

## AGENDA

REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
502/875-8500  
[www.frankfort.ky.gov](http://www.frankfort.ky.gov)  
[www.facebook.com/CityofFrankfortKY](https://www.facebook.com/CityofFrankfortKY)

May 23, 2022  
5:00 PM

### INVOCATION

*Father Peter Doddema – Church of the Ascension*

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CEREMONIAL & RECOGNITION

**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, April 11, 2022; Regular Meeting, April 25, 2022**
- 2. Request to Purchase 5 Bus shelters - Public Works/ Transit**

Transit requests to purchase five (5) bus shelters from the lowest bidder, Brasco International, for the total purchase price of \$44,125.00. Transit received bids for the purchase of five (5) new bus shelters on March 30, 2022. Three bidders submitted pricing; one of those three bids did not meet project specifications.

The two (2) quotes that met specifications are as follows:

Brasco International: \$44,125

Columbia Equipment: \$86,750

Transit requests to purchase the bus shelters from the lowest bidder, Brasco International. Funds for the purchase of the bus shelters 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 (five) 5 bus shelters from Brasco International for the amount of \$44,125.00.

Attachments: Memo, Contract Agreement

Suggested Disposition: Receive and File; Approve

- 3. Direct Purchase of RAS Pumps for the WWTP – Sewer**

The purpose of this memorandum is to request Board of Commissioners approval for the purchase of three new Return Activated Sludge (RAS) Pumps for the Wastewater Treatment Plant (WWTP) from Xylem Water Solutions and for the Mayor to sign all related documents. The WWTP purchased a single RAS Flygt pump in 2020 to replace a pump that had was underperforming and had a long history of repairs. The Flygt pump was bought to test a new style pump as a trial to determine the effectiveness of the pump. Since the new Flygt pump was installed, the performance of this one pump outperforms all other pumps combined. The decision to switch to a dry well submersible was made for better performance and reliability. After seeing the performance and reliability of this pump, the WWTP would like to upgrade all pumps to the new style pump. This is a sole source purchase. Staff recommends the Board of Commissioners approve the purchase of the pumps with Xylem Water Solutions in the amount of \$188,638.38.

Attachments: Memo, Xylem Quote, Sole Source Provider Letter

Suggested Disposition: Receive and File; Approve

#### **4. Professional Services Contract – Prime AE Group, Inc. for Duncan Road Sanitary Sewer Improvements – Sewer**

The purpose of this memorandum is to request the Board of Commissioners approval for a Professional Services Contract for Duncan Road Sanitary Sewer Improvements from Prime AE Group, Inc., and for the Mayor to sign all related documents. The 10" existing sanitary sewer from Duncan Road to Jett Blvd is undersized to serve the planned economic growth along US 60 corridor south of I-64. This sewer is also subject to a significant amount of inflow and infiltration. The existing sewer needs to have its capacity increased. FSD has advertised, received letter of interest from six firms, qualification from three firms, and entered into negotiations with the highest ranked firm, Prime AE Group, Inc. This project will install new larger sanitary sewers along Duncan Road, under I-64 to connect to an existing 24" sewer at Jett Blvd. The project will also reduce Inflow and Infiltration entering the sewer from Slickway Branch. The contract is for the design of the new sewer to accept additional flow from new industries in the area to increase FSD revenue. Staff recommends the Board of Commissioners approve the Professional Services Contract in the amount of \$307,550.00. This project is in the Capitol Improvement Plans and will be budgeted for design in the FY22-23 Budget.

Attachments: Memo, Professional Services Agreement  
Suggested Disposition: Receive and File; Approve

#### **5. Multi-gas Detectors Bid Acceptance – Fire**

The purpose of this memo is to recommend the Board of Commissioners accept a bid by Industrial Scientific for the purchase six (6) multi-gas detectors and accessory equipment in the amount of \$26,729.90 and to authorize the Mayor to sign all related documents. During the Board of Commissioners meeting on April 26, 2021, the Board authorized the Fire Department to apply for the 2021 Kentucky Homeland Security (KHOS) grant in the amount of \$107,500 for the replacement purchase of hazmat monitoring devices. The department received notice in January of 2022 of KHOS grant award. After grant execution, an invitation to bid for the first half of the project was developed and published with a bid opening date of March 16, 2022. The invitation to bid, bid # 2212202-42, was published in accordance with current practices by the Finance Department and received only one (1) bid meeting full intent and specifications. The scope of bid will result in the replacement of an outdated and unusable six (6) multi-gas detectors and necessary accessory equipment for hazmat operations. While the bid did come in slightly higher than originally quoted during grant application, the equipment underwent price increases due to the length of time from original price quoting – nearly one year to date of original quotes and grant application – and a change in warranty coverage for the piece of equipment. The bid also included a four-year maintenance and monitoring program in the term amount of 39,273. These funds will be paid monthly over the following 48 months and has been included in FY 23 Budget. The Bid has been reviewed for compliance and meets all requirements and specifications. A budget amendment was completed earlier this FY to cover the expense of this grant in the amount of \$107,500. Additional funds will be taken from existing operational funds in current budget. These funds are available in our current equipment budget. Staff recommends the Board of Commissioners approve accept a bid by Industrial Scientific for the purchase six (6) multi-gas detectors and accessory equipment in the amount of \$26,729.90 and authorize the Mayor to sign all related documents

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

#### **6. Circle Play & Learn Use Agreement – Parks**

The purpose of this agenda item is to present a Use Agreement between the Parks Department and the Circle, Play, & Learn Academy for an alternative/forest school program at Capitol View Park and for the Mayor to sign all related documents. The Parks Department has been in discussions with Shannon Gale, a local Frankfort resident who operates an alternative home school option for children called the Circle, Play and Learn Academy. The academy teaches kindness, self-confidence, responsibility, and developing a strong connection with nature and learning scientific facts about the natural world. See attached for additional background information. Ms. Gale has held the school at various locations in and around Frankfort including Fort Hill, Salato Wildlife Center and Josephine Sculpture Park. Ms. Gale feels Capitol View would work out great for her students of the program. Upon review from Parks administration as well as the City Manager and City Attorney, we feel the area that is being requested inside of Capitol View Park for the school and the term of the Use Agreement is agreeable and will not adversely affect day to day operations at Capitol View Park. As with most Use Agreements, there will be a 30 day out clause if for unforeseen reasons either party wish to terminate the agreement they can do so. An annual fee of \$250.00 for the use of said areas as well. Parks recommends approving the Use Agreement for the Circle, Play and Learn Academy for the use of Capitol View Park as spelled out in the Use Agreement.

Attachments: Memo, Use Agreement  
Suggested Disposition: Receive and File; Approve

## **7. KSU After School Program Memorandum of Understanding (MOU) – Police**

This agenda item will authorize the Mayor to execute a Memorandum of Understanding between Kentucky State University and the City of Frankfort, to the City of Frankfort's Police Department assist Kentucky State University in performing the U. S. Office of Minority Health Grant entitled "Please Call Me Mister: An Afterschool Mentoring Program for African American and Hispanic Males". Kentucky State University anticipates receiving a U. S. Office of Minority Health Grant entitled "Please Call Me Mister: An Afterschool Mentoring Program for African American and Hispanic Males". Pursuant to this grant, Kentucky State University will provide afterschool youth development programming and mentoring, utilizing community volunteers and college students to mentor youth ages 12-17. The City of Frankfort, to assist Kentucky State University in this programming and mentoring effort, through its Police Department, will:

- Provide monthly visits and discussion/training sessions for program youth, families, staff, volunteers, and mentors on a variety of social and criminal justice topics relative to police involvement in the community.
- Make available the Citizens' Police Academy to eligible program staff, families, adult volunteers, and college student mentors.
- Make available to program youth the Frankfort Police Explorer program to observe and learn the interworking of the police department duties and procedures.
- Serve as an advocate for the program and make referrals for eligible youth participants.

The MOU is for a term of three years, although it can be terminated upon 30 days prior written notice. This program is an excellent opportunity for the Frankfort Police Department to collaborate with Kentucky State University. The fiscal impact will be minimal, mostly limited to work hours for members of the department. Staff recommends approval and to authorize the Mayor to sign the MOU.

Attachments: Memo, MOU

Suggested Disposition: Receive and File; Approve

## **8. New Property Tax Application – Finance**

The purpose of this memo is to request the Board of Commission (BOC) approve the proposal from SITEK (IT Consultants and Software Development) for the design and development of a new Property Tax application for use by the City of Frankfort Finance Department and for the Mayor to sign all related documents. Payment, in the amount of \$52,900, will be budgeted and paid in early FY23 upon completion and testing of the product. As is customary in these types of agreements, in FY24-FY28, the following amounts will be budgeted for support and maintenance: \$9,522, \$8,993, \$8,464, \$8,464, and \$8,464. The Finance Department has been using the same property tax program (Microsoft Access Database) for far more than 13 years now and updated technology is greatly needed. The new application will be created utilizing current Microsoft technology (.net framework and SQL Server Database).

As the City looks to modernize how it does business with the community, this new application will be an important step in the right direction for a number of reasons. 1.) We will be able to accept credit card payments at the counter for walk-ins (processing fees will still apply) using a credit card machine. Currently if a customer wants to use a credit card at the counter, we must go through our website to complete the transaction. Payment must then be entered manually into the current database application. 2.) Property tax bill information accessed through our website by taxpayers will be interfaced with the new application and updated in real time as tax bills are paid. 3.) Since the application will interface with our website, taxpayer errors will be eliminated (paying the wrong tax bill, amount or taxes due another entity). 4.) Taxpayers will have more options for online payment (credit card, debit card or ACH/eCheck).

While we made phone calls to other entities asking what type of property tax program they currently use, we ultimately decided requesting SITEK design, development and ultimately support an application built exclusively for the City was our best option. Most entities were using the same sort of program we currently use and are experiencing the same sorts of issues that come with using outdated technology. Since this is considered a professional service and uniquely specific to our needs, we did not bid this service out. As an important added note, we believe this new application focuses on two of our recently adopted business strategies from our Strategic Plan (Sustainability and Excellence) as we are always looking for ways to provide efficiencies in service delivery while maintaining excellent customer service. Staff recommends the BOC approve the proposal from SITEK and for the Mayor to sign all related documents. Upon approval, the Finance Department will contact SITEK so development can begin. Upon completion of application, testing will occur and once the Finance Department is satisfied with the end product, payment will be made upon submission of invoice.

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

9.

Personnel Action	Employee	Department	Date	Position
Retirement	David Gipson	PW/Streets	5/6/22	Streets Superintendent
Retirement	Jeff Roberts	Police	5/31/22	Patrol Officer III Authorize payout of accrued leave
Appointment	Yvonne Hulker	E911	5/3/22	Telecommunicator I
Appointment	Catherine Nivison	PW/Transit	6/7/22	Transit Driver
Appointment	Alexis Allen	City Manager	5/16/22	Project Specialist
Appointment	Oscar Guevara	Police	5/10/22	Patrol Officer 1
Termination	Jeremy McGruder	PW/Solid Waste	4/21/22	SW Tech I
Demotion	Chris Woods	Fire	4/26/22	Firefighter III
Resignation	Jon Penfield	Fire	5/22/22	Fire Sergeant Authorize payout of accrued leave
Resignation	Victor Valdiva	Fire	5/24/22	Firefighter II
Resignation	Daniel Quire	Police	6/2/22	Patrol Officer II Authorize payout of accrued leave

Attachments: Victor Valdiva letter of resignation, Daniel Quire letter of resignation  
Suggested Disposition: Receive and File; Approve

## BOARDS

- Code Enforcement Board** – Appointment of Eric Northcutt, expiring 4-24-25 (replacing Corey Bellamy).

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

- Code Enforcement Board** – Reappointment of Timothy Mayer, expiring 4-24-25.

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

- Housing Authority** – Appointment of Harry Carver, expiring 1-29-26 (replacing Garnett Thurman).

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

## **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 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”.** 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; Approve for Second Reading

### **2. Surplus Order for Solid Waste Conveyor**

The purpose of this memo is to request the Board of Commissioners authorize the Division of Solid Waste to declare a conveyor as surplus property and to authorize the Mayor to sign all related documents. The Division of Solid Waste has a conveyor that needs to be declared surplus and sold. The conveyor had been daily since purchase in the early 2000's to sort recycle material, it had been used since 2012 to load recycle material that was being sent to the LFUCG recycle center. COF0000839 is no longer in safe operating condition and the repairs would have been too costly due to the age of the machine. The conveyor has been replaced with a new one that was purchased with funds received from the Kentucky Pride Recycling grant. Staff recommends that the conveyor be declared surplus and sold at online auction and the money returned to the General fund.

Attachments: Memo, Order

Suggested Disposition: Receive and File; Adopt Order

### **3. “A Resolution Approving and Authorizing an Assistance Agreement between the City of Frankfort, Kentucky, and the Kentucky Infrastructure Authority to Provide up to \$1,500,000 of Loan Funds for Project Number A21-031”**

Attachments: Resolution

Suggested Disposition: Receive and File; Adopt Resolution

#### **4. American Rescue Plan Act (ARPA) Resolution**

Staff requests approval to take the revenue loss standard allowance for American Rescue Plan Act (ARPA) funds to utilize the City's allocation of \$7,187,407.16 for the execution of government services. This request helps meet the City's goal of Financial Sustainability in the Strategic Plan. In March 2021 the United States Congress passed the American Rescue Plan Act and President Joe Biden signed into law on March 11, 2021. The United States Department of the Treasury published in the Federal Register the Final Rule governing the Coronavirus State and Local Fiscal Recovery Funds on January 27, 2022. The Final Rule allowed non-entitlement cities to take a standard allowance for revenue loss not to exceed \$10 million. Funds can then be utilized for government services which are defined as "any service traditionally provided by a government." The Final Rule includes the following examples: Road building and maintenance; other infrastructure; general government administration, staff, and administrative facilities; environmental remediation; provision of police, fire, and other public safety. The Treasury Department and the Kentucky League of Cities have encouraged non-entitlement cities to utilize this standard allowance to ensure compliance. Staff recommends taking the standard allowance and utilizing funds for government services including public safety and government administration.

Attachments: Memo, Resolution

Suggested Disposition: Receive and File; Adopt Resolution

#### **5. Holmes Street RAISE Grant Consultant Agreement & Resolution**

**"A Resolution Authorizing the Mayor to Sign a Professional Services Agreement with Strand Associates, Inc. for the Holmes Street Corridor RAISE Planning Grant Project"**

Attachments: Agreement with Strand Associates, Inc., Resolution

Suggested Disposition: Receive and File; Adopt Resolution

#### **6. Strand Associates TIGER Grant Amendment No. 4 & Resolution**

At its December 21, 2020, meeting, the Board of Commissioners approved Agreement Amendment #3 to the Strand Associates, Inc. agreement for the subject project. Agreement Amendment #3 provided federal TIGER grant funding for construction related services. These services included construction inspection, materials testing, and any necessary design revisions. The amount of Agreement Amendment #3 was \$646,824. As the construction of the Second Street TIGER project has progressed, Strand Associates, Inc. has experienced increased costs associated with, among other activities, daily construction inspection and necessary design revisions. The original estimate for daily inspection hours was 2,400. The current anticipated daily inspection hours are 2,975. The major factor behind this increase is the number of weeks the contractor (Pace Contracting) has been and will be actively involved on the project requiring daily inspections. The original estimate for necessary design revision hours was 200. The current anticipated design revision hours are 566. This significant increase in the number of design revision hours is the result of numerous utility conflicts and other project scope modifications such as adding wayfinding signs and City Hall ADA improvements. It is recommended the Board of Commissioners approve Agreement Amendment #4 at its May 23, 2022 meeting in the amount of \$206,097.00. This entire amount will be paid for using federal TIGER grant funds that are available in the project's contingency budget.

Attachments: Memo, Agreement with Strand Associates, Inc., Resolution

Suggested Disposition: Receive and File; Adopt Resolution

#### **7. "A Resolution in support of Development of the Franklin County/City of Frankfort Hazard Mitigation Plan"**

Attachments: Franklin County/City of Frankfort Hazard Mitigation Plan, Resolution

Suggested Disposition: Receive and File; Adopt Resolution

**8. Emergency Purchase A/C units for “Yes Arts” Building**

The Public Works Department is seeking approval for an emergency purchase of a new air conditioning system, in the amount of \$28,769.42 to Sizemore Heating and Cooling, for the “Yes Arts” Building, and for the Mayor to sign all related documents. The air conditioning system at the “Yes Arts” Building stopped working. The system was installed in 1998 and consists of 3 units working together. Due to the temperature in the building, this purchase has been treated as an emergency purchase. The old units were removed on May 16th and the tentative schedule for installation of the new ones is Thursday May 19th. Staff recommends approval of this emergency purchase in the amount of \$28,769.42 for Sizemore Heating and Cooling, that will be taken from account number 100.64.53250.

Attachments: Memo, Emergency Purchase Order, Order of Emergency Purchase  
Suggested Disposition: Receive and File; Approve

**9. Legal Fees – Kyle Thompson**

The purpose of this memorandum is to request approval of an additional \$60,000 for the professional services contract with Vaughn Petitt Legal Group regarding legal services in connection to Kyle Thompson’s removal from the Board of Commissioners. On March 3, 2022, the City entered into a contract with Vaughn Petitt Legal Group, PLLC to represent the City pertaining to Kyle Thompson’s removal hearing and litigation. City staff prepared the standard Request for Mayor to Sign Contract for under \$20,000. As Thompson continues to file litigation against the City and its officers, legal fees have now exceeded the \$20,000 limit and owe an additional \$21,000. It is difficult to estimate how much more time and funds will need to be allocated to this matter. The City’s insurance unfortunately will not cover related costs at this time, although the City Solicitor intends to follow up regarding coverage as the litigation moves forward. Further, as the City Solicitor is a named party, she is unable to assist with defense to the extent she usually would. To ensure another funding request does not have to be made in the near future, staff would like to increase the amount of funds dedicated to defense of the City related to this litigation and request an accompanying budget amendment. It is recommended that the BOC approve a contract update and associated budget amendment in the amount of \$60,000 for legal fees to Vaughn Petitt Legal Group, PLLC, related to litigation brought against the City and its officers by Kyle Thompson.

Attachments: Memo  
Suggested Disposition: Receive and File; Approve

**10. Bluegrass Canoes, Inc. dba Canoe Kentucky Lease Agreement**

The purpose of this memo is to request that the BOC approve a Lease Agreement between the City of Frankfort and Bluegrass Canoes, Inc., d/b/a Canoe Kentucky, and authorize the Mayor to sign all related documents. For many years the City of Frankfort has had a lease with Bluegrass Canoes, Inc. to lease a portion of Riverview Park in Frankfort, Kentucky for the purpose of renting canoes and kayaks in order to encourage the use of the Kentucky River and provide more tourism activities in Frankfort. Under the proposed revised lease, Bluegrass Canoes will continue to have exclusive use of a small part of Riverview Park each Saturday and Sunday from 8:00 a.m. until sundown from April 1, 2022 to October 31, 2022. This lease will automatically renew for four (4) additional one (1) year terms unless terminated by one of the parties. The City will receive the amount of \$500.00 per year in exchange for leasing the premises. Staff recommends that the BOC approve the revised Lease Agreement and authorize the Mayor to sign all related documents.

Attachments: Memo, Lease Agreement  
Suggested Disposition: Receive and File; Approve

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**EXECUTIVE SESSION**

**EXECUTIVE SESSION PER KRS 61.810(1)(B), DELIBERATIONS ON FUTURE ACQUISITION OF REAL PROPERTY RELATED TO PARKS, WHERE PUBLICITY WOULD LIKELY AFFECT THE VALUE OF THE PROPERTY. ACTION MAY BE TAKEN IN OPEN SESSION.**

**ADJOURNMENT**