

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, February 3, 2015

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
February 2 – February 9, 2015**

Monday, February 2

No Meetings

Tuesday, February 3

Design Excellence Workshop for Council.....10:00 am
Caucus Room – 2nd Floor Government Center

General Government & Social Services Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, February 4

No Meetings

Thursday, February 5

No Meetings

Friday, February 6

Senior Services Commission.....8:30 am
Bluegrass ADD – 699 Perimeter Drive

Monday, February 9

No Meetings

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
January 27, 2015**

Mayor Gray called the meeting to order at 3:03pm. All Council Members were present.

I. Public Comment – Issues on Agenda

II. Requested Rezoning/Docket Approval

Motion by Henson to approve the docket. Seconded by Lamb. Motion passed without dissent.

Motion by Mossotti to place on the docket, under first reading of Resolutions, a Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a three (3) year Intergovernmental Agreement with the United States Marshals Service, for the housing of federal detainees at the LFUCG Division of Community Corrections, at a cost not to exceed \$52,500 (FY 2015). Seconded by Henson. Motion passed without dissent.

III. Approval of Summary

Motion by Kay to approve the January 20, 2015 summary. Seconded by Henson. Motion passed without dissent.

IV. Budget Amendments

Motion by Henson to approve budget amendments. Seconded by Mossotti. Motion passed without dissent.

V. New Business

Motion by Farmer to approve new business. Seconded by Henson. Motion passed without dissent.

VI. Continuing Business/ Presentations

VII. Council Reports

Motion by Ford to refer to the Environmental Quality & Public Works Committee, the issue of partnering with Fayette County Public Schools regarding "Safe Routes to School". Seconded by Scutchfield. Motion passed without dissent.

VIII. Mayor's Report

IX. Public Comment – Issues Not on Agenda

Motion by Kay to enter into closed session pursuant to KRS 61.810(1)(c) for the purpose of discussing pending litigation. Seconded by Evans. Motion passed without dissent.

Motion by Evans to return from closed session. Seconded by Henson. Motion passed without dissent.

X. Adjournment

Motion by Henson to adjourn at 3:50pm. Seconded by Scutchfield. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
February 3, 2015**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes, p. 1-2**
- IV. Budget Amendments – No**
- V. New Business – Yes, p. 6-36**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, February 3, 2015, p. 37
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a** **0046-15** Authorization to purchase Constitutional Officers' Performance Bond for Jim McKenzie, Constable of Fayette County, in the amount of \$10,000. (L0046-15)(Johnston)
This is a request to purchase Constitutional Officers' Performance Bond for Jim McKenzie, Constable of Fayette County, in the amount of \$10,000 at a cost of \$127.98 for four-year period. Funds are budgeted. p. 6
- b** **0107-15** Authorization to execute an Exchange of Information Agreement with the Commonwealth of Kentucky Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Employment and Training and the Bluegrass Area Development District for the use of the Employ Kentucky Operating System, allowing for its use by the Department of Youth Services. (L0107-15)(Mills)
This is a request to execute an Exchange of Information Agreement with the Commonwealth of Kentucky Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Employment and Training and the Bluegrass Area Development District for the use of the Employ Kentucky Operating System, allowing for its use by the Department of Youth Services. There is no fiscal impact. p. 7
- c** **0110-15** Authorization to submit a grant application requesting \$109,148 in federal funds, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2016. (L0110-15)(Mills)
This is a request to submit a grant application requesting \$109,148 in federal funds, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2016. Matching funds will be requested in the FY16 Budget. p. 8
- d** **0111-15** Authorization to approve the proposed permanent right-of-way closing for Devonshire Avenue and Pyke Road. (L0111-15)(Holmes)
This is a request to approve the proposed permanent right-of-way closing for Devonshire Avenue and Pyke Road. There is no budgetary impact. p. 9-18
- e** **0122-15** Authorization to submit an application to the Kentucky Emergency Management Agency requesting \$143,550 in federal and state funds from the Hazard Mitigation Grant Program for an emergency generator for the Family Care Center.(L0122-15)(Gooding/Mills)

This is a request to submit an application to the Kentucky Emergency Management Agency requesting \$143,550 in federal and state funds from the Hazard Mitigation Grant Program for an emergency generator for the Family Care Center. There is no FY15 impact. Required matching funds in the amount of \$21,450 will be requested in the FY16 Budget. p. 19

- f** **0124-15** Authorization to approve a First Material Modification to the Consent Decree by amending Paragraph 15.G (vii) of the Consent Decree so that the final deadline for all remedial measures capital construction projects is no later than December 31, 2026. (L0124-15)(Martin/Holmes)
This is a request to approve a First Material Modification to the Consent Decree by amending Paragraph 15.G (vii) of the Consent Decree so that the final deadline for all remedial measures capital construction projects is no later than December 31, 2026. There is no budgetary implication.
p. 20-35
- g** **0130-15** Authorization to enter into an Assistance Agreement with Kentucky Infrastructure Authority for a low-Interest (1.75%) loan related to the Town Branch Wet Weather Storage Tanks Project (A13-015). (L130-15) (Martin/Holmes)
This is a request to enter into an Assistance Agreement with Kentucky Infrastructure Authority for a low-Interest (1.75%) loan related to the Town Branch Wet Weather Storage Tanks Project. There is no budgetary impact. p. 36



Lexington-Fayette Urban County Government
DEPARTMENT OF CHIEF ADMINISTRATIVE OFFICER

Jim Gray
Mayor

Sally Hamilton
Chief Administrative Officer

MEMORANDUM

TO: Jim Gray, Mayor
LFUCG Council Members
Sally Hamilton, CAO

FROM: Patrick R. Johnston
Patrick R. Johnston, Director
Division of Risk Management

DATE: January 21, 2015

RE: Public Official's Bond Approval & Reimbursement
Jim McKenzie, Constable – 2nd District

Pursuant to Section 22-55.1 of the LFUCG Code of Ordinances I am requesting Mayor and Council approval of the Constitutional Officer's Performance Bond in the amount of \$10,000 for Jim McKenzie, Constable of Fayette County, 2nd District; reimbursement of bond fees in the amount of \$127.98; and directing the Division of Risk Management to record the bond with surety, along with a certified copy of the resolution, in the Office of the Fayette County Clerk.

Funds have been appropriated for the reimbursement in the FY 2015 Property & Casualty Excess Premiums Account 1101-001-160902-73101.

