

REGULAR BUSINESS MEETING MINUTES OF THE UNION CITY COMMISSION
December 6, 2010
7:00 PM

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

CALL TO ORDER: Mayor Kirby called the meeting to order at 7:00 PM.

ROLL CALL: The following members were present:

Mayor Don Kirby
Commissioner Bob Kelly
Commissioner John Adams
Commissioner Todd Sayers
Commissioner John Mefford
City Engineer Barry Burke
City Attorney Greg Voss
City Clerk Kathy Porter

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting

Commissioner Sayers made a motion to accept the minutes of the November 1, 2010 Commission Meeting and the motion was seconded by Commissioner Adams. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Mefford moved to accept the Treasurer's Report as of November 30, 2010, and Commissioner Kelly seconded the motion. **Motion Carried.**

UNION CARES PROGRAM: The City of Union will be collecting for the HUGS Program for the month of December. The HUGS Program consists of Hats, Underwear, Gloves, and Socks. The City will also accept gently used coats and scarves.

CORRESPONDENCE: Mayor Kirby mentioned e-mails that the city has received concerning the Grace Fellowship Church zoning change and expansion. Mayor Kirby asked if anyone would like to address the commission concerning the change and no one spoke. Mayor Kirby, briefly summarized the e-mails received, most of the e-mails were against the zone change. Mayor Kirby read e-mails from Don and Sandy Robb at 9601 Gunpowder Road, Gary Hendren at 9470 Gunpowder Road, Kim Romer at 9513 Gunpowder Road, Jim Blackwood at 9406 Gunpowder Road, and John Purdy at 974 Sunnybrook Drive. Mayor Kirby responded to Mrs. Romer's e-mail. Mayor Kirby gave the audience a brief explanation of why the e-mails were sent. The church went before the Boone County Planning Commission to get approval for a zone to expand the parking lot to accommodate their congregation. They have also bought a house that will serve as a meeting place/retreat center for their staff, and they are putting an office in the existing structure.

Mayor Kirby stated that unless there were any objections, he recommends letting the decision of the Boone County Planning Commission to stand. Mr. Kelly stated that the city commission needs to pass by resolution a request by the church to not have motion lighting within the parking lot. This was given to Attorney Voss to review before a resolution would be brought before the commission.

RESIDENTS WISHING TO SPEAK:

Dr. James Wright addressed the commission concerning some site plans that they had submitted to Boone County. He has three (3) changes that he would like the commission to consider. The original site plans for the Union Pointe Center/IGA express showed the garbage containers would be in front of the building. Dr. Wright would like approval to move them behind the brick wall. The next change is that the original plans show a sidewalk that goes through the parking lot. Dr. Wright would like to

**UNION CITY COMMISSION
MINUTES – Monday, December 6, 2010
PAGE 2**

have that removed. And the last change would be the door in front of the building. According to the plan a door would have to be facing the main road.

Mayor Kirby asked Commissioner Adams if he had reviewed these changes. Mr. Adams stated he had been in contact with Todd Morgan from Boone County Planning and Zoning, but would like to look into these changes a little further before discussing the issues.

Dr. Wright stated that, if possible, he would need an answer concerning whether a door is needed in front of the building, and would need to know as soon as possible because he would need new drawings by December 22, 2010.

Mayor Kirby asked if any other residents would like to speak. Attorney Voss mentioned that there was a Boy Scout troop in the audience. Mayor Kirby asked that each scout stand and introduce themselves. The scouts in attendance were: Isaiah Sargent, James Thorton, Evan Bales, Nicholas McNamara, Justin Turner, Kyle Kindzierski, and Tyler Holloway.

PLANNING AND ZONING: Mr. Jim Longano was not present and had no report for the City of Union this month.

CITY ENGINEER REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 16 Items. Regarding Item #1 the Sanitary Sewer Systems, under Phase C we had to do some extra work on Mr. Frost and Mr. Lux' properties. Mr. Kelly and Mr. Burke worked with CS Earth Restoration for the lowest cost to perform additional surface seeding restoration work which was completed and inspected on 11/15/2010. Mr. Burke mentioned the three (3) tap-in violations on Phase C. Mr. Dwelly at 10109 Russwill, Attorney Voss is working with Mr. Dwelly's attorney, Mr. Denny Mathis at 1539 Mt. Zion Road, and Mr. Steelman at 10126 Russwill Drive. Mr. Burke spoke with Mr. Mathis and he will take advantage of the city's residents offer to finance costs for the tap-in to SD1. These issues will complete Phase C.

Regarding Item #1 (b) Phase A&B, under sub item (3), DECA (formerly PNC Bank) Mr. Burke stated that this should be connected within the next couple of weeks.

