NOTICE

Per KRS 61.826 the Board of Commissioners Regular Meeting being held on June 27, 2022, is a video teleconference meeting. One Commissioner will participate via GoToMeeting or a similar video teleconferencing system. The primary location will be in the City Hall Council Chamber, 315 West Second Street.
AGENDA

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

June 27, 2022
5:00 PM

INVOCATION
Jack Brewer – Retired United Methodist Pastor

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL & RECOGNITION

Welcome to our new International Fellows from Thailand! The City of Frankfort is excited to welcome Pawitra (Mimi) Chamnanrot and Onchuda (Tarn) Koobkrato to our community for a month as part of the ICMA (International City/County Management Association) SouthEast Asian Fellows Exchange Program.

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 – Work Session, May 9, 2022; Regular Meeting, May 23, 2022

2. Memorandum of Agreement (MOA) with the Legislative Research Commission (LRC) – Fire

The purpose of this memo is to request the Board of Commissioners approve the continuation of the Memorandum of Agreement (MOA) with the Legislative Research Commission (LRC) and authorize the Mayor to sign all related documents. The Fire Department has provided a first responder during the Kentucky legislature regular session for the last ten years. During the convening of the Kentucky Legislature, it is not uncommon to see significant increases in both staff and visitors. All benefits and wages are covered by the City of Frankfort; however, the City will be reimbursed by the Legislative Research Commission at a rate of $47.00 per hour and will be working under the authority and direction of the City of Frankfort. The responder will be required to be in Fire Department uniform, be equipped with Fire Department response equipment, and will operate under the authority and direction of the City of Frankfort. During assignment, personnel are not to engage in any lobbying activities or attempt in any way to influence the passage or defeat of legislation during any Session of the Kentucky General Assembly. The Fire Department shall provide biweekly billing statements to LRC itemizing the number of paramedic or EMT hours provided for reimbursement at the rate of $47.00 per hour. The rate reimbursement remains sufficient to cover all salary and pension without negatively impacting the overall budget. The Agreement does include a cancellation clause that allows either party to withdraw from the Agreement after thirty (30) days’ notice or sooner with mutual agreement. 2022 impacts were $22,925.00 expense with $26,814.00 in revenue for a net revenue of $3,888.00.

Wages and benefits will be paid by the City from both the Fire and EMS personnel services budgets with a reimbursed rate of $47.00 per hour by the Legislative Research Commission. The rate of $47.00 per hour is still sufficient to cover the overtime and benefits of the employees working any stand-by shift(s) and should result in a very minimal, if any, budget impact. Staff recommends the Board of Commissioners authorize an agreement with the Legislative Research Commission to provide staffing of one (1) paramedic or EMT at the Capitol or Capitol Annex during all legislative sessions beginning on or after July 1, 2022, and ending June 30, 2023, and authorize the Mayor to sign all related documents.

Attachments: Memo, MOA
Suggested Disposition: Receive and File; Approve
3. **Authorization for the Mayor to sign Certificates of Local Approval and a Letter of Support for the Applications to the Kentucky Housing Corporation for Emergency Grant Funds for the Simon House shelters located at 231 E. Main Street & 208 W. Campbell Street.**

   Attachments: Letter of Support, Certificates of Approval
   Suggested Disposition: Receive and File; Approve

4. **Request to Replacement Bus Stop Signage – Public Works/ Transit**

   Transit requests to purchase replacement bus stop signage from the only bidder, Adcolor, Inc., for the total purchase price of $24,966.00 and for the Mayor to sign all related documents. The replacement bus stop signage would include additional information to citizens including bus stop identifiers, route maps and contact information. In addition, each sign will include braille indicating contact information and stop number. The new signage would increase awareness of transit services and assist with ridership. Transit received bids for the purchase of replacement bus stop signage on March 30, 2022. Only one bidder submitted pricing. Transit inquired with potential bidders on why they did not choose to participate in the bid process and received a range of answers. Essentially, other companies had too many current jobs, were back logged on their current work, could not produce signs that included a braille component or were simply too small to handle the workload. KYTC approved for transit to accept the sole bid since the bid specifications allowed for competition, but companies were unable to submit a bid for reasons outside of transit’s control. Transit requests to purchase the replacement bus stop signage from the only bidder, Adcolor, Inc. Funds for the purchase of the replacement bus stop signs are available in the Transportation Improvement account #530-00-51100. The purchase would be 100% reimbursed with FY22 5339 grant funds provided through KYTC. Transit recommends approving the purchase of replacement bus stop signage from Adcolor, Inc. for the amount of $24,966.00.

