

**CITY OF UNION, KENTUCKY
BUSINESS MEETING
MINUTES
Monday, November 3rd, 2014**

CALL TO ORDER BUSINESS MEETING: Mayor Don Kirby called the Monthly Business Meeting of the Union City Commission to order at 7:04 p.m. Monday, November 3rd, 2014.

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

ROLL CALL: A quorum was present:

Mayor – Don Kirby
Commissioner – Bryan Miller
Commissioner - Ken Heil
Commissioner – Donna Fryman
Commissioner - Deanna Kline

Also present was the following:

City Engineer - Barry J. Burke, PE PLS
City Attorney - Greg Voss, Esq.
City Clerk/Treasurer – Kathy Porter

PLEDGE OF ALLEGIANCE: Mayor Don Kirby led the audience in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

All City Commissioners were provided a copy of the minutes of the Regular Business Meeting from October 6th, 2014, prior to tonight's meeting. Commissioner Miller made a motion to dispense with the reading of the Regular Business Meeting Minutes from October 6th, 2014, and the motion was seconded by Commissioner Heil. **Motion carried.**

All City Commissioners were provided a copy of the minutes of the Special Business Meeting from October 13th, 2014, prior to tonight's meeting. Commissioner Kline made a motion to dispense with the reading of the Special Business Meeting Minutes from October 13th, 2014, and the motion was seconded by Commissioner Miller. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Heil moved to accept the Treasurer's Balance Summary Report as of November 3rd, 2014, and Commissioner Kline seconded the motion. **Motion carried.**

BILLS FOR PAYMENT:

City Clerk/Treasurer Kathy Porter stated that there were two (2) additional invoices that were received after the bills for payment report was printed and forwarded that she would like to add them to the list. The first is for the audit work that was completed and the second was for the mowing/landscaping work for the month of October. Commissioner Miller asked about an invoice that was on the list for payment for R.E.B.T. Construction, if it was for a sidewalk repair fronting the church along US 42 that was completed. City Engineer Barry Burke asked for the amount, and for about \$387 he didn't see the actual invoice, but stated that it was and was observed as completed for payment.

Commissioner Kline made the motion to pay the bills, as received. Commissioner Heil seconded the motion. **Motion carried.**

AUDIT REPORT:

Mr. Paul Maddox with Maddox and Associates presented the annual Audit Report for fiscal year ending June 30,

2014. There was a clean opinion given to the financial statements. Mr. Maddox, summarized the long term liabilities and the amounts that were paid toward them throughout the year.

Commissioner Miller asked if the city would incur a fee if they paid the sewer loan off early. Mr. Maddox advised there would not be a penalty. City Engineer Barry Burke stated that since the city installed about two (2) miles of sanitary sewer, which is still under the city's ownership with the loan and city easements, it would be prudent for the city to consider paying off the sewer loan and transfer the easements to SD1 to avoid a possible maintenance problem. Mr. Maddox then advised there would be a penalty if the city would pay off the loan for the Community Building off early.

Mr. Maddox stated there is also a 'clean opinion' on internal control and compliance except for the section on segregation of duties. Mr. Maddox explained that with a city our size, it is hard to segregate the duties.

Mayor Kirby stated that all disbursements for the city are signed by the City Treasurer Kathy Porter and either himself or a commissioner that has the authority to sign checks.

Commissioner Heil stated the city needs to be careful when entering into a swap agreement in the future. These transactions will cause penalties if the city needed or wanted to pay off such a loan early.

PERSONS WISHING TO SPEAK:

Ms. Stephanie Fuller who coordinated the Fall for All was in attendance for the meeting and stated that the event went well. Ms. Fuller stated she hoped the city would continue to do these events in the future, and that maybe Event Planning could be from a committee.

The Mayor and Commission presented Stephanie with a certificate for all of her hard work planning and organizing the Fall for All event.

PLANNING AND ZONING REPORT: Mr. Jim Longano stated the planning commission will meet on November 5, 2014 at 7:00 pm. And there are no items on the agenda that directly impacts the city of Union.

UNION COMMUNITY BUILDING/UNION COMMUNITY THEATER DATES:

Commissioner Heil stated that there has been no updates since the last meeting.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated that there is not much to report this month. The Mt. Zion Rd. property parcel acquisitions are moving along. Kevin Costello with Boone County Planning and Zoning has been in communication with several developers and traveled to Columbus, Ohio last month to meet with one. Commissioner Kline did not know the outcome of the meeting.

COMMISSIONER OF PUBLIC WORKS:

Commissioner Bryan Miller stated he received an email concerning a property on Richmond Rd. The email states, a resident has poured concrete in his yard and is parking his recreational vehicles on it. Commissioner Miller stated that he went to the property and the resident had poured a concrete pad beside his garage to park his recreational vehicle on. Attorney Voss will review the question from the resident and will check to see if necessary permits were obtained.

Mayor Kirby stated that there have been other residents within the city limits that have extended or widened their driveway so that they can park an extra vehicle. He stated that from a city perspective as long as it is on concrete it is legal unless it violates an HOA.

A Union Village resident Mr. Frank Beemon stated that a permit is not needed to pour concrete. He stated that the HOA rules did not allow any vehicles to be parked in the driveways.

Regarding a previous complaint, Attorney Voss stated that he visited Dr. Wright's property at the corner of US 42 and Frogtown Rd., and they are currently re-grading the land. He stated that as they are currently working on the property, they are allowed a trailer. Attorney Voss asked City Engineer Barry Burke to respond to his question regarding vegetative clearing and/or storm water drainage on the property or within the public right-of-way. Mr.

Burke stated he would review the issue and respond back to Attorney Voss.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling nine (9) items, some, as noted, requiring city commission actions.

Regarding Item No. 4, Kentucky Infrastructure Authority, the 2016 SRF Call for Projects, Mr. Burke stated he will not be submitting an application for this project due to previous low priority ratings for the state's loan program. The best solution for the Whispering Trails flooding and storm drainage problem would be the SD1 50/50 cost sharing. Commissioner Miller advised that the city's budget includes \$50,000 toward the start of the overall project that could be used for a detention basin.

Regarding Item No. 6, the public infrastructure damages at Old Union Road and Clarkston Lane resulting from the delivery truck accident. Mr. Burke received sufficient quotes from multiple contractors concerning repairing the guardrail and the roadbed surface, which was quoted as \$3,840. Mr. Burke forwarded his letter to SWS trucking company from the Louisville area and received a reply from the insurance company regarding payment of the damages, subject to a formal legal release from the city. Mr. Burke has also received a quote from one (1) contractor for the recommended repairs of the full intersection and is awaiting another.

Commissioner Miller asked how much a project must cost before the city is required to put it out to a publically advertised bid. Attorney Voss stated generally a project must be put out for bid if it costs \$20,000 or more. Commissioner Miller stated that the city had already received a very reasonable bid for the overall intersection repairs and asked if we couldn't move forward without waiting for another quote. The entire overall project could be done for \$12,090 plus the cost of the guard rail at \$740 less the \$3,840 amount for damages. This possibly could be completed by end of the year.

Commissioner Heil stated that two (2) months ago, the city had told some residents that it was too late in the year to get bids to resurface their streets. Mayor Kirby asked if Old Union Road is dangerous or just cosmetic. Mr. Burke stated that at this point he felt that the county's emergency repairs were structurally adequate it would be just cosmetic, and that Boone County Public Works did a good job repairing the damage.

Commissioner Kline had a concern regarding timing with the uncertainty of the weather and the possibility of asphalt plants closing by the middle of November, and the city commission agreed that a better decision was to wait to seek quotes to repair the overall intersection project in the spring of next year.

Regarding Item 8, the 2014 Annual Co-Permittee Storm Water Pollution Prevention Training was scheduled for Tuesday, November 4th from 8 am-9 am. Mr. Burke is registered to attend and Commissioner Bryan Miller stated that he would like to also attend on the city's behalf as well.

EXECUTIVE SESSION:

None needed.

ITEMS FOR CONSIDERATION:

OLD BUSINESS:

- **Second Reading of ORDINANCE NO. 2014 - 016** - AN ORDINANCE OF THE UNION CITY COMMISSION REPEALING ORDINANCE 2014-008 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES RELATING TO THE OFFICE OF CITY ENGINEER FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to approve the Ordinance and Commissioner Miller seconded the motion. All voted in favor. **Motion Carried.**

NEW BUSINESS:

- **First Reading of ORDINANCE NO. 2014 - 017** - 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 the Ordinance and Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

- ❑ **First Reading of ORDINANCE NO. 2014 – 018** - AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING CHAPTER 50: “**WASTE REMOVAL**”. Commissioner Heil made the motion to approve the Ordinance and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

- ❑ **First Reading of ORDINANCE NO. 2014 - 019** - AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING CHAPTER 92: “**NUISANCES**”. The changes are to noxious odors and smoke from open burning. Commissioner Fryman made the motion to approve the Ordinance and Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

Commissioner Miller stated that we had received a roadway safety complaint concerning a significant drop off along the edge of pavement of Clarkston Lane on the hill for the portion in Union. The fill for the area for stone or rock is about \$1,200.00 received from Paul Michels Construction Company. Mayor Kirby asked for a motion to approve the work. Commissioner Heil made the motion and Commissioner Fryman seconded the motion. All voted in favor. Mr. Burke acknowledged he would authorize Pete Michels to perform the work. **Motion Carried.**

Mayor Kirby encouraged everyone to go out and vote on November 4th.

Mr. Frank Beemon thanked Mayor Kirby for his service.

Commissioner Miller presented Mayor Kirby with a gift for serving as Mayor.

City Clerk/Treasurer Kathy Porter stated the city received a bid for installing the Christmas lights at the City Building from the City’s landscaping company, A&A Landscaping & Lawncare. The bid was for roughly \$900. Mayor Kirby accepted a motion to approve the bid from A&A Landscaping for placing the lights at the City Building for the holiday season from Commissioner Heil. Commissioner Kline seconded the bid. All voted in favor. **Motion Carried.**

City Clerk/Treasurer Kathy Porter stated the city has billed \$1,060,823.52 for taxes and to date they have collected \$950,791.00 which is very good for the time of year.

ANNOUNCEMENTS:

The next regular city business meeting is scheduled for Monday, December 1st, 2014.

ADJOURN:

With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 7:55 p.m. Commissioner Fryman seconded the motion. All voted aye. **Motion carried.**

Signed this 1st day of December, 2014

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer