



MINUTES

FPB Board Meeting

1:00 PM & 3:00 PM - Friday, March 3, 2023
Community Room

The Frankfort Plant Board met on Friday, March 3, 2023 at 1:00 PM in the Community Room.

ATTENDANCE:

Stephen Mason, Board Secretary/Treasurer
John Cubine, Board Chair
Kathryn Dutton-Mitchell, Board Member
Jason Delambre, Board Member
David Billings, Director of Water Operations
Harvey Couch, Marketing Video Content Coordinator
Katrina Cummins, Finance Director
David Denton, Chief Financial Officer
Vent Foster, Chief Operations Officer
Cassie Estill, Customer Service Supervisor
Adam Hellard, Cable/Telecom Superintendent
Scott Hudson, Electric Superintendent
Cathy Lindsey, Communications & Marketing Director
Kathy Poe, Executive Assistant to GM
Hance Price, Assistant GM Administration/Staff Attorney
Leigh Ann Phillips, Support Services Director
Deron Rambo, Network Operations Center Director
Travis McCullar, Chief Electric Engineer
Jennifer Hellard, Purchasing Agent
Gary Zheng, General Manager
Nichell Brown, Human Resource Director
Shane Holt, Asst. Cable/Telecom Superintendent
David Columbia, Community Television Coordinator
Brian Bourne, Water Distribution Superintendent
JC Lyons, Safety Director
Danny Harring, Asst. Water Distribution Superintendent
Brandon Powers, Water Treatment Plant Superintendent
Sharmista Dutta, Water Engineer
State Journal

3 CONDUCT PUBLIC HEARING

3.1 Conduct a Public Hearing regarding: (1) Increasing rate for Cable Network Pass-Through Fee, (2) Increasing rate for Bulk cable I and Bulk cable II, (3) Reducing Digital Gateway Fee, (4) Reducing Starz/Encore rate, and (5) Update FPB Local Weather Advertising rates.

This Hearing will come to order. My name is Steve Mason; I have been requested by the Board to conduct this Hearing. With me today are Board Members and Staff of the Frankfort Electric and Water Plant Board. We are here to receive comments regarding (1) Increasing rate for Cable Network Pass-Through Fee, (2) Increasing rate for Bulk cable I and Bulk cable II, (3) Reducing Digital Gateway Fee, (4) Reducing Starz/Encore rate, and (5) Update FPB Local Weather Advertising rates. This Public Hearing was advertised in accordance with the Regulations for Public Notification and appeared in the Weekend, February 25-26, 2023 edition of The State Journal newspaper.

To conduct this hearing in an organized fashion, we have asked that anyone wishing to comment register via email with Cathy Jennings (cjennings@fewpb.com) or Cathy Lindsey (clindsey@fewpb.com).

This Hearing will be conducted informally and voluntarily by the Frankfort Electric & Water Plant Board in order to accept comments on the above item. Both oral and written comments will be accepted. Any and all persons present who wish to make a statement will be afforded an opportunity to do so. If you have a written statement to accompany your oral presentation, a copy of the written statement should be provided to the Board prior to your presentation. Oral presentations should be limited to no more than 3 minutes. If necessary, I will interrupt and request the presentation to be completed due to this time limit. I may ask questions of any person presenting oral comments where it is necessary to clarify the nature or substance of the comments.

The Board reserves the right to answer questions at a later date. It is the job of the Board to fairly consider various points of view and information. We want public input and involvement and I hope you do not find our standard procedures restrictive.

Additional oral comments and written comments will be accepted and considered if they are submitted no later than the end of normal business hours on Monday, March 20, 2023. To submit a comment, please contact FPB at 352-4372, or on our website www.fpb.cc.

Before we open the floor for comments, Mr. David Denton will provide a summary of the details

Mr. Mason conducted the public hearing.

Mr. Denton summarized the details of the proposed rate changes.

No written or oral public comments were received.

Jason Delambre moved to conclude the public hearing. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

3.2 Recess & Reconvene.

Kathryn Dutton-Mitchell moved to recess until 3:00 p.m. Stephen Mason seconded the motion. CARRIED. 4 to 0.

Stephen Mason moved to Reconvene. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

1 ACTION ITEM: APPROVAL OF MINUTES

1.1 Consider Approval of Minutes for the January 17, 2023, Board Meeting

Jason Delambre moved to approve the minutes from the January 17, 2023 board meeting. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

1.2 Consider Approval of Minutes for the January 31, 2023, Special Board Meeting.

Stephen Mason moved to approve minutes from the January 31, 2023, special board meeting. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

2 ACTION ITEM: ACCEPT FINANCIALS

2.1 Consider Accepting the Financial Statements for Month Ending January 31, 2023.

Jason Delambre moved to accept the financial statement for the month ending January 31, 2023. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

4 INFORMATIONAL ITEM: PUBLIC COMMENT

4.1 There were no public comments.

5 INFORMATIONAL ITEM: DEPARTMENTAL REPORTS

- PUBLIC INFORMATION
- POTENTIAL OR AGREED UPON RELATED PARTY TRANSACTIONS
None Reported.
- NETWORK OPERATIONS CENTER (NOC)
- CUSTOMER SERVICE

- TELECOMMUNICATIONS
- ELECTRIC DEPARTMENT
- SEPA
- KYMEA
- SAFETY
- WATER DISTRIBUTION
- WATER TREATMENT PLANT

6 ACTION ITEMS:

- 6.1 Action Item: Consider Approving A&E Television Networks License Agreement.

Stephen Mason moved to approve the A&E Television Networks License Agreement. Jason Delambre seconded the motion. CARRIED. 4 to 0.

- 6.2 Action Item: Accept Minutes of December 13, 2022 Cable Advisory Committee Meeting.

Jason Delambre moved to accept the minutes from the December 13, 2022 Cable Advisory Committee meeting. Stephen Mason seconded the motion. CARRIED. 4 to 0.

- 6.3 Action Item: Award of Bid # 1778 to HDPE Conduit.

Jason Delambre moved to award Bid #1778 to HDPE Conduit. Stephen Mason seconded the motion. CARRIED. 4 to 0.

- 6.4 Action Item: Consider Award of Bid Invitation #1776 for Two (2) Pickup Trucks to O'Brien Ford in the Amount of \$78,241.92. (Leigh Ann Phillips will discuss)

Staff obtained sealed bids for two (2) half ton pickup trucks to be used in the electric department. These trucks are considered additional trucks as they are for the two new AMI Technician positions.

Staff recommends awarding to O'Brien Ford in the amount of \$78,241.92. Although Dan Cummins Dodge is \$49 cheaper per truck, FPB's Heavy Truck and Equipment Technicians are Ford certified. We also have Ford diagnostics programs to diagnose any issues the trucks may later have.

\$84,000 is included in the current budget for the purchase of these trucks (page 17, lines 220 and 225).

Jason Delambre moved to award Bid invitation # 1776 for Two (2) Pickup Trucks to O'Brien Ford in the amount of \$78,241.92. Stephen Mason seconded the motion. CARRIED. 4 to 0.

6.5 **Action Item: Consider Renewal of Groundskeeping Services Contract to McDonald's Lawn & Landscaping, LLC. (Leigh Ann Phillips will discuss)**

The current contract for groundskeeping services with McDonald's Lawn & Landscaping, LLC ends on February 28th, 2023. Staff recommends renewing the contract for an additional year at the same cost. Rebidding would likely result in a price increase.

McDonald's was the low bidder when the contract was put out for bid. They have done an exceptional job in keeping FPB's grounds maintained. We have spent \$76,550 on the current contract.

Jason Delambre moved to renew the contract for groundskeeping services with McDonald's Lawn & Landscaping, LLC. Stephen Mason seconded the motion. CARRIED. 4 to 0.

6.6 **Action Item: Consider Award of Bid Invitation #1777, (Taylor Tot Elevated Tank Painting Project), to Currens Construction Services Inc. for \$529,800. (David Billings will discuss)**

The Taylor Tot tank is one of two water storage tanks on the east side of town. The 1,000,000 gallon elevated steel tank was built in the early 1960's and last painted around 20 years ago. Prior tank inspections concluded the coating system was at the end of its useful life and it was time to paint again, as well as perform some repairs and improvements during the process.

Staff, together with Wet or Dry Tank Inspection Services, developed specifications for the project and Invitations to Bid were publicly issued January 11, 2023.

On January 27, 2023, bids were received from the following contractors:

1. Currens Construction Services	\$529,800
2. Weiser Construction	\$599,640
2. D & Six Sons Painting	\$610,900
3. Seven Brothers Paintings	\$649,900

The Water Department budgeted \$500,000 in the FY 22-23 budget for the project.

Currens Construction has successfully performed work for industrial clients and utilities alike, and is also being recommended by our project consultant. Staff recommends that the Board award the bid to Currens Construction Services for \$529,800 and amend the project budget to \$667,000. The necessary additional funds will come from other capital additions projects budgeted this year that are

either already completed with dollars remaining, or are not expected to be completed this year.

Project Budget:

1. Currens Construction	\$529,800	
2. Wet or Dry contract	\$ 64,000	
3. Tank Mixing System	\$ 20,000	
4. Redundancy (unk.. repaires)	<u>\$ 53,200</u>	
	\$667,000	new project budget

Kathryn Dutton-Mitchell moved to award bid invitation #1777 (Taylor Tot Elevated Tank Painting Project), to Currens Construction Services, Inc. for \$529,800. Jason Delambre seconded the motion. CARRIED. 4 to 0.

- 6.7 **Action Item: Consider Retaining Blue & Co., LLC to Conduct the 2022-2023 Financial Statement Audit for a Fee of \$38,700. (David Denton will discuss)**

In November 2020 FPB issued a Request for Proposal (RFP) for external audit services for five consecutive years beginning with the fiscal year ended June 30, 2021 and concluding with the fiscal year ended June 30, 2025. Blue & Co., LLC was the firm selected for the audit engagement. Attached is a summary of the audit fee schedule Blue & Co. submitted with their 2020 proposal.

Blue & Co. is requesting to increase the FY 2023 audit fee to \$38,700 up 15% from the FY 2022 audit fee of \$33,650 and up 12% from the \$34,300 fee quoted in 2020. Please see a copy of email from Blue & Co. in the board packet explaining reason for requested increase.

Kathryn Dutton-Mitchell moved to ask staff to propose an 8% increase to retain Blue & Co., LLC to conduct the 2022-2023 Financial Statement Audit in lieu of their requested fee of \$38,700. Stephen Mason seconded the motion. CARRIED. 4 to 0.

- 6.8 **Consider Approval of Agreement with Groves Construction and Bowlin Companies for Storm Response.(Scott Hudson will discuss)**

Staff asks that the board approve agreements with Groves Construction and Bowlin Companies for storm response. in order for FPB to be eligible for FEMA reimbursements we must have on file agreements with contractors that can provide services to FPB in an outage restoration. These two (2) companies have provided pricing and would charge these amounts to FPB for work performed in an outage restoration after an emergency such as a storm. These companies are located in Kentucky and perform quality work. Staff asks that the board approve the agreements and rate sheets with Groves Construction and Bowlin Companies. This has been reviewed and approved by the staff attorney.

Stephen Mason moved to consider approval of agreement with Groves Construction and Bowlin Companies for storm response. Jason Delambre seconded the motion. CARRIED. 4 to 0.

- 6.9 Action Item: Approve Sensus Project Management Change Order.(Travis McCullar to discuss)

The AMI contract with Sensus included an agreed upon amount of \$612,000 for project management services during the duration of deployment. This previously was billed monthly at \$18,545 (less retainage) for an anticipated 33 month deployment. Based on changes to material availability, the currently expected completion date has been extended to May of 2025. To accommodate this extended deployment period, Sensus has agreed to revise the monthly invoices to \$4,550.91 from December of 2022 to May 2025. This change order will not change the total \$612,000 to be paid for the duration of the project.

Jason Delambre moved to approve Sensus project management change order. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

- 6.10 Action Item: Approve resolution to adopt Joinder Agreement with Kentucky Deferred Compensation Authority. (Nichell Brown to discuss)

FPB participates in deferred compensation programs administered by Kentucky Deferred Comp. ("KDC"). In order to continue participation in these plans (401(k) and 457) which are administered by KDC and Nationwide, FPB must execute the new Joinder Agreement and Resolution received on or about February 2, 2023. In short, the Joinder Agreement authorizes KDC to perform any and all acts incidental to administration of the plans. Staff recommends the Board move to approve the Joinder Agreement and resolution adopting the same.

Stephen Mason moved to approve resolution to adopt Joinder Agreement with Kentucky Deferred Compensation Authority. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

- 6.11 Action Item: Approve EV Lease Agreement with Wesbanco. (Travis McCullar and Hance Price to discuss)

Wesbanco presently owns and maintains the parking lot located at the old L & N Railroad Depot property. Staff worked with Wesbanco and prepared the attached lease. The lease agreement is for an initial term of three years and may thereafter be terminated on thirty (30) days written notice. It allows FPB to install and maintain a charging station at FPB's sole cost. The charging station will allow for EV charging 24/7 in the downtown area. Staff recommends approval of the lease.

Jason Delambre moved to approve EV lease agreement with Wesbanco. Stephen Mason seconded the motion. CARRIED. 4 to 0.

6.12 **Consider Amendments to the Job Classification and Compensation Plan: Reclassify Network Operations Center Director position and job title change. (Nichell Brown to discuss)**

Staff asks the Board to consider approving the reclassification of the Network Operations Center (NOC) Director due to assignment of additional job duties related to Frankfort Plant Board's physical security. These new job duties include but are not limited to implements overall security strategy, policies, and standards to ensure the physical safety of all visitors, employees, and customers to FPB facilities and the security of all property and assets.

Based on an evaluation of the job description to include the new job duties, the recommended classification for this position will move to a grade 118 from a grade 116. There is money in the budget for this change.

In addition, Staff recommends changing the title of the NOC Director position to the Security and Network Operations Director to reflect the new scope of the position.

The proposed job description, is included in the detail pages for this Board item.

FPB staff is requesting the Board to approve the new job description and associated salary grade change to 118 effective February 20, 2023.

Kathryn Dutton-Mitchell moved to approve amendments to the Job Classification and Compensation Plan to Reclassify the Network Operations Center Director position and change the job title effective February 20, 2023. Jason Delambre seconded the motion. CARRIED. 4 to 0.

6.13 **Action Item: Consider Approving the Creation of an addition Facilities Locator I/II position. (Nichell Brown to discuss)**

Staff asks the Board to consider approving the creation of an additional Facilities Locator I/II position.

Due to the rapidly increasing demand of facility locates, multiple large projects, and the addition of fiber (a fourth utility) it has become impossible to meet the requirements of KRS 367.4909 which states:

(5) "An operator shall respond to facility locate requests and provide a positive response as follows:

(a) To a normal excavation locate request, within two (2) working days after receiving notification from an excavator."

A copy of this statute is in the detail pages.

This added position will reside in the Network Operations department and will report to the Senior Facilities Locator daily.

The current classification of the Facilities Locator I is a grade 105 and requires 2 years of related experience, the Facilities Locator II is a grade 107 and requires 4 years of related experience.

Funds are currently available to support this position prior to the new fiscal year.

Jason Delambre moved to approve the creation of an additional Facilities Locator I/II position. Stephen Mason seconded the motion. CARRIED. 4 to 0.

- 6.14 Informational Item: Update on FPB's Health Plan Network Situation. (Nichell Brown to discuss)

No Action Was Taken.

7 INFORMATIONAL ITEM: GENERAL MANAGERS COMMENTS

8 INFORMATIONAL ITEM: OLD & NEW BUSINESS

9 REQUEST PERMISSION TO HAVE CHAIR CALL FOR A CLOSED SESSION

- 9.1 Motion for closed session pursuant to KRS 61.810(1)(b) for deliberations on the future acquisition of real property since publicity would be likely to affect the value of a specific piece of property to be acquired for public use and KRS 61.810(1)(c) to discuss pending or proposed litigation regarding property and products matter.
- 9.2 Motion for a closed session pursuant to KRS 61.810(1)(g) regarding discussions concerning a specific proposal since open discussions would jeopardize the siting, retention, expansion, or upgrading of a business.
- 9.3 Motion for closed session pursuant to KRS 61.810(1)(m) to discuss infrastructure records that expose a vulnerability through the disclosure of the location and configuration of public utility critical systems exempted from disclosure under KRS 61.878(1)(m)1.f.
- 9.4 Closed Session per the previously noted exceptions.

Stephen Mason moved to call a closed session per previously noted exceptions in 9.1 through 9.3. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

10 CLOSED DOOR SESSION

10.1 Come out of Closed Session.

Kathryn Dutton-Mitchell moved to come out of closed session. Jason Delambre seconded the motion. CARRIED. 4 to 0.

11 ACTION ITEM: POSSIBLE ACTION REGARDING CLOSED DOOR DISCUSSION

11.1 Action Regarding Closed Session.

Stephen Mason moved to proceed as directed in closed session. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 4 to 0.

12 ACTION ITEM: ADJOURNMENT

12.1 Adjournment.

Kathryn Dutton-Mitchell moved to adjourn. Jason Delambre seconded the motion. CARRIED. 4 to 0.



Board Chair



Board Secretary/Treasurer