   Attachments: Memo, Bid Information, Quote
   Suggested Disposition: Receive and File; Approve

5. **Excess Worker Compensation Coverage for the period of 7/15/22 – 7/15/23 – Human Resources**

   The purpose of this memorandum is to request approval to renew our excess workers compensation coverage with Midwest Employers Casualty Company. The City purchases excess workers’ compensation insurance to limit our claims risk. The current policy has a specific retention per accident set at $650,000.00 providing coverage to the City for individual workers compensation claims over that amount. The current aggregate insurance coverage is at $2,104,246.00 for a two-year policy. Quotes for excess coverage were sought from 7 insurance companies. However, options were only received from two. This limited response is due to the following: 1) Our annual premium remains low enough that it does not reach some companies’ quote minimum 2) Some insurers are retracting from the workers compensation municipal market due to perceived public safety risks. This market retraction is not a reflection on the City’s risk or claims history. Midwest Employers Casualty Company is our current excess coverage provider and they provided quotes shown on the next page. The Gray Insurance Company provided quotes on buffer policies only, which would stack on top of a separate excess coverage policy.

<table>
<thead>
<tr>
<th>Line of Business</th>
<th>Quote Description</th>
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<tr>
<td>Excess Workers Compensation</td>
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Our recommendation is to move forward with the second option from Midwest Employers Casualty Company of $70,789.00/year. This option increases the City’s individual claims exposure to $750,000.00 but reduces the aggregate claims exposure to $1,425,832.00. It is important to note that the City has a restricted fund of 2.8 million to use for workers' compensation claims if the general fund appropriations are not sufficient to cover workers compensation claims filed. A copy of the July 15, 2022 – July 15, 2023 policy will be issued upon receipt of the annual binder premium. The annual premium is estimated based employer payroll. At the end of the year, a true up of actual payroll cost occurs and the City may receive a premium refund or an additional charge. In recent years, this policy has cost approximately $55,000.00 per year. The recommended option represents a $15,000.00/year increase. This increase is driven by limited supply pushing cost up, perceived municipal risk, and increases to City payroll. Staff recommends that the City Commission approve the workers compensation renewal with Midwest Employers Casualty Company at $70,789.00/year and authorize the Mayor to sign all related documents.

Attachments: Memo, Excess Workers Compensation Documents
Suggested Disposition: Receive and File; Approve

6. **Purchase Order for Peracetic Acid with Evonik Corporation – Sewer**

The purpose of this memo is to recommend approval of a purchase order with Evonik Corporation to provide Peracetic Acid to the City of Frankfort Sewer Department and for the Mayor to sign all related documents. 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 milliliters and the weekly average cannot exceed 240 colonies per 100 milliliters. The Department uses ozone to meet these limits but uses PAA as a supplemental chemical due to equipment limitations. The Sewer Department has had multiple issues with the ozone system this year and has had to use PAA as primary disinfectant to meet permit requirements. Plant staff has obtained estimated to repair the ozone system. The costs of repairs are estimated to be around $500,000.00. The ozone system was rebuilt in 2017 at a cost of over $350,000.00. Since the system is not operating effectively, FSD would like to switch disinfecting technologies. In order to do that additional funding is needed for PAA so that the KPDES permit can be met. This will add $100,000.00 to the annual budget for Peracetic Acid. Staff recommends that the Mayor and City Commission approve the purchase order for Peracetic Acid with Evonik Corporation.

Attachments: Memo, Copy of PO
Suggested Disposition: Receive and File; Approve

7. **Professional Services Contract – Bell Engineering for E.C. McManis WWTP UV Disinfection Improvements – Sewer**

The purpose of this memorandum is to request City Commission approval for Professional Services Contract for E.C. McManis WWTP UV Disinfection Improvements from Bell Engineering, and for the Mayor to sign all related documents. The E.C. McManis WWTP has operated with ozone as its primary disinfection since the plant started operations in 1980. This plant has been one of the only plants in the state with ozone disinfection. The system was upgraded and replaced in 2006. Since then, the system has operated well and allowed the plant to meet permit requirement. In 2009, FSD started to supplement the ozone system with peracetic acid to meet permit when the flows were above the capacity of the ozone system. In 2015 the system was rebuilt with new electrodes and complete system wide cleaning. In 2017, a reverse osmosis (RO) system was added to reduce the amount of fouling in the system due to hard water. Both of these projects were completed at a cost totaling around $450,000.00. Staff has been having issues with the system and it is recommended to spend another $500,000.00 to rebuild the system again. Staff then recommended to look at other possible technologies to find a more robust and reliable system.

