of 75 new jobs at average annual salary of \$50,000 will put \$3.75M new dollars into the local economy. The direct effect multiplier is 1.7261 which means that $\$3.75M \times 1.7261 = \$6,472,875$. That is the estimated total of annual earnings increase in the region due to these 75 new jobs created in this project. In addition, the total employment in the region (75 jobs x 1.6338 jobs multiplier) is estimated to increase by 122 jobs. One of the requirements of the KBI program is that the local governing body provides an incentive toward the project. The city is proposing to offer a contribution of one percent (1.0%) of the 1.95% occupational license fee toward the project for a period of ten (10) years. During this time 1% of the new occupational license revenue generated (estimated at \$300,000) will go toward the project and .95% (estimated at \$285,000) will go to the city. Beginning in year eleven, 100% of the new occupational revenue generated will go to the city. This project supports the city's efforts to diversify our economic base and revitalize downtown and the Second Street Corridor.

The decision of Investors Heritage to continue to invest in our community will not only provide additional employment opportunities for the citizens of Frankfort, but will also increase real value-added output and real personal income. The request is for the Board of Commissioners to approve the attached letter of support for the Mayor's signature.

Attachments: Letter of support

Suggested Disposition: Receive and File; Approve

OLD BUSINESS / NEW BUSINESS

ADJOURNMENT