

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING  
MINUTES  
Monday, January 7th, 2013**

**LOCATION:** Warren S. Moore Union City Building, 1843 Mt. Zion Road, Union, KY 41091

**CALL TO ORDER:**

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Monday, January 7, 2013.

**ROLL CALL:** The following members were present:

Mayor Don Kirby  
Commissioner Bryan Miller  
Commissioner Deanna Kline  
Commissioner Ken Heil  
Commissioner Donna Fryman  
City Engineer Barry J. Burke, PE PLS  
City Clerk Kathy Porter  
Attorney Greg D. Voss, Esq.  
City Events Coordinator Karen Franxman

**PLEDGE OF ALLEGIANCE:** Mayor Don Kirby let the audience in saying the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

All City Commissioners were provided a copy prior to tonight's meeting. Commissioner Miller made a motion to accept the minutes and the motion was seconded by Commissioner Kline. All voted in favor of motion. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Kline moved to accept the Treasurer's Report as of December 31, 2012, and Commissioner Miller seconded the motion. All voted in favor of the motion. **Motion Carried.** Commissioner Miller asked how long the Union Village Street Light loan was for. Mayor Kirby stated the original loan was for ten years; however, the city has progressed by a few years to pay the debt off.

**GUESTS WISHING TO SPEAK:**

Mr. Paul Maddox with Maddox and Associates presented the yearly Audit Report for fiscal year ending June 30, 2012. Mr. Maddox first addressed the new commissioners by letting them know if they had any difficulties or disagreements that were found during the audit he would be happy to make them aware. The city commissioners did not have any major issues regarding the report. The commission was provided with a complete copy of the audit report prior to the meeting. Mr. Maddox advised that the city of Union has a clean standard opinion.

Commissioner Miller asked about the \$490,369 which is in capital assets, but is labeled as restricted. Mayor Kirby explained that this amount is the municipal road aid fund that the city receives from the state throughout the year and is only for maintenance of the city streets.

Commissioner Miller asked about the interest rate that the city had on the loan that the city took out on the community building. Mr. Maddox made reference to the interest rate in the report through the Kentucky League of Cities (KLC) as 3.95%.

City Engineer Barry Burke asked if there were any incentives to pay the sanitary sewer loan off early. Mr. Burke stated that SD1 has stated orally that the district has taken approximate two (2) miles of new sewer systems over for maintenance but will not officially accept ownership until the loan is paid off and city easements are transferred to SD1. Thus, there is not any problem at present. Mr. Maddox explained that the 3% is a low interest rate; and, if the city decided to pay it off early it would be more of a budgeting issue.

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Commissioner Heil asked about the fixed rate of 3.95% for the loan for the Union Community Building. He asked if the interest swap rate agreement is what got the city the fixed rate. Mr. Maddox stated that the interest swap rate agreement allows the city to exchange variable rates for a fixed rate for the duration of the loan. If the city wanted to pay to loan off before the loan termination date, it would owe an additional amount.

At the end of the report that was given to the commissioners was a letter that reported on internal control over financial reporting and on compliance and other matters based on the audit. The two items listed are Internal Control over financial reporting; and, Compliance over other matters.

Mr. Maddox stated that these two items are brought up when talking about financial reporting are Segregation of Duties and Purchase Order Policies. Mr. Maddox explained that with a city our size, it is hard to segregate the duties. However, the city needs to pay more attention to the dollar numbers. Mr. Maddox explained he sees this deficiency in a lot of cities that are of small size and there is nothing that can be done unless the city hires more people and there may be no real need to do that.

The other deficiency is the need to start using purchase orders. This would make sure things are approved and the budget has been checked prior to making purchases.

Commissioner Heil asked Mr. Maddox what he would recommend as a purchases threshold for a city our size. Mr. Maddox stated that it would be up to the commission but for purchases of \$1,000 dollars or more, it would be a good idea.

**CITY EVENTS COORDINATOR:**

City Events Coordinator Karen Franxman briefly summarized her report for the items which follow. On Saturday, December 15, 2012 from 8:30 – 10:30 a.m., the city hosted their third annual Pancake Breakfast with Santa.

Perfect North Slopes Discount vouchers have been received and will be on sale at the City Building during regular business hours.

The city has an opportunity to partnership with the Boone County Relay for Life by adding the Kick-Off celebration at the Union Community Building. Commissioner Kline, who is on the committee, stated the organization has been looking for a place to host the kick-off celebration to make it a community event. The event is tentatively scheduled for January 27, 2013.

Ms. Franxman is currently in the processing of sending out the sponsor packets for the 2013 events. These will go to our previous sponsors first, then to the new businesses.

The next scheduled event will be our fourth (4<sup>th</sup>) annual Pancake Breakfast and Easter Egg Hunt. This event will be held on March, 23<sup>rd</sup>, 2013. Karen requested that the city not allow a 5k race to take place on the same day as the event. The boy scouts have volunteered to fill the eggs again this year.

The Christmas lights will be taken down around the city building by the boy scouts. Scout Master Matt Grimes is supposed to get with Ms. Franxman and let her know when.

There are two (2) important items that pertain to the Union Community Building. The first item is the roof and gutters. City Clerk Kathy Porter forwarded copies of several quotes that the city received to each commissioner. Commissioner Miller asked if the city would make a determination on this matter during the meeting. Mayor Kirby asked the commission if they had time to review the quotes. Ms. Franxman mentioned that all but one companies had stated that they would take the layers of shingles off down to the wood.

One company stated that if they were to be awarded the contract they would give the city a \$500 discount, in order to do the job in January.

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City Engineer Barry Burke stated that one of the quotes indicated there was hail damage to the roof surface. He asked if the city had contacted the insurance company to see if they would replace the damaged roof.

Mayor Kirby asked if the city had the insurance company come and inspect the roof. City Clerk Kathy Porter stated that they had not inspected it recently, but the insurance company may need dates of the damage.

City Engineer Barry Burke stated that he had reviewed the quotes and eliminated the contractor which stated they would only take one (1) layer of shingles off. The remaining three (3) contractors are very similar but with a few extras.

After much discussion, Commissioner Miller made the motion to accept the low bid from Advantage Roofing for \$17,885 using thirty (30) year shingles rather than a life time and Commissioner Heil seconded the motion. Motion Carried.

City Clerk Kathy Porter asked if she should go ahead and file a claim with our insurance. Mayor Kirby said that it would not hurt and to go ahead and contact them.

The next item Ms. Franxman mentioned was the Union Community Theater and the desire to build a permanent stage area inside the Community Building. Ms. Franxman has been working with Mr. Joel Galloway RA, LEED AP from Galloway Architecture who has some plans that they would like to present to the commission. The stage would be able to be used for city events as well. They would also have four (4) foot extensions that can be removed and stored underneath the permanent stage. This will allow the Union Community Theater (UCT) to set up performances.

Mayor Kirby asked what the seating capacity would be for the audience. Karen stated that they estimate a seating capacity for approximately 125 people.

Ms. Franxman stated that all costs associated with building the stage would come from the Union Community Theater. They would acquire the building permit.

Ms. Franxman is requesting approval to move forward with the construction process.

Commissioner Miller asked why a building permit would be needed. Attorney Voss stated that it might not be necessary, but the city should request one just in case.

Mayor Kirby asked for a motion to approve the construction of a stage within the Community Building. Commissioner Kline made the motion to approve and Commissioner Fryman seconded the motion. Motion Carried.

The Adopt-A-Unit Volunteer Committee shipped 78 boxes to our soldiers and they were received by December 24, 2012. The next shipment will be sent for Valentine's Day. The Adopt-A-Unit is requesting Valentine Cards and candy along with personal items.

On January 19, 2013 Adopt-A-Unit representatives will be at the Union Kroger's from 11:00 a.m.-3:00 p.m. accepting donations.

The Adopt-A-Unit Committee will once again be sending a pair of Smartwool socks to each soldier within our unit. They partnered with the Loft Shop at Perfect North who ordered the socks and sold them to the Adopt-A-Unit at cost. St. Timothy Church did a sock drive and \$780 was donated. The Adopt-A-Unit Committee will try to do some fundraising to raise the remaining costs. Anyone can donate to the Unit.

During the month of December, the Union Cares Program worked with Boone County High School and they appreciated the donations that they received.

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During the month of January, the Union Cares Program will be working with Collins Elementary. They have requested sweat pants in all sizes and boxes of Valentines.

The Union Community Theater will be conducting auditions on Monday, January 7<sup>th</sup> and Wednesday, January 10<sup>th</sup> for the all youth program called "Suessical". The show is scheduled for March 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, & 17<sup>th</sup> at the Union Community Building.

On Thursday January 17<sup>th</sup> at City Barbeque there will be a fundraiser where 25% of your order will be donated back to the UCT.

**PUBLIC WORKS/UNION VISIONING COMMITTEE:**

Mayor Kirby asked Commissioner Miller if there was anything he would like to report. Commissioner Miller stated that the new contractor for snow removal is doing a good job.

Commissioner Fryman asked how the new contractor would be billing us. Commissioner Miller stated that he would need to review the contract. City Clerk Kathy Porter will provide Commissioner Fryman a copy of the bid packet.

Commissioner Miller asked how the snow crew knew when to go. Mayor Kirby stated that City Clerk Kathy Porter receives a call from Boone County Public Works and she then will call our contractor.

**PLANNING AND ZONING:**

Mr. Jim Longano sent a copy of his report which included one item that affected the City of Union. That item was the planning commission approved two additional lots in Westbrook Estates Subdivision. Mr. Burke acknowledged the minor change.

**CITY ENGINEER'S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 15 Items, three (3) of which requires City Commission action. This report has been previously provided to the Mayor and City Commissioners, Legal Counsel and City Staff for any additional questions.

Regarding Item #5 (b), Relocated US 42 (Mt. Zion Road and Frogtown/Double Eagle Roads) – Street Intersections Lighting for pedestrian safety. The city is currently working with consultant KLH Engineers of Ft. Thomas, Kentucky to re-design the plan at Mt. Zion Road. Earlier, it was confirmed that there are two (2) existing lights currently in this area adversely impacting the original plan. At a meeting, Duke Energy representatives stated that they had no plans to relocate the light that is currently closest to the city building. Thus, the city will now only have to pay for one (1) light on the northwest corner to replicate the existing light on the southeast corner, as opposed to the four (4) lights that were shown on the original plan. This new plan will supply adequate lighting for the entire intersection at a significant cost savings. Duke Energy will submit the revised lighting plan to the highway department for the Permit. This is a cost savings of about \$15,000 to the city without significant compromise to the lighting safety based upon the photometric calculations, as revised.

Mayor Kirby asked if another company could come in and state that the intersection is not safe. Mr. Burke stated that he was assured by KLH Engineers that the new plan, as revised, to provide lighting via only two (2) lights would comply with the industry's guidelines. The other plan in process near Ryle High School will be submitted at a later meeting.

Mayor Kirby asked for a motion to approve the new light plan at Mt. Zion Road and move forward. Commissioner Miller made the motion and Commissioner Heil seconded the motion. Motion Carried.

Regarding Item 5 (c), the Old Union Road Permanent and Temporary Easements – Drainage Improvements-KYTC Offer to Purchase. The KYTC has made an offer to purchase on a portion of the city's land at the Union Community Building to acquire two (2) drainage easements. This will correct some drainage issues along Old

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Union Road, which will be widened including curb and gutter fronting the Community Building. The offer is for \$2,900.

The KYTC's Mr. Davis also informed the city that another "offer to purchase" right-of-way would be forthcoming at a later time fronting the Union Rice Cemetery. Mr. Burke stated the KYTC is proposing to take approximately 45 feet of land fronting the cemetery. Mr. Burke stated the current offer seemed reasonable. Commissioner Fryman advised that the KYTC offer is usually set as a final offer.

Mayor Kirby asked for a motion to approve the \$2,900 for the easements at the Community Building. Commissioner Kline made the motion and Commissioner Miller seconded it. Motion Carried.

Regarding Item 7, Bond Release for Spillman Lawncare for the Calendar Years 2011-2012, Mr. Spillman contacted City Clerk Kathy Porter concerning the release of the bond. Mr. Burke stated that there had been some discussions about mowing work that may or may not have been done and the cleaning of the Hempsteade inlet culvert. This company is now closed and no longer able to complete any past work. Mr. Burke advised that another contractor recently cleared the debris from the culvert at an insignificant cost. Since there is no significant work that needs to be done, Attorney Voss advised going ahead and releasing the bond. Mayor Kirby gave City Clerk Kathy Porter permission to release the bond.

Regarding Item 10, concerning the county inspections, etc., including signing of final subdivision plats. Attorney Voss is currently working with County Engineer Greg Sketch on updating these documents previously created in 1997 as inter local agreements and the state statutes.

Regarding Item 13, under resident complaints, Mr. Burke received a call and met with Mr. Iszu Kojima who lives next to 10092 Russwill Lane (McCarthy Property). Mr. Kojima stated that the home is vacant and the foundation and brick side is cracked on the building. Mr. Burke advised that there is also an old camper vehicle that has been sitting in the front yard for several years as a non-conforming pre-existing use. Attorney Voss stated that if the vehicle was parked there prior to the passing of the ordinance then there is nothing the city can do.

Commissioner Miller asked if the McCarthy's had been contacted. Attorney Voss has talked to him in the past.

Mr. Burke had suggested that the Boone County Building Inspector be called. City Clerk Kathy Porter advised that the Building Inspector was contacted.

Commissioner Miller visited the site and brought up the issue concerning storm sewer easement at 1588 Sycamore Drive (Eugene Becknell). Mr. Burke stated that he has previously re-stated the city's position regarding the easement; and, other drainage and property line issues, which Mr. Becknell continues to disagree with.

**Report from the Economic Development Committee:**

Commissioner Deanna Kline stated that their first meeting of the month is to bring the new commissioners up to date on what is being done. Ms. Kline stated that she and former Commissioner John Mefford could simply trade places on the EDC.

Mayor Kirby asked if the city had officially appointed members to the EDC. City Clerk Kathy Porter will check to see if in the past they appointed non-elected officials.

**OLD BUSINESS:**

- Second Reading of **ORDINANCE NO. 2012-009** - AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to approve and Commissioner Heil Seconded the motion. **Motion Carried.**

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- ❑ Commissioner Miller mentioned the gateway parcel north and entrance signage to the city limits. Commissioner Miller stated in the past it was discussed and now he proposes the city purchase the sign. The sign cost was approximately \$3,900. The sign proposed is good for 15 -17 years before any maintenance would need to be done. Mayor Kirby stated that signage is part of the representation of the city and it has to agree with the marketing message, the website which is a matter of branding. And if the city does not know what message it wants to represent then he does not see the need to spend \$3,900 on a sign. Commissioner Heil asked what progress has been made in the past year since the original sign idea had been brought up. Mayor Kirby stated no progress has been made. Commissioner Heil asked if any discussion has been made on creating the theme for the city. Mayor Kirby stated that he had someone who volunteered to help the city move forward with the whole picture they would like to present. Commissioner Heil asked how soon he could be available. Mayor Kirby stated that he could have him at the next meeting.  
Commissioner Kline stated it is crucial to have a common theme before moving forward.

**NEW BUSINESS:**

- ❑ **RESOLUTION NO. 2013-001** – A RESOLUTION OF THE CITY OF UNION, KY APPOINTING BRYAN H. MILLER AS THE CITY OF UNION, KENTUCKY MAYOR PRO TEM. Commissioner Kline made the motion to approve and Commissioner Heil seconded the motion. **Motion Carried.**  
  
Attorney Voss stated that he reviewed Kentucky Law about who could be appointed as Mayor Pro-Tem. The law states that it is up to the commission to appoint one of their own.  
  
Mayor Kirby recommended Commissioner Miller based on his experience.
- ❑ **RESOLUTION NO. 2013-002** – A RESOLUTION OF THE CITY OF UNION, KY APPOINTING BRYAN H. MILLER AS THE COMMISSIONER OF PUBLIC WORKS FOR THE CITY OF UNION, KENTUCKY. Commissioner Heil made the motion to approve and Commissioner Fryman seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2013-003** – A MUNICIPALITY AUTHORIZATION FOR CHECK SIGNING. Commissioner Heil made the motion to approve and Commissioner Kline seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2013-004** – A RESOLUTION APPOINTING DEANNA KLINE TO SERVE ON THE ECONOMIC DEVELOPMENT COMMITTEE ON BEHALF OF THE CITIZENS OF THE CITY OF UNION, KENTUCKY. Commissioner Miller made the motion to approve and Commissioner Fryman seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2013-005** – A RESOLUTION APPOINTING DONNA FRYMAN AS A MEMBER OF THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS BOARD OF TRUSTEES AND BRYAN H. MILLER AS ALTERNATE. Commissioner Kline made the motion to approve and Commissioner Heil seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2013-006** – A RESOLUTION OF THE DULY ELECTED LEGISLATIVE BODY OF (Jurisdiction) OPPOSING THE USE OF TOLLS AS A FUNDING MECHANISM FOR THE RECONSTRUCTION OR REPLACEMENT OF THE BRENT SPENCE BRIDGE, CALLING ON THE MEMBERS OF THE UNITED STATES SENATE AND THE HOUSE OF REPRESENTATIVES TO PROVIDE ADEQUATE FUNDING FOR THIS PROJECT OF NATIONAL SIGNIFICANCE AND SUSPENDING THE USE OF ANY PUBLIC FUNDS FOR THE PURPOSE OF LOBBYING OR ADVOCACY IN SUPPORT OF THE USE OF TOLLS. Commissioner Fryman made the motion to approve and Commissioner Miller seconded the motion. **Motion Carried.**

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**ANNOUNCEMENTS:**

The city offices will be closed on January 21, 2013 for Martin Luther King Day  
The next City Commission Meeting will be held on Monday, February 4, 2013 at 7:00 p.m.

**ADJOURN:**

With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 9:00 p.m. Commissioner Fryman seconded the motion. **Motion Carried.**

Signed this 4th day of February 2013

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Don Kirby, Mayor

\_\_\_\_\_  
Kathy Porter, City Clerk/Treasurer