FSD has been working with Bell Engineering to look and consider rebuilding the ozone system or switching disinfection technologies. After lengthy discussions, the decision was made to switch technologies to Ultra-Violet disinfection. By looking at all of the operating costs and the cost of liquid oxygen, electricity and the added cost of using peracetic acid for supplemental disinfection, it was recommended to switch technologies. Recommend the City Commission approve the Professional Services Contract in the amount of $133,000.00. This project is in the Capitol Improvement Plans and will be budgeted for design in the FY22-23 Budget. Once the Professional Services Agreement is approved and signed, the Sewer Department will issue a Purchase Requisition in the amount of $133,000.00 for a Professional Services Agreement with Bell Engineering.

Attachments: Memo, Professional Services Agreement
Suggested Disposition: Receive and File; Approve
8. Amendment #1 Professional Services Contract– Hazen for Forest Villas Siphon Improvements - Sewer

The purpose of this memorandum is to request City Commission approval of Amendment #1 to the Professional Services Contract for Forest Villas Siphon Improvements from Hazen, and for the Mayor to sign all related documents. There is an inverted siphon that begins behind the Forrest Villas Apartments along the East West Connector and ends behind the property at 266 Highland Parkway. The downstream manhole of this siphon is a current SSO location. The siphon has been very difficult to access and inspect. The last time this siphon was upgraded was during the construction of the East West Connector in the late 70’s or early 80’s. In June 2014 the City awarded a construction contract to Kenney, Inc. to make repairs to the siphon located behind the Forest Villas Apartments. The Forest Villas Siphon conveys sewage beneath a natural drainage feature and a RJ Corman railroad. The contractor performed some of the work and then left the site. After repeated attempts to get the contractor to return to the site and complete the project it was determined that the contractor had closed the business and declared bankruptcy. The City terminated the contract with the contractor in 2017. Since then, FSD has made multiple repairs to the manhole and system but they keep failing. This year we completed a velocity study on the upstream portion of the system and discovered that the velocity of the sewage entering manhole 4-1016 was too high and continues to knock bricks out of the manhole. FSD has asked Hazen to complete the redesign of this project to allow for velocity calming before it enters the manhole and downstream line. Since this is located within the RJ Corman railroad easement, there will be coordination with them to complete the project. Staff recommends the City Commission approve the Professional Services Contract in the amount of $45,625.00. This project is in the Capitol Improvement Plans and will be budgeted for design in the FY22-23 Budget. Once the Amendment is approved and signed, the Sewer Department will issue a Purchase Requisition in the amount of $45,625.00 for an Amendment #1 Professional Services Agreement with Hazen & Sawyer.

Attachments: Memo, Amendment #1, Original Professional Services Agreement
Suggested Disposition: Receive and File; Approve

9.

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<thead>
<tr>
<th>Personnel Action</th>
<th>Employee</th>
<th>Department</th>
<th>Date</th>
<th>Position</th>
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<td>Firefighter III to Fire Sergeant</td>
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<td>Police</td>
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</table>

Attachments: Austin Childers letter of resignation, Carlos Carcamo letter of resignation, Simion Alvarado letter of resignation
Suggested Disposition: Receive and File; Approve

BOARDS

1. **Tourist & Convention Commission** - Reappointment of Craig Potts, expiring 6-30-25.

Attachments: Letter from the Mayor, Appointee information
Suggested Disposition: Receive and File; Approve

2. **Tourist & Convention Commission** - Reappointment of Marc Stone, expiring 6-30-25.

Attachments: Letter from the Mayor, Appointee information
Suggested Disposition: Receive and File; Approve

   Attachments: Letter from the Mayor, Appointee information
   Suggested Disposition: Receive and File; Approve

4. **Board of Park Commissioners** – Appointment of Lesa K. Hodge, expiring 5-1-26 (replacing Ann French Thomas’ expired term).

   Attachments: Letter from the Mayor, Appointee information
   Suggested Disposition: Receive and File; Approve

5. **Board of Park Commissioners** – Appointment of Jamaal Jackson, expiring 5-1-26 (replacing Judy Zeigler’s expired term).

   Attachments: Letter from the Mayor, Appointee information
   Suggested Disposition: Receive and File; Approve

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**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.

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1. **Second Reading**

   “AN ORDINANCE CREATING AND ESTABLISHING FOR BID A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE FOR THE PLACEMENT OF FACILITIES FOR THE GENERATION, TRANSMISSION, DISTRIBUTION AND SALE OF TELECOMMUNICATIONS OR RELATED NON-CABLE SERVICES WITHIN THE PUBLIC RIGHT-OF-WAY OF CITY OF FRANKFORT FOR A TEN (10) YEAR DURATION; AND PROVIDING FOR COMPLIANCE WITH OTHER RELEVANT LAWS, REGULATIONS, STANDARDS, AND ORDINANCES; DEFINITIONS; WORK, MATERIALS AND CONSTRUCTION STANDARDS; WIRE MOVING AND TREE TRIMMING; PERFORMANCE BONDS; INDEMNIFICATION; INSURANCE; ACCESS TO PROPERTY AND INSPECTIONS; NOTICE OF FILINGS WITH THE PUBLIC SERVICE COMMISSION; NO VESTED RIGHTS; LIMITED ASSIGNMENT; NOTICE OF FORECLOSURE AND BANKRUPTCY; CANCELLATION OR TERMINATION; VIOLATIONS AND PENALTIES; PERMITTING AND INSPECTION FEES; ADDITIONAL PERMITTING AND OTHER REQUIREMENTS FOR SUBSTANTIAL NEW CONSTRUCTION; AND BID REQUIREMENTS; ALL EFFECTIVE ON DATE OF PASSAGE”. This ordinance had its First Reading on May 23, 2022. Summary: This ordinance creates a telecommunication franchise within the City of Frankfort, including the following: 1) a process for advertising and accepting bids for non-exclusive franchises allowing purchasers to use the City’s rights-of-way for telecom infrastructure; 2) a non-refundable bidder application fee of $8000 and non-refundable administrative/advertising fee of $2000; 3) requirements regarding use of City property and compliance with all applicable laws and permitting requirements; 4) provision of detailed construction plans, environmental impact studies, and other information subject to City approval; 5) various notice provisions regarding proposed activities to the City, community, media and other utilities; 6) responsibility for disturbances and damages caused by franchise-related activities; 7) penalties for violations of the ordinance; and 8) various other requirements regarding bonding, insurance, transfers, and termination.

   Attachments: Memo, Ordinance
   Suggested Disposition: Receive and File; Adopt Ordinance

2. **Second Reading**

   “AN ORDINANCE APPROPRIATING THE REVENUE TO BE RECEIVED BY THE CITY OF FRANKFORT FOR FISCAL YEAR 2022-2023”. This ordinance had its First Reading on June 13, 2022. Summary: This ordinance appropriates revenue to be received by the City of Frankfort for Fiscal Year 2022-23 in accordance with the budget submitted and hereby approved.

   Attachments: Ordinance
   Suggested Disposition: Receive and File; Adopt Ordinance
3. Second Reading

"AN ORDINANCE AMENDING ORDINANCE NO. 13, 2021 SERIES APPROPRIATING THE REVENUE TO BE RECEIVED BY THE CITY OF FRANKFORT FOR THE FISCAL YEAR 2021-2022". This ordinance had its First Reading on June 13, 2022. Summary: This ordinance amends Ordinance No. 13, 2021 Series, appropriating the revenue to be received by the City for the Fiscal Year 2021-2022 by adding the following expenditures as noted:

1) General Fund-$1,014,400 (aggregate total)

And by adding the following revenues:

1) General Fund-$4,236,300 (aggregate total)

Attachments: Ordinance
Suggested Disposition: Receive and File; Adopt Ordinance

4. First Reading

"AN ORDINANCE AMENDING CITY OF FRANKFORT CODE OF ORDINANCES SECTIONS 37.31, 37.32, AND 37.34 RELATED TO OFFICER AND EMPLOYEE PAY STRUCTURE, CLASSIFICATION AND COMPENSATION". Summary: This ordinance amends City of Frankfort Code of Ordinances Section 37.31 and 37.32 to delete references to the previous job classification charts and Salary Schedule Q and replace them with "COF Salary Schedule," incorporating all full time job classifications, pay ranges and pay grades; amends Section 37.32 to delete the requirement that any monthly or annual salary rates displayed in the previous schedule are computed based upon full time schedule and the requirement that part time and seasonal employee pay rates are set by the HR Director and City Manager; and amends Section 37.34 to remove the midpoint limitation for job offers and to require that an existing regular full-time employee pay rate shall be adjusted to match or exceed the pay of a similarly qualified new hire in the same job classification, rather than to 5% above the pay rate of the new hire.

Attachments: Memo, Ordinance
Suggested Disposition: Receive and File; Approve for second reading

5. Declaration of 2 Handguns as Surplus – Police

The purpose of this agenda item is to seek Commission approval to declare 2 city owned handguns as surplus for buy back by retired Officer Jeffrey Roberts. Frankfort Code of Ordinance 40.03 (B) allows for the purchase of service weapons by retired officers. Retiring Officer Jeffrey Roberts has expressed interest in purchasing his city service weapons in retirement. In order to complete the transaction to permit the retired officer to purchase these weapons, the weapons must be declared surplus by the City Commission. The form mentioned in 40.03 has been completed and is on file. As a matter of practice, the police department collects donated funds from current officers and staff to purchase a retiring officer’s service handguns. By the end of the service, these weapons are heavily used and diminished in value. The total fair market value is determined through websites that specialize in firearms market value. The total fair market buy back for these weapons is determined to be $350.00. This amount has already been given to the finance department to reimburse the city for the cost of the handguns. The final step in completing this transaction is Commission approval to declare the following items as surplus property.

1 Glock Model 22 Handgun & 1 Glock Model 27 Handgun

Staff recommends that the handguns be declared as surplus property pursuant to FCO 40.03.

Attachments: Memo, Order
Suggested Disposition: Receive and File; Adopt Order

6. Transportation Alternatives Program Acceptance of Funds for Wayfinding Project & Resolution

The purpose of this item is to consider acceptance of grant funds of $300,000.00 for Transportation Alternatives Reimbursement Agreement for the Downtown Wayfinding Project and authorizing the Mayor to sign all grant related documents. Adoption of the Resolution will allow the Mayor to sign all administrative documents required to submit and process the grant. The overall project is $375,000.00 and the City will be required to match the TAP funds with a 20% match. This will be $75,000.00 if all TAP funds are used. The City’s Capital budget currently has $72,462.00 for this project. Staff recommends the approval and adoption of this resolution.

Attachments: Memo, Agreement, Resolution
Suggested Disposition: Receive and File; Adopt Resolution
7. "A RESOLUTION ADOPTING THE 2022 CLASSIFICATION, COMPENSATION AND BENEFITS STUDY RECOMMENDATIONS"

Attachments: Resolution, Narrative
Suggested Disposition: Receive and File; Adopt Resolution

8. KSU Pool Study Resolution

The Board of Commissioners recently approved a resolution dedicating up to $30,000.00 for an architectural/engineering study and report regarding the Exum Indoor Swimming Facility. The resolution contained a clause requiring KSU to submit a signed statement agreeing to the terms of the resolution. In conversations with Paul Cable at KSU, the City Manager learned that though KSU agreed to the terms of the resolution, per their legal counsel they would not sign a statement agreeing to the terms. Instead, they have asked that the City submit a letter with the check explaining that the funds are restricted in accordance with the terms of the resolution. KSU was provided the resolution prior to its passage and did not identify this problem at that time. Although a signed statement is preferable, it is legally acceptable to send a letter instructing that the funds can only be spent in accordance with the resolution. We would still have legal recourse if the funds were not spent as required. However, removing the requirement of the signed statement is a material change to the resolution, so the previous one must be repealed and replaced with an updated resolution that does not contain that requirement. If it is still the desire of the BOC to fund the study, the attached resolution is legally sound and adoption is recommended.

Attachments: Memo, Resolution
Suggested Disposition: Receive and File; Adopt Resolution

9. Franklin County Humane Society Agreement

Attachments: Memo, Email, Agreement, Resolution No. 3, 2020 Series
Suggested Disposition: Receive and File; Approve Agreement

10. Transit Center/Parking Garage Project - KYTC-City Grant Agreement & Resolution

The purpose of this agenda item is to authorize the Mayor to sign an agreement and resolution for the Transit Center/Parking Garage Project. On May 10, 2022, the City of Frankfort/Frankfort Transit was awarded an FTA-CARES Grant in the amount of $5,500,000.00 for the Transit Center/Parking Garage Project on Parcel B. In addition to this CARES grant, the KYTC Office of Transportation Delivery has provided an additional $1,250,000.00 by way of the FTA Section 5311 Program. The total FTA grant funding for this project is $6,750,000.00. There is no local match required for this funding. In order to formalize this arrangement, KYTC has provided a KYTC-City grant agreement for review, approval, and signature. This agreement stipulates the grant funding along with the FTA provisions that accompany such a commitment. This agreement, when executed, will allow the City to be reimbursed for eligible project expenses up to the $6,750,000 amount. Staff recommends the Board of Commissioners approve the agreement and adopt the resolution.

Attachments: Memo, Resolution, Agreement
Suggested Disposition: Receive and File; Approve Agreement & Adopt Resolution

11. TIGER Grant Project Update

NEW BUSINESS

UNFINISHED BUSINESS

ADJOURNMENT