Attachments:

- Copy of Official Bond and Oath
- Power of Attorney
- State Farm Receipt of Payment in the Amount of \$127.98
- Section 22-55.1 of the LFUCG Code of Ordinances

I: Admin/Insurance/Bonds/JMcKenzie-2015



7
0107-15

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members of the Council
CAO Sally Hamilton

FROM: Beth K. Mills
Beth Mills, Commissioner of Social Services

DATE: January 20, 2015

SUBJECT: Exchange of Information Agreement between the Education and Workforce Development Cabinet, Bluegrass Area Development District, and LFUCG

Request approval to authorize the Mayor to sign an Exchange of Information Agreement with the Commonwealth of Kentucky Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Employment and Training and the Bluegrass Area Development District for the use of the Employ Kentucky Operating System.

This Exchange of Information Agreement allows for the use of the Employ Kentucky Operating System by the Department of Youth Services.

There is no fiscal impact to LFUCG associated with this request.



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

**TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL**

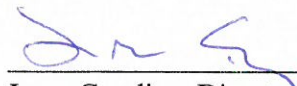
**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: JANUARY 21, 2015

**SUBJECT: AUTHORIZATION TO SUBMIT A GRANT APPLICATION, AND TO ACCEPT
AWARD IF OFFERED, TO THE BLUEGRASS AREA DEVELOPMENT
DISTRICT FOR OPERATION OF THE SENIOR CITIZENS CENTER IN FY
2016**

A grant application has been prepared by the Department of Social Services for submission to the Bluegrass Area Development District (BGADD) requesting federal funds from Title III of the Older Americans Act for operation of the Lexington Senior Citizens Center in FY 2016. The Lexington Senior Citizens Center is a multi-purpose community focal point for services to persons 60 and older in Fayette County. Basic center operations include advocacy, counseling, education, health promotion, access to legal assistance, outreach, recreation, and telephone reassurance. Grant-funded staff includes a Center Director, a Social Worker, a Social Worker Senior, two Staff Assistant Seniors, and two part-time van drivers. The center also houses the Nursing Home Ombudsman of the Bluegrass and the Community Action Partnership Elder Nutrition program, both of whom have their own operating budgets. It is estimated that \$109,148 in federal funds will be available in FY 2016. The minimum local match required for the operation of the project is 15%; however, the amount that is being requested in the FY 2016 general fund budget for grant match is \$181,158. The total cost of operations for this project is \$290,306. Grant funds will only be used for personnel costs of seven employees of the center.

Council authorization to submit the application and accept the award, if offered, is hereby requested, subject to the availability of sufficient funds in FY 2016.


Irene Gooding, Director

Xc: Beth Mills, Commissioner of Social Services



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

David L. Homes
Commissioner

MEMORANDUM

To: Mayor Gray and City Council Members
From: Chester Hicks, Administrative Officer
Date: January 28, 2015
RE: Rejection of Dedication of Right-of-Way: Corner of Devonshire Avenue and Pyke Road

This memorandum is to request the approval of the Devonshire Avenue and Pyke Road proposed permanent right-of-way closing. The appropriate LFUCG Division Directors and utility company representatives have responded with comments and those comments are enclosed for your review. The property owner (Flying Dutchman, LLC) will accept full responsibility of the maintenance and repair of the right-of-way. Should you have any questions regarding this request please feel free to contact me at 258-3407.

The request and pertinent support materials were circulated among various divisions and utility representatives to determine impacts to current operations. The comments can be summarized as follows:

LFUCG Divisions:

Div. of Planning: The Division of Planning has no objection to this closure. (Chris King)

Div. of Engineering: Engineering does not object to the closing. We note the following points:

- We assume the closure will be permanent
- Easements should be maintained on any utilities existing in this corridor. This includes but is not limited to a collector sanitary sewer line running down the middle of the property servicing properties on Red Mile Rd.
- If the right-of-way is released we would prefer for it to be released in its entirety. We would not be supportive of only releasing ½ of the right-of-way. The property at 1125 Red Mile Road would have an interest in this property because the portion to be closed abuts their property. (Brad Frazier)

Div. of Water Quality: We have reviewed the conditions on Pyke Road at Devonshire and found an 8" sanitary sewer main running through the approximate center of this right of way.

If this section of Pyke Road is to be closed and deeded back to the adjoining property owner, a 15' easement (7 ½' on either side of this existing sanitary main) along the entire corridor will have to be dedicated to the LFUCG. Please see the attached map for clarification. (Steve Farmer)

Fire Department: The Fire Department has no objections to the closure of ROW. (Cpt. Greg Lengal)

Lexington Enhanced 911: E911 does not have any opposition to this request. (Robert Stack)

Department of Law: We have received the necessary consent certificates to proceed with the closing of the unused right-of-way at 509 Pyke Road.

Utilities:

Kentucky Utilities: Kentucky Utilities Company does not have facilities, neither overhead or underground, on the area of interest at this time. Kentucky Utilities Company respectfully acknowledges that closing will not have any adverse effect upon our operations or facilities. Please convey to any and all prospective parties that all clearances must be maintained from existing facilities located on the surrounding properties of the area.. (Harold L. Elliott Jr.)

Windstream: We have reviewed the plat for the closure of Pyke Road as described and Windstream has no objection to this closure. (Lezlie Allison)

Chester Hicks, Administrative Officer

**DIVISION OF PLANNING
STREET CLOSURE REQUEST RESPONSE FORM**

11
0111-15

Part 1: Technical Review

Note: The below-listed request for right-of-way closure has been forwarded to the Division of Planning. This Technical Review Form is intended to provide the first part of the Division of Planning review for distribution to other Divisions to assist them in making their recommendations.

STREET NAME(S): Devonshire
SUBDIVISION NAME(S): Gibson Park
UNITS(S): N/A
ESTIMATED YEAR BUILT: 1924
RIGHT-OF-WAY WIDTH: 50' FEET
PAVING TYPE: ☒ ASPHALT ☐ CONCRETE ☐ OTHER
PAVING WIDTH: 31'-0" **CURB/GUTTER:** ☒ YES ☐ NO
SIDEWALKS: ☐ NO ☒ YES ☒ ONE SIDE ☐ BOTH SIDES
WIDTH OF UTILITY STRIP: _____ FEET
UTILITIES: ☐ WATER ☐ GAS ☐ ELECTRIC ☐ NONE ☒ UNKNOWN
PAVING SPECS (IF NOTED): _____ " SURFACE _____ " BINDER _____ " BASE

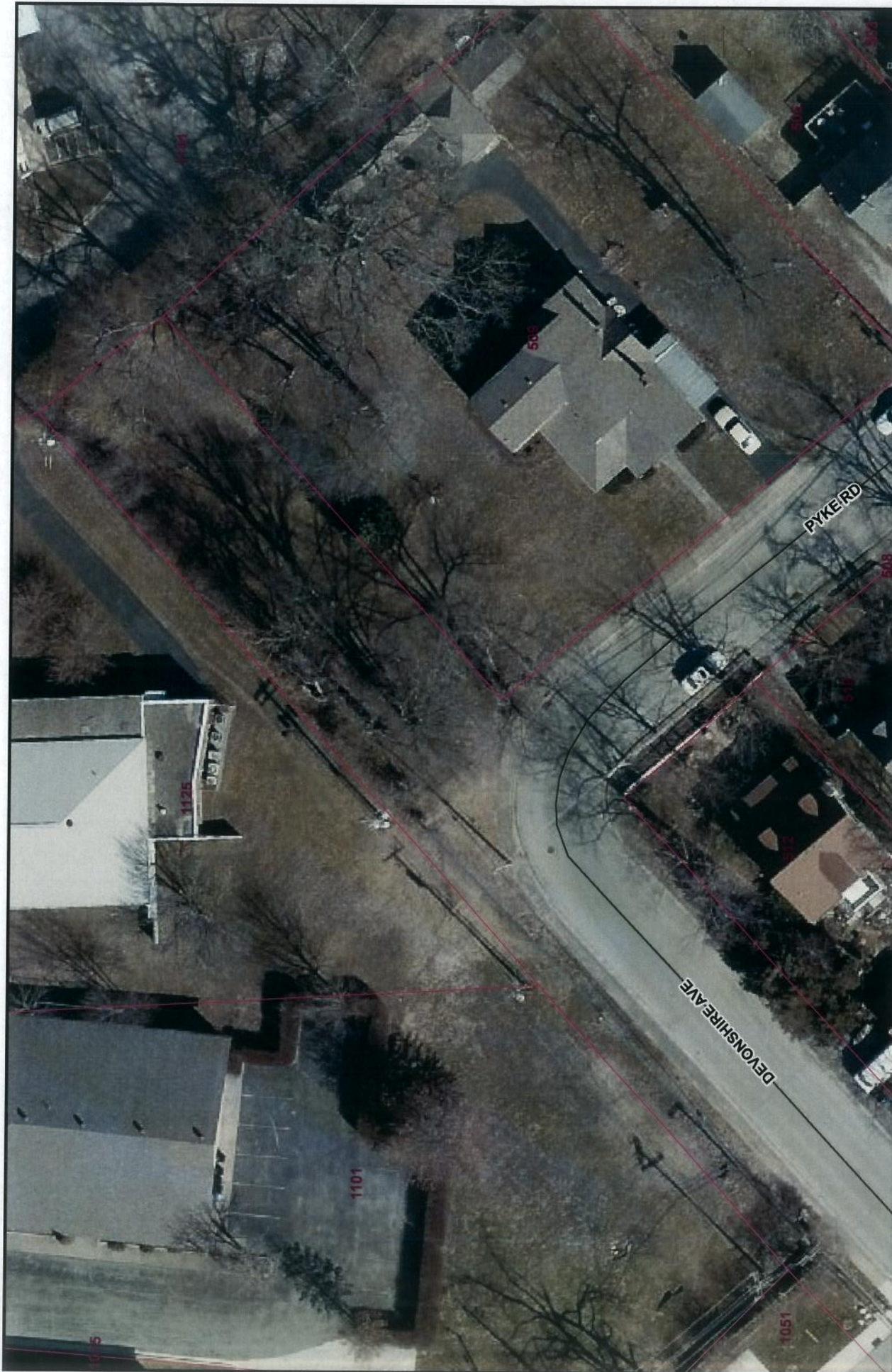
APPLICABLE PUBLIC STREET SPECIFICATIONS AT TIME OF CONSTRUCTION

RIGHT-OF-WAY WIDTH: 50'-0" FEET
PAVING TYPE: ☒ ASPHALT ☐ CONCRETE ☐ OTHER
PAVING WIDTH: 31'-0" **CURB/GUTTER:** ☒ YES ☐ NO
SIDEWALKS: ☐ NO ☒ YES ☒ ONE SIDE ☐ BOTH SIDES
WIDTH OF UTILITY STRIP: _____ FEET
PAVING SPECS (IF NOTED): _____ " SURFACE _____ " BINDER _____ " BASE _____ VARIABLE

OTHER COMMENTS OR SPECIAL CIRCUMSTANCES:

This section of the Devonshire R.O.W was
NEVER CONSTRUCTED AS A STREET.
RECOMMEND THE NEED FOR UTILITY EASEMENTS BE
REVIEWED.

Completed By: Thomas Marki Sr Planner Date: 11/12/14



Devonshire Right of Way

Lexington, Kentucky

Notes:

Date: ___ / ___ / ___



(M C B R A Y E R)

McBrayer, McGinnis, Leslie & Kirkland, PLLC

ATTORNEYS AT LAW

CHRISTINE N. WESTOVER
CWESTOVER@MMLK.COM

201 EAST MAIN STREET, SUITE 900
LEXINGTON, KENTUCKY 40507
(859) 231-8780 EXT. 137
FAX: (859) 253-0706

Chester Hicks

September 10, 2014

Mr. Kevin Atkins
Chief Development Officer
200 E. Main Street
Lexington, Kentucky 40507

RE: Rejection of Dedication of Right-of-Way
Corner of Devonshire Avenue and Pyke Road

Dear Mr. Atkins,

We represent Flying Dutchman, LLC, the owner of 509 Pyke Road, a large R-1C zoned lot that contains a single family dwelling that was built in 1924. The lot is on the corner of Devonshire Avenue and Pyke Road.

The property is comprised of three (3) separate 50' wide lots: Lots 4, 5 and 6 of the Gibson Park Subdivision. The plat, a portion of which is attached as Exhibit 1, showed an extension of Devonshire Avenue, a fifty foot wide street, along the length of this property. This subdivision developed over time, but Devonshire Avenue was never extended beyond the curve where Pyke Road intersects. It is unlikely that extending the street will ever occur since the property behind it, which fronts on Red Mile Road, is fully developed. Attached as Exhibit 2 is an aerial photograph of the area.

To our knowledge this street stub has never been maintained or used by the Government for any purpose. It appears as a natural part of our client's lawn, which our clients mow and maintain. There are no known utility easements within the dedicated street stub.

Our clients would like to acquire the portion of dedicated but unused right-of-way that abuts its lot on Pyke Road. We hereby request the Urban County Government to initiate the process to obtain Council approval to reject dedication of Devonshire Avenue from its intersection with Pyke Road to the end of the street stub, an area of 0.177 acres, with approximate dimensions of 50.04' x 154.55', as shown on the attached site sketch and metes and bounds legal description, which are numbered Exhibit 3 and 4 respectively.

(McBRAYER)

McBrayer, McGinnis, Leslie & Kirkland, PLLC

ATTORNEYS AT LAW

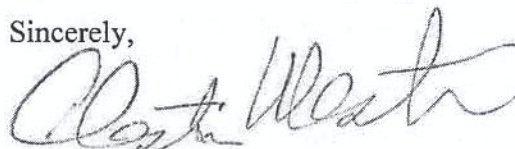
September 10, 2014
Page 2

We understand that if the Council rejects dedication, the adjoining property owners are entitled to one-half of the rejected right-of-way, which for us would be about 25 feet along the length of the side of our lot. Should the Government support our request we will prepare the necessary consolidation plat, at our expense.

I am copying the various governmental divisions that are likely to review our request in order to expedite the process. Please feel free to contact me if you have any questions.

Thank you for your assistance in this matter.

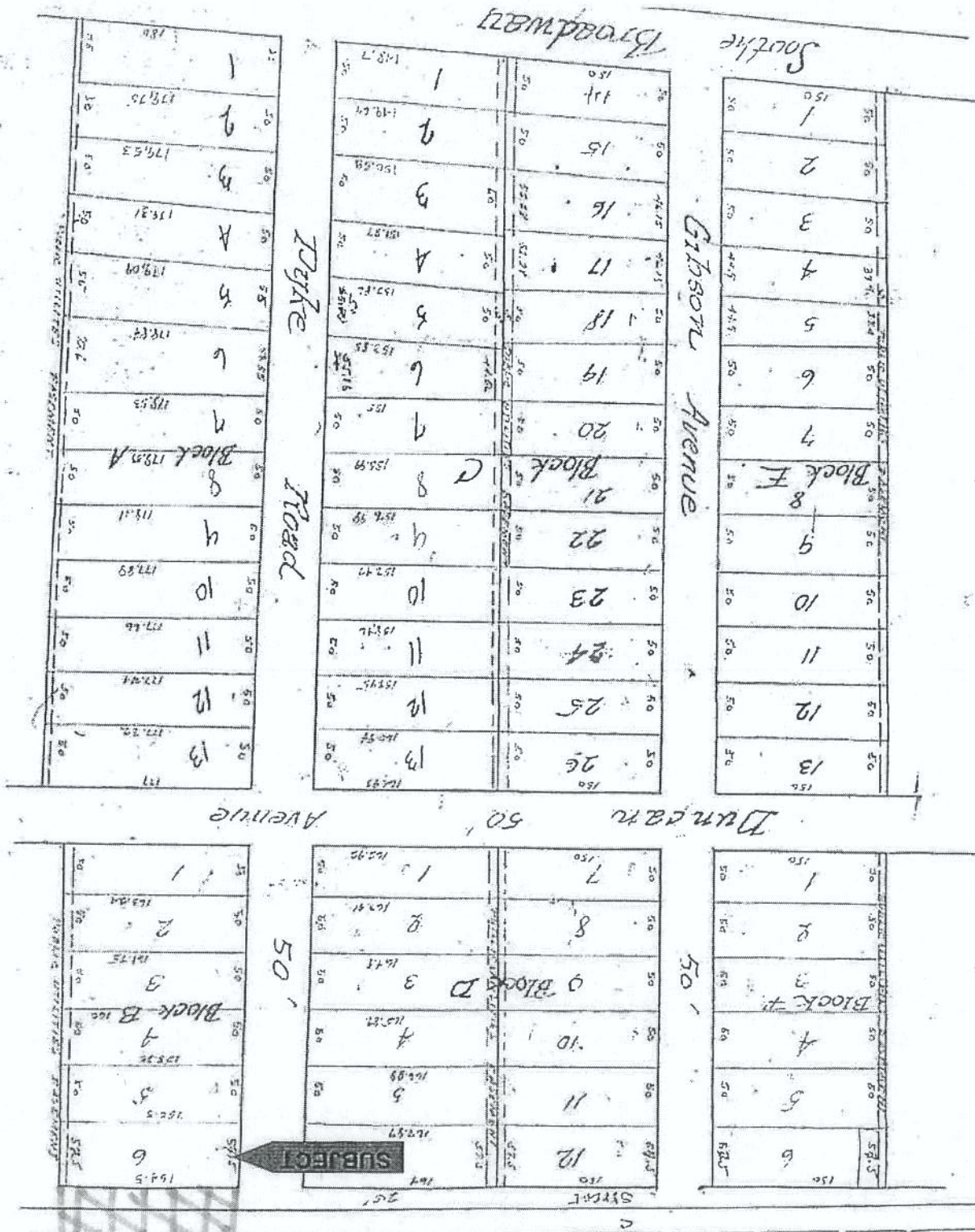
Sincerely,



Christine N. Westover

CNW/klm
Enclosures

cc: Janet Graham, Commissioner of Law
David Holmes, Commissioner of Environmental Quality and Public Works
Derek Paulson, Commissioner of Planning, Preservation and Development
Albert Miller, Division of Streets and Roads
Brad Frazier, Division Engineering
Chris King, Division of Planning
Rod Chervis, Division of Sanitary Sewers
Charles Martin, Division of Water Quality
Dowell Hoskins-Squier, Division of Traffic Engineering

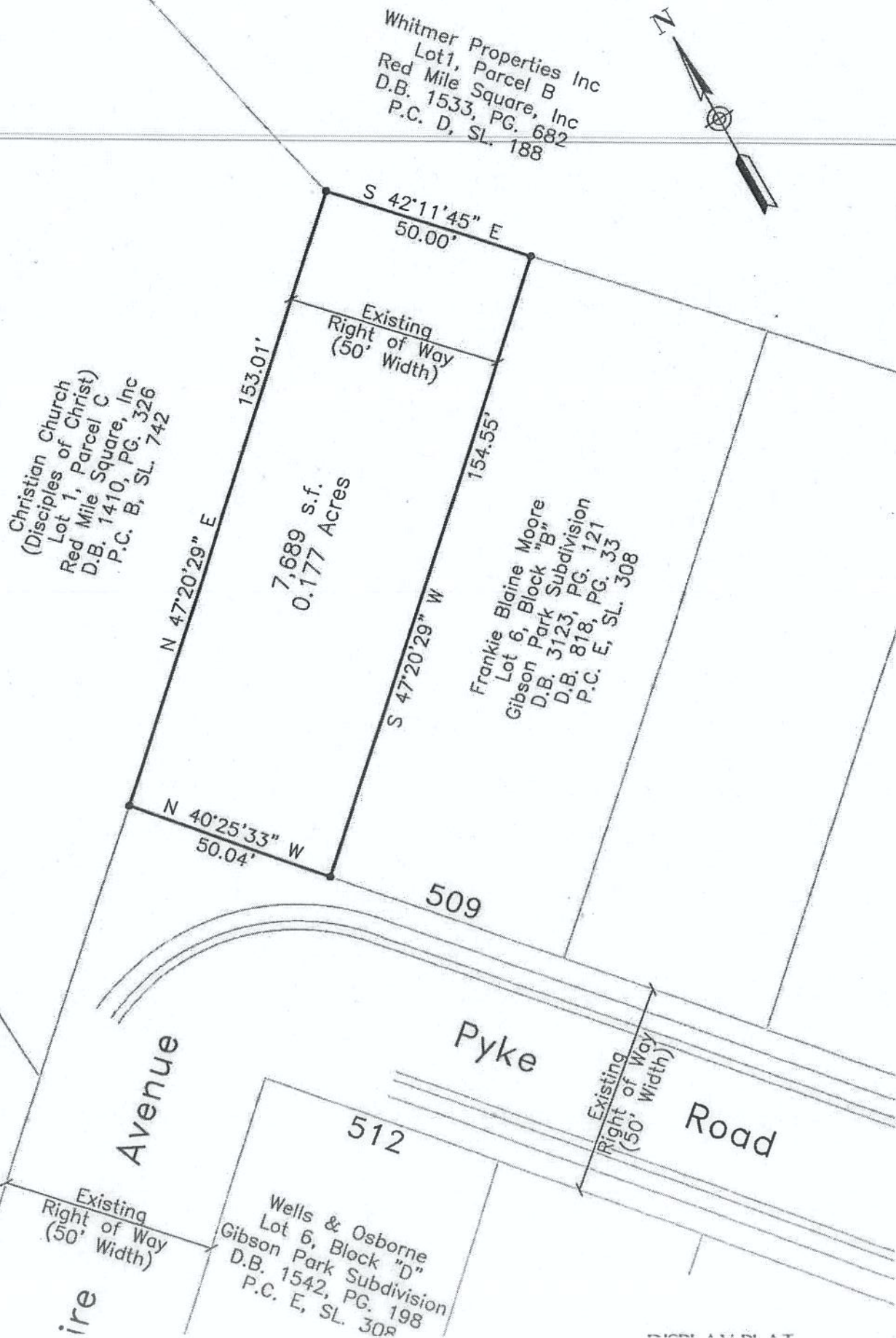


Ex. 2

16
0111-15



Ex. 3



LEGAL DESCRIPTION

A Portion of the Right of Way of
DEVONSHIRE AVENUE
Lexington, Fayette County, Kentucky

A CERTAIN TRACT OF LAND LOCATED AT THE INTERSECTION OF DEVONSHIRE AVENUE AND
PYKE ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE FULLY DESCRIBED AS
FOLLOWS:

The parcel is a portion of the Right of Way of Devonshire Avenue. Beginning at a point in the northern right of way line of Devonshire Avenue, said point also being a point in the lands of Christian Church (Disciples of Christ) thence following said right-of-way and along the lands of Christian Church (Disciples of Christ) N 47-20-29 E, 153.01 feet to a point in the lands of Whitmer Properties, Inc; thence, along said right-of-way and along the lands of Whitmer Properties, Inc, S 42-11-45 E, 50.00 feet to a point in the lands of Frankie Blaine Moore; thence, along the southern edge of said right-of-way and along the lands of Frankie Blaine Moore, S 47-20-29 W, 154.55 feet to a point in the right of way of Pyke Road; thence, N 40-25-33 W, 50.04 feet to the point of beginning and containing 0.177 acres more or less. Said described right of way having a constant width of 50.00 feet.

Ex. 4



19
0122-15

Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

**TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: JANUARY 23, 2015

SUBJECT: Request Council authorization to submit application to the Kentucky Emergency Management Agency requesting \$143,550 in federal and state funds from the Hazard Mitigation Grant Program for an emergency generator for the Family Care Center

The Division of Emergency Management/911 has prepared an application for submission to the Kentucky Emergency Management Agency requesting federal funding from FEMA's (Federal Emergency Management Agency) Hazard Mitigation Grant Program for the following project:

Generator for Family Care Center The Family Care Center has been designed as an overnight relocation site for day care children in the event of a disaster. There is no back-up power in this facility to continue operations should power be lost or interrupted. Total cost of generator is \$165,000.

FEDERAL AMOUNT (75%)	STATE AMOUNT (12%)	REQUIRED LOCAL MATCH (13%)
\$123,750	\$19,800	\$21,450

Local match is being requested in the 2016 General Fund budget.

Council authorization to submit the application is hereby requested.

Irene Gooding
Director

Xc: Beth Mills, Commissioner of the Department of Social Services



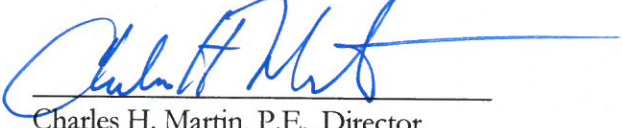
20
0124-15

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

David L. Holmes
Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: January 21, 2015

Re: Motion for Material Modification to the Consent Decree
Remedial Measure Plan Completion Schedule Modification

The Division of Water Quality is requesting approval of a First Material Modification to the Consent Decree. This modification would amend Paragraph 15.G (vii) of the Consent Decree so that the final deadline for all remedial measures capital construction projects is no later than December 31, 2026. This modified completion schedule is consistent with modifications requested by LFUCG in June 2014.

This modification, if approved by LFUCG along with the appropriate state and federal agencies, will be filed for entry with the United States District Court, Eastern District of Kentucky, Central Division at Lexington.

Questions regarding these documents should be directed to me at 425-2455.

pc: Vernon Azevedo, P.E.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

THE UNITED STATES OF AMERICA AND)
THE COMMONWEALTH OF)
KENTUCKY,)

Plaintiffs,)

v.)

Civil Action No. 5:06-CV-386-KSF

LEXINGTON-FAYETTE URBAN)
COUNTY GOVERNMENT,)

Defendant.)
_____)

FIRST MATERIAL MODIFICATION TO CONSENT DECREE

WHEREAS, in November of 2006, the United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), and the Commonwealth of Kentucky ("Commonwealth"), on behalf of the Commonwealth's Environmental and Public Protection Cabinet ("EPPC"), filed a complaint against Lexington-Fayette Urban County Government ("LFUCG") under Section 309(b) of the Clean Water Act ("CWA"), alleging that LFUCG violated and continued to violate Section 301 of the CWA; and

WHEREAS, on March 14, 2008, the United States and the Commonwealth lodged a Consent Decree resolving the claims alleged in the complaint; and

WHEREAS, the Commonwealth's Energy and Environment Cabinet ("EEC") was established pursuant to Executive Order in June of 2008 as the successor agency to the EPPC with

responsibility for the environmental enforcement functions of the former EPPC;

WHEREAS, on July 25, 2008, the Plaintiffs, following a period of public comment, filed a Motion to Enter the Consent Decree; and

WHEREAS, on August 7, 2008, the Court issued an Order denying Plaintiffs' Motion to Enter the Consent Decree; and

WHEREAS, following an appeal of this Court's August 7, 2008 Order denying Plaintiffs' Motion to Enter the Consent Decree, the Plaintiffs filed a second Motion to Enter the Consent Decree on March 16, 2010; and

WHEREAS, on January 3, 2011, the Court entered the Consent Decree, and Section XVIII of the Consent Decree establishes the Effective Date of the Consent Decree as the date it was entered by the Court; and

WHEREAS, Paragraph 15.G.(vii) of the Consent Decree provides that the Sanitary Sewer System and WWTP Remedial Measures Plan submitted by LFUCG pursuant to the Consent Decree shall provide an expeditious schedule for design, construction, and placement in service of all proposed measures that is in no event "later than eleven (11) years from the Effective Date of the Consent Decree, or in the event that remedial measures include a WWTP upgrade, thirteen (13) years from the Effective Date of Consent Decree only for such WWTP upgrade and other remedial measures associated with the WWTP upgrade"; and

WHEREAS, Section 15.G.(vii) of the Consent Decree further provides that these deadlines "may only be extended with approval of EPA and EPPC, for good cause, in accordance with Section XX (Modification)"; and

WHEREAS, Paragraph 34 of the Consent Decree provides in part that, "[i]f EPA/EPPC

fails to approve, or otherwise act on a submittal within sixty (60) days of receipt of the submittal, then any subsequent milestone or completion date that is dependent upon such action by EPA/EPPC shall be extended by the equivalent number of days beyond the sixty (60) day review period for the submittal that is used by EPA/EPPC for the approval or other action”; and

WHEREAS, LFUCG submitted its Sanitary Sewer System and WWTP Remedial Measures Plan (RMP) in three parts, Group 1 RMP, Group 2 RMP, and Group 3 RMP, with the Group 1 RMP submitted on October 12, 2011, the Group 2 RMP submitted on April 13, 2012, and the Group 3 RMP submitted on October 11, 2012, but EPA/EEC did not approve or otherwise act upon the originally submitted RMPs or the revised RMPs submitted in response to EPA/EEC comments, within the sixty (60) day review period specified in Paragraph 34, so that LFUCG is entitled to extensions of the Paragraph 15.G.(vii) deadlines pursuant to Paragraph 34; and

WHEREAS, EPA/EEC, on November 18, 2014, approved the RMPs in all respects except for the schedules contained in the RMPs, which were disapproved because they did not comply with the deadlines established under Section 15.G.(vii) of the Consent Decree; and

WHEREAS, after applying Paragraph 34 to adjust the Consent Decree deadlines for designing, constructing and placing into service all remedial measures, the deadlines for LFUCG to place remedial measures into service are as follows:

Remedial Measures Not Associated With WWTP Upgrade

RMP	Deadline
Group 1	September 9, 2024
Group 2	March 9, 2024
Group 3	September 10, 2023

Remedial Measures Associated With WWTP Upgrade

RMP	Deadline
Group 1	September 9, 2026
Group 2	March 9, 2026
Group 3	September 9, 2025

WHEREAS, at or around the lodging of the Consent Decree, the costs of the injunctive relief were estimated to be \$250-\$300 million. *See* United States' Memorandum in Support of Motion to Reconsider Court's Order Denying Motion to Enter Consent Decree, filed 8/21/08, ECF 49-2, at p.10.

WHEREAS, at the time the Consent Decree was signed by the Parties, LFUCG did not anticipate the number and cost of projects that it would ultimately determine to be necessary after conducting the comprehensive Sewer System Assessment that it has now completed pursuant to Paragraph 15.B. of the Consent Decree; and

WHEREAS, the RMPs describe remedial measures for the Sanitary Sewer System and WWTPs that consist of 82 discrete projects that LFUCG estimates will cost approximately \$590 million to design, construct and place into service; and

WHEREAS, the Parties agree that, in light of the unanticipated increased scope and cost of projects that will be implemented pursuant to the RMPs, an extension of the deadline for completion of design, construction and placement into service of all remedial measures described in the RMPs is reasonable and equitable, and in the circumstances of this case would be for "good cause"; and

WHEREAS, the Parties have agreed that a reasonable deadline for completion of design,

construction, and placement into service of all remedial measures described in the RMPs is December 31, 2026; and

WHEREAS, the Parties have further agreed that this December 31, 2026 deadline will apply to all remedial measures, including measures associated with WWTP upgrades, and that this deadline will not be further adjusted to reflect delays in EPA/EEC review, approval or other action relating to the RMPs;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Paragraph 15.G.(vii) of the Consent Decree shall be removed and replaced with the following language:

“The Sanitary Sewer System and WWTP Remedial Measures Plan shall provide estimated capital, O & M, and present value costs for each identified remedial measure. Such costs shall be provided in consistent, year-specific dollars. The Sanitary Sewer System and WWTP Remedial Measures Plan shall provide an expeditious schedule for design, construction, and placement in service of all proposed measures. Such schedule shall provide for completion of construction and placement in service of all proposed measures no later than December 31, 2026. The final deadline for completion of construction and placement in service of all proposed measures by December 31, 2026, shall not be subject to extension by operation of Paragraph 34 of this Consent Decree and may only be extended with approval of EPA and EEC, for good cause, in accordance with Section XX (Modification). LFUCG shall identify the dates for preliminary design, complete design, complete permitting, award contract, begin construction, and complete construction dates for each measure proposed in the Sanitary Sewer System and WWTP Remedial Measures Plan.”

Dated and entered this ____ day of _____ 2015.

UNITED STATES DISTRICT JUDGE
Eastern District of Kentucky

WE HEREBY CONSENT to the entry of this First Material Modification to Consent Decree in United States, et al. v. Lexington-Fayette Urban County Government, Civil Action No. 5:06-cv-386, subject to the public notice and comment requirements of 28 C.F.R. §50.7.

FOR THE UNITED STATES OF AMERICA:

Valerie K. Mann (COUNSEL OF RECORD)
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
Post Office Box 7611
Washington, D.C. 20044
Telephone: (202) 616-8756
Facsimile: (202) 616-2427

KERRY B. HARVEY
United States Attorney
Eastern District of Kentucky

ANDREW SPARKS (COUNSEL OF RECORD)
Assistant United States Attorney
Eastern District of Kentucky
260 West Vine Street, Suite 300
Lexington, KY 40507
Telephone: (859) 233-2661, ext 148
Facsimile: (859) 233-2533

WE HEREBY CONSENT to the entry of this First Material Modification to Consent Decree in United States, et al. v. Lexington-Fayette Urban County Government, Civil Action No. 5:06-cv-386, subject to the public notice and comment requirements of 28 C.F.R. §50.7.

MARY J. WILKES
Regional Counsel
United States Environmental Protection Agency
Region 4
61 Forsyth St., SW
Atlanta, GA 30303

Of Counsel:
PAUL SCHWARTZ
Assistant Regional Counsel
United States Environmental Protection Agency
Region 4
61 Forsyth Street
Atlanta, GA 30303
Telephone: (404) 562-9576
Facsimile: (404) 562-9486

WE HEREBY CONSENT to the entry of this First Material Modification to Consent Decree in United States, et al. v. Lexington-Fayette Urban County Government, Civil Action No. 5:06-cv-386, subject to the public notice and comment requirements of 28 C.F.R. §50.7.

MARK POLLINS
Chief, Water Enforcement Division
Office of Enforcement & Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LOREN DENTON
Chief, Municipal Enforcement Branch
Water Enforcement Division
Office of Enforcement & Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

ROBERT FENTRESS
Attorney, Municipal Enforcement Branch
Water Enforcement Division
Office of Enforcement & Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

FOR THE COMMONWEALTH OF KENTUCKY,
ENERGY AND ENVIRONMENT CABINET (formerly the
ENVIRONMENTAL & PUBLIC PROTECTION
CABINET):

JOHN WEST (COUNSEL OF RECORD)
Office of General Counsel
Kentucky Energy and Environment Cabinet
2 Hudson Hollow
Frankfort, KY 40601
Telephone: (502) 564-2356, ext. 707
Facsimile: (502) 564-9212

FOR THE LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT:

MAYOR JIM GRAY
Lexington-Fayette Urban County Government
12th Floor, Government Center
200 East Main Street
Lexington, KY 40507

JOHN C. BENDER
Attorney of Record for LFUCG
Bingham Greenebaum Doll LLP
300 West Vine Street, Suite 1100
Lexington, KY 40507-1665
Telephone (859) 288-4607
Facsimile (859) 367-3806

RMP Implementation Plan

All cost estimates are provided in U.S. 2011 dollars.

Revised 6/2014

KMW Implementation Plan															DESIGN				
All cost estimates are provided in U.S. 2011 dollars.															Revised 6/2014				
Sewer- stand	No.	Project Name	Design Cost	Construction Cost Estimate	2013 Year 0	2014 Year 1	2015 Year 2	2016 Year 3	2017 Year 4	2018 Year 5	2019 Year 6	2020 Year 7	2021 Year 8	2022 Year 9	2023 Year 10	2024 Year 11	2025 Year 12	2026 Year 13	Project Capital Cost Estimate
East Hickman	1	East Hickman WWS	\$840,000	\$9,170,000															\$10,010,000
	2	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	East Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
West Hickman	1	West Hickman WWS	\$840,000	\$9,170,000															\$10,010,000
	2	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	West Hickman WWS	\$1,140,000	\$11,500,000															\$12,640,000
Wolf Run	1	Wolf Run WWS	\$840,000	\$9,170,000															\$10,010,000
	2	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	Wolf Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
Cane Run	1	Cane Run WWS	\$840,000	\$9,170,000															\$10,010,000
	2	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	Cane Run WWS	\$1,140,000	\$11,500,000															\$12,640,000
Town Branch	1	Town Branch WWS	\$840,000	\$9,170,000															\$10,010,000
	2	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	Town Branch WWS	\$1,140,000	\$11,500,000															\$12,640,000
North Elkhorn	1	North Elkhorn WWS	\$840,000	\$9,170,000															\$10,010,000
	2	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	3	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	4	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	5	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	6	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	7	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	8	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	9	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	10	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	11	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	12	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	13	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	14	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
	15	North Elkhorn WWS	\$1,140,000	\$11,500,000															\$12,640,000
South Elkhorn	1																		

WWTP Reliability Upgrades - Project Detail

Project Name	2014 Year 1	2015 Year 2	2016 Year 3	2017 Year 4	2018 Year 5	2019 Year 6	2020 Year 7	2021 Year 8	2022 Year 9	2023 Year 10	2024 Year 11	2025 Year 12	2026 Year 13	Total
Town Branch WWTP														
Headworks		\$1,480,500	\$919,500											\$2,400,000
Primary Clarifier Equipment														\$3,575,000
Aeration Basins				\$1,159,990	\$2,415,010									\$4,480,000
Final Clarifier Equipment		\$2,500,000					\$2,050,000	\$2,400,000						\$4,870,000
RAS Pump Station									\$550,000					\$550,000
WAS Pump Station														\$40,000
Gravimetric Thickener					\$300,000	\$350,000								\$650,000
Disinfection														\$650,000
Non-Potable Water PS											\$100,000			\$100,000
Primary Digesters			\$1,526,400	\$1,470,000	\$528,800	\$500,000					\$35,000			\$3,525,000
Secondary Digesters / Sludge Holding					\$1,140,000	\$1,660,000	\$500,000							\$3,800,000
Dewatering								\$400,000						\$400,000
Scum Facility										\$200,000				\$200,000
Site														\$600,000
Design			\$407,500	\$510,545	\$282,026	\$305,000	\$128,050	\$100,000	\$35,540	\$241,165	\$253,040	\$112,134	\$200,000	\$2,350,000
Town Branch Totals	\$2,500,000	\$1,480,500	\$2,853,400	\$3,140,535	\$4,645,636	\$2,615,000	\$2,678,050	\$2,900,000	\$686,540	\$441,165	\$1,673,040	\$1,497,134	\$240,000	\$27,350,000
West Hickman WWTP														
Influent Pump Station ¹			\$1,080,000	\$1,080,000										\$2,160,000
Raw Sewage Pump Station ¹			\$1,630,000	\$1,630,000										\$3,260,000
Leaping Weir ¹			\$260,000											\$260,000
BPR Improvements						\$1,740,000	\$1,740,000							\$3,480,000
Zone 1 Aeration		\$1,196,000												\$1,196,000
Zone 2 Aeration		\$1,200,000												\$1,789,000
Clarifier Flow Distribution				\$585,000										\$240,000
Disinfection		\$240,000												\$240,000
Dewatering														\$120,000
Final Effluent PS									\$140,000					\$140,000
Return Activated Sludge Pumping							\$1,400,000	\$1,400,000						\$2,800,000
Waste Activated Sludge Pumping										\$280,000				\$280,000
Waste Sludge Holding				\$179,500							\$120,000			\$300,000
Waste Sludge Thickening														\$179,500
Ball Press Replacement								\$1,250,000						\$1,250,000
Dewatering														\$380,000
Scum Facility				\$576,000										\$576,000
Non-potable Water System				\$320,000										\$320,000
Emergency Electrical Power										\$780,000				\$780,000
Odor Control Facilities ¹			\$570,000	\$570,000										\$1,140,000
Road Repair														\$2,159,400
Design		\$75,000												\$75,000
West Hickman Totals	\$3,416,400	\$316,000	\$3,280,000	\$5,204,500	\$748,800	\$823,425	\$621,475	\$299,425	\$374,595	\$353,595	\$224,595	\$224,595	\$400,000	\$3,970,000
Town Branch Totals	\$2,500,000	\$1,480,500	\$2,853,400	\$3,140,535	\$4,645,636	\$2,615,000	\$2,678,050	\$2,900,000	\$686,540	\$441,165	\$1,673,040	\$1,497,134	\$240,000	\$26,760,000
Total WWTP RMP Expense	\$5,916,400	\$1,795,500	\$6,133,400	\$8,345,035	\$5,394,436	\$5,378,425	\$6,439,525	\$6,899,425	\$1,220,136	\$1,864,760	\$2,297,635	\$2,611,729	\$664,595	\$54,100,000
WWTP RMP Projects per FY (not design)	4	2	5	10	4	4	4	4	3	3	5	3	3	

Notes
1. These projects will be included with the construction of the Phase 1 WWS at the WWTP

Rec'd 0124-15
11/20/14STEVEN L. BESHEAR
GOVERNORLEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF ENFORCEMENT

300 FAIR OAKS LANE

FRANKFORT KENTUCKY 40601

www.kentucky.gov

November 18, 2014

CERTIFIED MAIL 7012 1010 0002 0759 6533
RETURN RECEIPT REQUESTED

Lexington-Fayette Urban County Government
Division of Water Quality
c/o Mr. Charles H. Martin, P.E., Director
125 Lisle Industrial Ave., Suite 180
Lexington, Kentucky 40511

Re: Consent Decree # 5:06-cv-386
U.S. Environmental Protection Agency and the Kentucky Department for Environmental
Protection Joint Approval of Remedial Measures Plans

Dear Mr. Martin:

The United States Environmental Protection Agency and the Kentucky Department for Environmental Protection (KDEP) have reviewed the Remedial Measures Plans for Group 1, 2, and 3 Sewersheds (RMPs) initially submitted by the Lexington-Fayette Urban County Government (LFUCG) on October 12, 2011, April 13, 2012, and October 11, 2012, respectively, with revisions submitted on March 14, 2014. The RMPs are required submittals pursuant to Section VII, Paragraph 15.G.(i) of the LFUCG Consent Decree (CD).

The RMPs are approved with the exception of the proposed implementation schedule. The 12 year project implementation schedule exceeds the compliance deadlines in Section VII, Paragraph 15.G.(vii) of the CD, which allows for 11 years from the CD effective date (January 3, 2011) for non-wastewater treatment plant (WWTP) projects and 13 years from the CD effective date for WWTP upgrade projects.

LFUCG is entitled to an extension of those deadlines based on operation of Paragraph 34 of the CD, which provides that if EPA/KDEP fails to approve, or otherwise act on a submittal within sixty (60) days of receipt of the submittal, then any subsequent milestone or completion date that is dependent upon such action by EPA/KDEP shall be extended by the equivalent number of days beyond the sixty (60) day review period for the submittal. RMPs for Group 1, 2 and 3 Sewersheds were submitted on October 12, 2011, April 13, 2012, and October 11, 2012, respectively. Accordingly, the adjusted deadlines for completion of RMP projects are extended for Group 1 RMP projects by 980 days, with resulting deadlines of September 9, 2024 (for projects not associated with WWTP upgrades) and September 9, 2026 (for projects associated with WWTP upgrades); the completion deadlines for Group 2 RMP projects are extended by 794 days, with resulting deadlines of March 9, 2024 and March 9, 2026; and the completion deadlines for Group 3 RMP projects are extended by 615 days, with resulting deadlines of September 10, 2023 and September 9, 2025.

Page 2
Mr. Martin

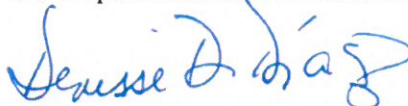
On January 16, 2014, LFUCG submitted a formal request to modify the deadlines in Section VII, Paragraph 15.G.(vii) of the CD. In response to EPA/KDEP requests for additional information regarding the proposed modification, LFUCG submitted additional information by letters of June 23, 2014, and September 12, 2014, including a revised 12 year project implementation schedule. The EPA and KDEP are considering the modification request. In the event that the modification is approved and entered by the Court after public comment, the EPA and KDEP will review the 12-year project implementation schedule submitted in connection with LFUCG's formal modification request for compliance with the modified CD. Alternatively, if the request to modify the deadlines is withdrawn by LFUCG, denied by the EPA and KDEP, or denied by order of the Court, the proposed implementation schedule will be deficient and, pursuant to Paragraph 36 of the CD, LFUCG shall submit a revised implementation schedule which meets the CD deadlines as adjusted through operation of Paragraph 34, as described above, within 60 days of withdrawal or denial of the modification request.

If you have questions regarding this letter, please contact Ms. Lynne Brosius of KDEP at (502) 564-3410, ext. 4892, or Ms. Laurie Jones of the EPA Region 4 at (404) 562-9201.

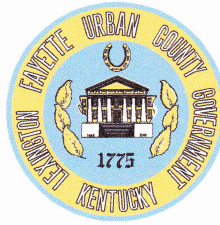
Sincerely,



Jeffrey Cummins, Director
Division of Enforcement
KY Department for Environmental Protection



Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

David L. Holmes
Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E.
Director, Division of Water Quality

Date: January 21, 2015

Re: Request for Authorization to Enter into an Assistance Agreement by and between Kentucky Infrastructure Authority and the Lexington-Fayette Urban County Government for a Low-Interest (1.75%) Loan Related to the Town Branch Wet Weather Storage Tanks Project (A13-015)

The purpose of this memorandum is to request authorization to enter into an Assistance Agreement by and between Kentucky Infrastructure Authority and the Lexington-Fayette Urban County Government. This agreement will allow the LFUCG to accept a low-interest (1.75%) loan through the Federally Assisted Wastewater Revolving Loan Fund Program, Fund A in the amount of \$31,801,000.00 related to the Town Branch Wet Weather Storage Tanks Project.

Application was made after receiving authorization from the Urban County Council via Resolution 548-2012.

Neighborhood Development Funds
February 3, 2015
Work Session

Amount		Recipient	Purpose
\$ 150.00	Winburn NA, Inc. 1267 Winburn Drive Lexington, KY 40511 Mary Cloyd		To provide support for the 12th Annual Winburn Neighborhood Weekend Bash.