Regarding Item #1 (b) (5) Mr. Long at 1764 Mt. Zion Road, Mr. Long (in discussions with Mr. Burke) would like to have the easement litigation compensation completed. Attorney Voss stated that this has been completed, and he has the easement and it has been filed. Compensation has been forwarded to Mr. Long's attorney.

Regarding Item #1 (b) (2) the Sewer Re-Design Plans for BP, Ferguson, & Volpenhein, the Change Order (CO#14) for \$35,431.25 was previously approved. Hoping to miss a large pine tree, the sewer may be relocated 5' closer to Old Union Road. Recent inspection and observation reveals that this project is now complete. Mr. Burke stated that he forwarded his recommendation that the Invoice for \$34,186.25 be paid.

Regarding Item #1(b) (3), for the DECA (formerly PNC) property, and working with SD1, G&T must still provide a sewer tap for this commercial property, anticipated to be leased out or occupied by the owner following public sewer connection.

Regarding Item #1 (b) (11) Joyce Harper at 10033 Old Union Road, Ms. Harper requested to be connected to the re-designed sanitary sewers as stated above, even though her house is as shown on future highway plans to be taken by the state, but not anticipated to happen until approximate years 2015 – 2018.

UNION CITY COMMISSION
MINUTES – Monday, December 3, 2010
PAGE 3

Regarding item #2 (c) R.E.B.T. Construction Inc. will reconstruct the entrance piping for storm water fronting the city building along Mt. Zion Road. This project has been approved and permitted by the KYTC and hopefully completed before the end of the year, subject to weather conditions.

Regarding Item #4 (a) under other Spot Speed Studies, traffic control devices along Arbor Springs Blvd, Braxton Road, and Indian Hill Drive. These three (3) streets now have speed humps installed by Len Riegler Paving, Inc. for a cost of \$1,850 each for a total Invoice of \$5,500. Mr. Burke authorized payment for these improvements.

Regarding Item #4 (b) the Pembroke Drive asphalt base repairs in two (2) areas, fronting the Harvey property (10249), Len Riegler Paving, Inc. has satisfactorily completed this work for a cost of \$3,960. Mr. Burke authorized payments for these repairs.

Regarding Item #5 (a) & (b), concerning Storm Water Quantity and Quality, SD1 has conducted seminars and workshops regarding the KYDOW renewed permits this year. Mr. Burke has attended mandatory training and has left some distributed documents for public review out at the front table.

Regarding Item #8 The Villa's at Fowler Creek. Ms. Noreen Morgan would like to address the commission concerning the delay for spot lighting on the sign fronting Relocated US 42. Ms. Morgan stated that the Fowler's Creek Homeowner's Association next meeting will not be until March; and, indicated that the HOA has received a lower estimate from Quinn Electric to perform the work. The HOA at that time may still have some added concerns about the HOA responsibilities for funding construction of the lighting fronting US 42.

Ms. Morgan also mentioned the need for a light at the back entrance off of Old Union Road. Ms. Morgan asked if this roadway was Union's. Mr. Burke stated it was; at additional costs. Mayor Kirby stated that the commission will look into getting a street light at this location as well.

Regarding Item #9, the Whispering Trails Storm Drainage Report, Mr. Burke did receive some positive feedback from SD1 Mr. Sean Blake at a recent meeting. Mr. Blake stated that SD1 has listed the project within the Master Plan for Gunpowder Creek and advised that the city should be contacted regarding the status of several possible options in the near future.

Regarding Item #10 the City of Union Landscaping Contract, the contract expires at the end of December 2010. City Clerk Kathy Porter will work on the Request for Bids and will get a Legal Ad in the proper newspaper.

Regarding Item #12 KYTC Bridge Inspection Reports, Mr. Burke spoke with the highway department and they forgot to give us the report for the bridge on Churchill Drive. However, these reports stated that both bridges within the city are in Good Condition without restrictions.

Regarding Item #13 the Union Community Center Water Usage Fluctuations, Mr. Burke stated that subsequent billing statements should be reviewed; and, believes that some water conservation practices in the building in 2011 will help clarify the issue of significant variations in water uses.

Regarding Item #14, near the Union Pool regarding Annexation Ordinance No. 2010-004 per KRS 81A.470. This was a mapping issue with the KY Office of the Secretary of State. Per statutory changes made in 2004, etc. when filing this ordinance with the state, detailed mapping regarding existing municipal limits tied to new annexed boundaries by a professional land surveyor is now required. Mr. Burke PLS created a new map and forwarded to the City Clerk to send to the state office for filing. The county GIS process is already complete. This survey map will resolve the issue with the state, so that the state's mapping is accurate and local property taxes can be assessed, more

**UNION CITY COMMISSION
MINUTES – Monday, December 3, 2010
PAGE 4**

accurately.

Regarding Item #15, Ms. Kathy Nantz at 1666 Mt. Zion Road at Sycamore Drive West, Ms. Nantz called concerning about someone on her property taking photos. Mr. Burke advised her to contact Boone County, to follow this up on a previous property maintenance issue. Mr. Burke advised that no photos were taking by the City of Union.

Regarding Item #16, a KYTC Request for Relocated KY 536, a Union Resolution is required. Mr. Burke advised he has some suggestions to add to the discussion when the Resolution is ready to be drafted.

PUBLIC WORKS/UNION VISIONING COMMITTEE: Mr. Kelly mentioned the ongoing streetlight issues with Union Village. Mr. Kelly met with the Union Village HOA members on November 10, 2010; they are currently working on a proposal that would be acceptable to both the City Commission and the residents of Union Village. This proposal should be completed by the end of December and could be presented at the January 2011 meeting.

Snow and snow removal has started. Mr. Kelly has not received any complaints so far. Mayor Kirby asked if we had a procedure to follow when we have complaints. Mr. Kelly said that we do not have anything in place, but during snow emergencies, vehicles need to be parked off street to allow for the snow plows. Mr. Greg Spillman, from Spillman Lawncare the city's contractor for snow removal, called the Sheriff's Department to have certain cars moved. Mayor Kirby would like to have a meeting between Mr. Kelly, Mr. Spillman and himself to set a process before we get a major snowstorm and this becomes an issue. Mr. Kelly suggested having snow emergencies announced on the news for City of Union.

Mr. Kelly received a request for a stop sign to be posted at Westbrook Blvd., by Arlinghaus Builders. Mr. Kelly contacted Greg Martin from Boone County Public Works to have one installed. He will follow-up to make sure it was installed.

Mr. Kelly had a question concerning Westbrook Blvd, which is a new street, the contractor for snow removal asked if they need to clear that street. Mr. Burke stated that in new subdivisions such as Westbrook, the asphalt surface is not yet applied and is guaranteed with a surety bond at the planning commission offices. Further, until the majority of the homes are constructed along a street, the final surface course is delayed so that the pavement is not damaged by construction traffic. After the final surface is applied and inspected, the KRS100 statutes state that only after 45 days, the streets become the full responsibility of the city. Before 45 days, prior to acceptance, street maintenance including snow removal is the responsibility of the developer, in this case Arlinghaus Builders, Inc.

Mr. Kelly also received a dog barking complaint on Indian Hill; we sent a letter to the resident.

EVENTS COORDINATOR: Ms. Franxman was not in attendance, Ms. Franxman is working with the Union Community Theater to wrap up last minute details for the play, A Farewell to Rosegate, which will be performed on December 17th and 18th.

Perfect North Slope discount vouchers are now on sale at the Union City Building.

The volunteer committee is still looking for volunteers for the upcoming events for 2011.

The Adopt-A-Unit, we should receive word when the unit will be returning home.

**UNION CITY COMMISSION
MINUTES – Monday, December 3, 2010
PAGE 5**

Friday December 3, 2010 we held our annual tree lighting ceremony. On Saturday December 11, 2010 we will be having a pancake breakfast with Santa from 8:30 – 10:30.

NEW BUSINESS:

- RESOLUTION NO. 2010-006 - A RESOLUTION RELATING TO THE CITY OF UNION, KENTUCKY ACKNOWLEDGING ITS INTENT TO WORK WITH THE KENTUCKY DEPARTMENT OF TRANSPORTATION IN THE REDESIGN AND RECONSTRUCTION OF THE MT. ZION ROAD, KY 536 PROJECT. Commissioner Kelly made a motion to accept, Commissioner Sayers seconded. **Motion Carried.**

OATH OF OFFICE

City Clerk Kathy Porter administered the Oath of Office to Mayor Kirby who was elected Mayor in the November 2010 election. Mayor Kirby administered the Oath of Office to the Newly Elected City Officials who was elected to the City Commission in the November 2010 election.

ANNOUNCEMENTS:

Next City Commission Meeting: Monday January 3, 2011 @ 7:00 p.m.

Mayor Kirby gave a few words of thanks to Mr. Sayers for his years of service to the City of Union.

Mayor Kirby really enjoyed working with him and Mr. Sayers stated that he enjoyed working with the city and would be available should the need arise.

No further business came before the Commission. Commissioner Adams moved to adjourn the meeting at 7:55 p.m. Commissioner Sayers seconded the motion. **Motion carried.**

Signed this 3rd day of January 2011

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer