

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, January 6, 2014**

CALL TO ORDER:

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 pm Monday, January 6, 2014.

LOCATION: Union Fire Protection District Building, 9611 U.S. 42, Union, KY 41091

ROLL CALL: The following city officials were present:

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

PLEDGE OF ALLEGIANCE: Mayor Kirby led the audience in the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting Commissioner Miller made a motion to dispense with the reading of the minutes from the December 2, 2013 Commission Meeting and the motion was seconded by Commissioner Kline. **Motion carried.**

Commissioner Miller made a motion to dispense with the reading of the minutes from the December 13, 2013 special Meeting to discuss the results of the Focus Group Sessions and the motion was seconded by Commissioner Heil. **Motion Carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Kline moved to accept the Treasurer's Balance Summary Report as of January 6, 2014, and Commissioner Fryman seconded the motion. All voted in favor of the motion. **Motion Carried.**

BILLS FOR PAYMENT:

Commissioner Miller made the motion to pay bills as received. Commissioner Kline seconded the motion. All voted in favor. **Motion Carried**

AUDIT REPORT FYE June 30, 2013:

Mr. Paul Maddox with Maddox and Associates presented the yearly Audit Report for fiscal year ending June 30, 2013. Mr. Maddox stated that they have a clean opinion on the financial statements. They also have a clean opinion on the compliance and controls other than the small office size. 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 Heil asked Mr. Maddox considering the size of the city and budget and various duties that need to be segregated what would be the minimum number of people to improve controls. Mr. Maddox stated that three or four would be enough to accurately segregate the duties. However, the city will need to review budgets as part of their fiduciary duties.

CORRESPONDENCE RECEIVED:

Mayor Kirby stated that the commission had received signed petitions from residents opposing the zone change

for a Kroger Marketplace along re-located US 42.

Mayor Kirby also stated that the commission has received correspondence opposing the zone change for the Carespring Health Care center near Harmony.

Mayor Kirby also mentioned questions that arose during the December business meeting. The questions concerned the Union City Events Coordinator Karen Franxman and her involvement with the Union Community Theater. Mayor Kirby stated that since the meeting he had received several calls and emails as well as responses to the posts on the City of Union facebook page in support of Ms. Franxman. Mayor Kirby, who was not in attendance at the December meeting, read a prepared statement to the commission. Mayor Kirby stated that he had served during some contentious issues, but had never had a member of this commission publicly make accusations against a fellow elected official or one of our business partners during a public meeting or in the press. Mayor Kirby stated that three (3) things made this situation especially disappointing to him. The first being that Commissioner Fryman did not contact Karen Franxman, the UCT, himself, or City Attorney (Greg Voss) to get the facts prior to making the public accusations. 2) That the accusations were made while Karen Franxman and he were not in attendance to respond. And, 3) that no other commissioner spoke up for Karen Franxman.

Mayor Kirby stated that the Union Community Theater is a non-profit organization and Karen is a volunteer who is not paid for her work with the UCT. She is just the assigned agent for the organization. The UCT moved to the Union Community Building when they could not work around the schedule at their previous location. At that time Mayor Kirby and the previous commission were approached about the use of the Community Building. Mayor Kirby stated that the fact that it was provided at zero charge was no secret because the UCT had always been viewed as affiliated with the City Events.

Mayor Kirby stated that in the ensuing article written in the Boone County Recorder, that Commissioner Fryman stated that the City does not receive any funds from the UCT, while they use city resources like the Community building and sell tickets at the Union City Building. Mayor Kirby stated that the City of Union has partnered with many private organizations throughout the years. Many have profited off the partnership without the city receiving any compensation while providing city time, resources and people.

Mayor Kirby stated that the City Event Coordinator job description needs to be updated. Mayor Kirby after speaking with members of the commission prior to the meeting proposed that a committee be put together to study and make recommendations for the following: Rules and guidelines for organizations renting and utilizing the Union Community Building or other city resources. And, rules regarding public/ private partnerships with outside organizations as to when we consider it a city event.

Mayor Kirby asked for a public apology from Commissioner Fryman for her accusations against Ms. Franxman and the Union Community Theater. While the rules surrounding the UCT use of the Community Building were not clear to everyone they are not to blame for this.

Commissioner Fryman stated she felt she did what was in the best interest of the city, she felt deceived that the UCT was not a part of the community events. Commissioner Heil stated he did not feel deceived, but there was a lack of communication. Commissioner Fryman stated she does not feel that she should have to apologize for doing what she felt was best for the city. Commissioner Fryman stated that during the time the UCT was using the building six (6) or seven (7) residents were turned down for rentals and they were using the building for free.

Mr. Matt Grimes (10119 Cedarwood Drive) stated that he had been a vendor at city events and he represents a private organization that has benefitted from the city. He stated that accusations from individuals who have not done any research toward the topic are an embarrassment to the City. A few simple questions to Ms. Franxman or Mayor Kirby could have prevented this. Commissioner Fryman stated that she had asked to go into executive session and was told that she could not.

A resident asked why Commissioner Fryman why she took her feelings to the paper prior to discussion with Mayor Kirby and Ms. Franxman. Commissioner Fryman stated that she did not take it to the paper, that the paper had come to her.

A resident asked in hindsight if Commissioner would do anything differently. Commissioner Fryman stated that

she would have talked to the Mayor first.

Amanda Edmonds addressed the commission on behalf of the Union Community Theater. She stated the UCT provides their own paper towels, toilet paper, and cleaning supplies. They also make sure the building is cleaned after each use.

Mr. John Adams from Whispering Trails, stated that he is a former commissioner for six years and this was an easy phone call that this did not have to go to the paper. He also stated that he was on the board when the Community Building was purchased they decided to do rental to help offset costs, it was not the intention of the community building. The intentions were for it to be for the community. Mr. Adams stated that the whole community benefits from the Union Community Theater, not just the six or so people that would have benefitted. Mr. Adams stated that the intentions for the building were to make money, the residents tax money will pay for the building. Commissioner Fryman stated that if the commission would like to vote to allow the UCT to use the building that she would be fine with it.

Mr. Jim Longano stated that there was an error in judgement.

Commissioner Kline stated that she had an issue with how the issue was brought up. She stated that questions could have been and should have been asked prior to the meeting.

Commissioner Heil stated that a clear policy on how the Community Building is handled is needed to move forward.

PRESENTATIONS/GUESTS WISHING TO SPEAK:

Mr. Jim Garner addressed the commission concerning pedestrian safety along US 42. Mr. Garner runs along US 42. Mr. Garner stated that he is concerned with the safety of pedestrians. He has reached out to the county and other cities to see what possibly can be done to increase safety for pedestrians. Many residents spoke in support of increased pedestrian safety.

Mr. Paul Queen, a resident of Harmony wished to address the commission concerning the proposed zone change for the Boonesprings Transitional Care Center. Mayor Kirby noted that the city had received several letters in opposition of the zone change. Attorney Voss stated that it is inappropriate for the commission to have a presentation while the issue is still in front of Boone County Planning and Zoning. Once they make their determination then it will come to the city and it would be appropriate to present his presentation to the commission. Mr. Queen asked the commission if when the recommendation reaches the city if it would be a private meeting. Attorney Voss stated that it would be a public meeting. Mayor Kirby stated that the residents could send information to the city commissioners.

Mr. Kevin Donnelly manager of Public Affairs with NKY Chamber of Commerce addressed the commission concerning the 2014 Legislative Agenda. The Brent Spence Bridge is a priority for the region for long term economic growth for the area. Mr. Donnelly briefly discussed the items on the agenda.

Commissioner Miller stated he did not feel that it would be fair to re-build the Brent Spence Bridge at the expense of the taxpayers.

Mr. Sean Blake and Bret Lavey, with Sanitation District 1 (SD1) addressed the commission concerning the Fowlers Fork Drainage Basin Study. They presented the City and residents five options for correcting the storm water issues. The first option is upstream detention retrofitting to raise the crest by 2' but it does not have an ideal outcome. The next option would be to replace the culverts in kind. But, roadway flooding will still be present. The fifth option is to have a storm water inline storage which is expensive. The third option is to provide downstream detention basins; and, to upgrade the existing driveway culverts, which would remain private. The fourth option would be to build a storm sewer system in the middle of the road and. to increase the size of the storm sewer in 24" to 60" sizes.

Both options three and four require downstream mitigation which will cost \$750k. Option three will cost \$850k for construction only. The total cost would be around \$1.6Million. This is a less expensive solution than option 4. However, the city will have to maintain the culverts for the long term rather than SD1. Every affected resident will

have to participate.

Option 4 will cost around \$2.85Million. This is the cleaner engineering option, where SD1 would own and maintain the new storm sewer system rather than the city. For this option, the residents will not have to give up part of their land for the easement. Mr. Blake advised that SD1 is presently reviewing the District's cost sharing policy, which may have a direct impact regarding the financial feasibility of the project in the future.

REPORTS OF CITY OPERATIONS:

CITY ATTORNEY REPORT:

Attorney Voss was asked to look into the Union Community Theater. He was provided documents from them and the UCT is a non-profit organization. They have 501C3 status. He advised that Karen Franxman does not get a salary. He found no wrong doing or any conflict with Karen and her duties with the City of Union.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling five (5) Items. There is no current activity. A lot of upcoming things will be handled in the spring.

Regarding the brick paver along Appomattox Drive, Mr. Burke stated that there is only one way and one way out. The board will meet later in January for the approval of the \$3,000 cost share. Mr. Burke will advise commission after that meeting.

Regarding Item Number 4, the light along proposed KY 536, this is still open and awaiting commission approval. Also the safety lighting at Frogtown Road, the city is waiting for approval from the state transportation cabinet.

Regarding Item 4(d), Bridge inspections, no bridge within the city is in need of repair. Mayor Kirby needs to sign letter and return.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated the newest member to the EDC had to resign. Deanna has received a couple of inquiries. There were no new developments at the last meeting. The next meeting is January 21st. Commissioner Kline asked for permission to use the Community Building for the Boone County Relay for Life Committee. Commissioner Heil made the motion to allow them to use the Building. Commissioner Miller seconded the motion all voted in Favor. Motion Carried.

CITY EVENTS COORDINATOR REPORT:

City Events Coordinator Karen Franxman briefly summarized her report.

On Saturday, December 7th, 2013 the city held an Open House and Tree Lighting event at the Warren S. Moore City Building.

The 4th Annual "Pancake Breakfast with Santa" was held on Saturday, December 14th, 2013 from 8:30 am to 10:30 am.

The first event for 2014 will be the 5th Annual Pancake Breakfast and Easter Egg Hunt on Saturday April 12th.

The next event is the Good Friday Fish Fry to be held on Friday, April 18th.

The Events Volunteer Committee will meet on Monday, January 13, 2014.

Union Cares Program: For the month of January the city will be collecting for Collins Elementary. Their special request is toiletries and sweatpants all. Children sizes up to adult small.

The Union Community Theatre winter production was "It's a Wonderful Life". The show dates were December 5th, 6th, 7th and 8th. They had a great turn out. The next performance is "The Who's, Tommy" which is scheduled for March 27th-March 30th and April 2nd - 5th.

PLANNING AND ZONING REPORT: There are two zone change request meetings, for proposed Kroger and the Boonespings coming up.

PUBLIC WORKS:

Commissioner Bryan Miller stated through November and December the area has about the average snow fall.

Commissioner Heil put together a list for temporary use for Community Building and would like to know if Mayor had a chance to look at it. Mayor Kirby stated that it would be discussed at a later date. A resident asked if the citizens would have any input in the discussion of allowing the Community Theater to use the building. Mayor Kirby stated they would and it would be discussed at the January meeting.

OLD BUSINESS:

- None presented.

NEW BUSINESS:

- None presented.

ANNOUNCEMENTS:

The next regular business meeting is scheduled for Monday, February 3rd, 2014 at 7:00 pm.

ADJOURN: With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 9:20 pm. Commissioner Miller seconded the motion. All voted in favor. **Motion Carried.**

Signed this 3rd day of February, 2014

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer