

CITY OF UNION, KENTUCKY
Regular Business Meeting
MINUTES
Monday, April 5, 2010

CALL TO ORDER: *Regular Business Meeting*

Mayor Don Kirby called to order the Regular Business Meeting for the Union City Commission on Monday, April 5, 2010 at 7:00 p.m.

Present: Mayor Don Kirby, City Commissioners Bob Kelly, John Adams, Todd Sayers, and John Mefford. Also, City Engineer Barry Burke, (FOPPE Technical Group), City Clerk/Treasurer Kathy Porter, David Steele, Esq. substituting for City Attorney Greg Voss who was not in attendance. Eight (8) citizens signed the attendance sheet.

MINUTES: (All City Commissioners were provided a copy prior to tonight's meeting)

Commissioner Adams moved to accept the REGULAR BUSINESS MEETING MINUTES of Monday, March 1, 2010 and the motion was seconded by Commissioner Sayers. **Motion carried.**

TREASURER'S REPORT: Commissioner Mefford moved to accept the Treasurer's Report as of March 31, 2010 as presented. Commissioner Kelly seconded the motion. **Motion carried.**

UNION CARES PROGRAM: April – Adopt a Unit Program – Karen Franxman

Karen mentioned that the city of Union has adopted a unit from Fort Campbell that will be deployed on April 21, 2010 to Afghanistan. There is a wish list that the unit has put together. She is working with the Boy Scout troops in Union to put together a deployment ceremony at the Union Community Center on April 21st at 7:00 PM. Mayor Kirby asked what type things the residents can do. Karen said that they can write letters and donate items from the list. This is an ongoing thing.

CORRESPONDENCE: Kathy Porter received a quote for a professionally published street map for the City of Union. Mayor Kirby mentioned that we should put this in the budget for the next fiscal year.

RESIDENTS WISHING TO SPEAK:

Jim Liles a resident from Cedarwood Drive spoke to the commission concerning the traffic speeds on this road. Mayor Kirby mentioned that the City Engineer Mr. Barry Burke will be addressing the issue in his report.

Mr. Bill Long asked the commission about the status of the new sewer system. Mr. Long stated that no one from the city had returned his phone calls. Mr. Long wants to know when the restoration will be completed on his property. Mr. Burke met with a representative from G&T Excavations the past week and they still need to address his property to correct this situation following dryer weather. Mr. Burke stated that he would call Mr. Long when they can set up a meeting with G&T. Mr. Long also asked about the trees that had been taken down on his property. He had been trying to work with city attorney Mr. Greg Voss, but had not been able to reach him. Mayor Kirby said he would check into this situation. Mayor Kirby asked Mr. Burke if any of his property had been restored. Mr. Burke stated that the area had been seeded and straw was placed before the past winter.

Michael Stewart, who is running for the Boone County Sherriff introduced himself to the city commission.

Jeff Smith, who is running for District Judge in Boone County, introduced himself to the city commission.

PLANNING & ZONING: *Jim Longano - Planning and Zoning Union Representative*

Mr. Longano was not in attendance. No new business to report.

**UNION CITY COMMISSION
MINUTES – Monday, April 5, 2010
PAGE 2**

CITY ENGINEER REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 19 items sixteen (16) of which were summarized during the meeting as follows. Mr. Burke spoke about the city's sanitary sewer system. Phase C is now over ninety-nine percent (99.5%) complete; and. Phase A & B is about eighty-five percent (85%) complete. Mr. Burke overviewed only the bold highlighted parts referenced in his report.

Regarding Sanitary Sewer Systems Phases C Item #1(b) (1).Mr. Klus at 10151 Russwill Drive, still waiting on final restoration by G&T Excavations, Inc.

The next item Mr. Burke spoke about is Item #1 (b) (2). Mr. Kojima at 10104 Russwill Drive, Mr. Kojima stated that there is surface water or remnants of sewage overtopping in his yard. By city request, SD#1 inspected the area and revealed that it is not sewage surfacing from the system. Another possibility could be that water from the abandoned on-site sewage system still needs to dry out. This problem will be resolved eventually.

The next item Mr. Burke spoke about is Item #1 (b) (3). Mr. Dwelly at 10109 Russwill Drive, this is a legal issue referred to the city attorney. Mr. Dwelly is not yet tied in to the sewer system and is in violation of the city's 90-day ordinance. In addition, he did not allow the fencing contractor to complete the normal fencing restoration disturbed during the sewer construction.

The next item Mr. Burke spoke about is Item #1 (b) (4). Ms. Wagner at 10066 Russwill Drive, final restoration still needs to be completed by the contractor.

The next item is Item #1 (b) (5). Mr. Hedgecock at 10118 Russwill Drive, this is a legal issue referred to the city attorney. The plumber (i.e., Turner Plumbing) hired by Mr. Hedgecock put an embankment fill over a natural stream bed beyond the rear of Mr. Kojima's land. This is a federal/state stream standards violation. As an alternative to litigation, a change order for correcting this work will be sought from G&T Excavations, Inc. and others for a cost estimated not to exceed \$1,000.

Regarding Item #1 (b) (6), Mr. Boehm at 10099 Russwill and Mr. Mathis at 1539 Mt. Zion Road. Mr. Mathis is arguing that the small storm drain line that was put on Mr. Boehm's property is causing erosion over his livestock access way. Mr. Burke advised that a change order will be sought from G&T Excavations and others for a cost estimated not to exceed \$750. to correct this problem.

Regarding Item #1 (c) (1) M&K/Huey (Union Station Restaurant) & Scott May (Old Union Road), the public sewers are complete and tested and a sewer tap-in has been made. Record Copies of drawing were submitted to SD1.

Regarding Item #1(c) (2) Record Copies of Drawing (RCD), As-built drawings south of Mt. Zion Rd. between Old Union Rd. and Relocated US 42 were submitted to SD1 on 12/08/09. Notification letters were sent to the City Clerk for mail out on 03/26/2010 affixing the 90 day tie-in deadline.

Regarding Item #1(c) (3) Hathaway Road Sewer Jack & Bore, Mr. Burke has not yet been contacted by Attorney Voss, concerning the acquisition of another sewer easement from the owner Volpenhein through his attorney. Alternate design plans for servicing the BP, Ferguson building and the Volpenhein property is complete, subject to a local permit issued by SD1.

Regarding Item #1(c) (5) Mr. Schrage at 1838 Mt. Zion Road. Mr. Schrage is complaining that the sod in his front yard is dying. Observation made by Mr. Burke concluded that this is due to too much water rather than not enough. Some of the storm water runoff from the state highway intersection and possibly from the city building's side of the road due to clogged culverts is being conveyed toward his yard and is impacting and may be overtopping a rock limestone wall in his Driveway near his house. Mr. Burke first advised him to contact the state highway department. Any restoration by G&T will be delayed until the highway department has the opportunity to address this issue, where applicable.

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

Regarding Item #1 (c) (6), Mr. Long at 1764 Mt. Zion Road. Mr. Burke advised Mr. Long that he would meet with him and G&T when they can review and remedy the problem.

Regarding Item #1 (c) (7), The Boone Masonic Lodge at 1938 Mt. Zion Road. The owner complains that roof leaders had been disturbed. This issue will be put on the punch list for G&T.

Regarding Item#1 (g) KIA State Fund “C” Loan Assistance Agreement, city administration has advised that funds for the \$248,293.55 loan request has been deposited into the city’s account. Once the project is completed (e.g., this summer), the city needs to decide how they wish to pay the loan back over a twenty (20) year term or much sooner, subject to the transfer of sewer easements from Union to SD1. Loan and payoff terms will be submitted to the city after completion of the project.

Regarding Item #1 (h) the tap-in fees. Phase C Russwill Drive. Some benefitted users have already pre-paid the \$3,000 tap-in fee to SD1. Some users had the city pre-pay their residential fees. Some of these users that the city had paid their fees have not signed promissory notes to start the pay back process via their 2009 property tax bills. This issue will have to be addressed this year.

Regarding Item 2. The Hempsteade Drive Street Improvements. An additional traffic calming device (e.g., a narrowing center island) was constructed at the intersection with Lakepointe Court. This small narrow island has been a problem with vehicle conflicts. Plantings have been destroyed. Concerning remedies for the island, Mr. Burke has offered two (2) options for discussion. One (1) option is to fill the island with concrete pavers or textured concrete. This would be easier to maintain than continuing to replant landscapings. Reflective paint and striping at both ends of the island would increase visibility to aid the existing reflectors visible at night. The intent is to create an aesthetically pleasing structure that is semi-mountable without damages to vehicles with little or no maintenance Mr. Kelly recommended not putting broken stone in the island, because when people run over it, the rocks will be thrown out. Mr. Burke stated that if the first option doesn’t work, the city could ultimately remove the island and repave it in the future. Mayor Kirby asked Commissioner Kelly to work with Mr. Burke to remedy this situation.

Mr. Burke, after much discussion with residents in attendance, spoke about the recent traffic calming measures and a re-spot speed study on Cedarwood Drive. The original speed study was completed in October 2009. Last October, Mr. Burke recommended to place two (2) speed humps, but only one was placed at that time, due to the city acknowledging a signed petition from seven (7) residents objecting to the one (1) proposed at 10150/10151 Cedarwood Drive. At the city’s direction, Mr. Burke performed another spot speed study on April 1, 2010. Both eastbound and westbound traffic was clocked and tabulated during a PM peak hour. For vehicles traveling eastbound (from Bayswater) the eighty-fifth (85th) percentile speed was lowered from 30.2) MPH to (21.2 MPH realizing a significant benefit for the speed hump constructed fronting 10025. For vehicles heading west (generally from Creekside toward Bayswater) in view of the existing speed hump, the re-study lowered the 85th percentile traffic speeds from 29.1MPH to 27.4 MPH or approximately 2 MPH . These re-study speeds taken were lower but still greater than 5.0 MPH over the posted speed limit of 20 MPH. Based upon the re-spot speed study, Mr. Burke again recommends that two (2) speed humps be placed at the two (2) areas along Cedarwood Drive, as originally recommended in October 2009.

Mr. Kelly said he has looked into other traffic calming measures. He suggested maybe textured pavement was another choice. Mr. Burke stated that the textured pavement achieved in the construction of a “speed table” recently constructed near the entrance to Hempsteade Drive and soon to be in Hampshire along Pembroke Drive also calmed traffic; but, to lesser degree according to ITE guidelines, due to a lower rise in elevation. Mr. Burke stated that another consideration often used in shopping centers was placing across the lanes “rumble strips”; however, due to excessive noise in a residential area, this option is not recommended.

Mr. Burke also mentioned that the existing asphalt street pavement of Cedarwood Drive is in need of resurfacing, during this year or next. This pavement portion is viewed as the most serious in the city with alligator cracking & surface exposures. Mr. Burke also mentioned that when you repave a road, it tends to speed up the traffic. This would hamper

**UNION CITY COMMISSION
MINUTES – Monday, April 5, 2010
PAGE 4**

the efforts of the current and planned speed humps. Mr. Mefford mentioned that the city could repave the street in a rougher pavement texture to slow traffic. Mr. Burke stated that a “macadam” type pavement often deteriorates rather quickly and loose stones or aggregates combined with aesthetics will not be popular with the residents. Mayor Kirby said to go ahead and resurface Cedarwood Drive. Mr. Burke responded that he will prepare plans and specs for public bidding, since the costs will exceed the legal no-bid amount of \$20,000.

Mayor Kirby continued to ask the residents to give the city feedback on all issues that the city implements.

Mayor Kirby asked the city commissioners to collectively agree on the decision to either put the two (2) speed hump along Cedarwood Drive in or not. All were in favor. Mr. Burke responded to a question from Ms. Jill Price that the existing hump constructed may be salvaged or reconstructed as a part of the repaving project.

Mr. Burke followed up on a request from Mr. Mark Adams on Lakepointe concerning additional street resurfacing. The full resurfacing of all three (3) streets was estimated at \$48,022. However, based upon recent observations indicating all three (3) streets are in generally better shape than Hempsteade was, Mr. Burke suggests that we just need to just do the necessary repairs including a few incidental slab replacements, joint repairs and pot hole filling. These costs would be significantly less than the full resurfacing. Mayor Kirby stated that this was a better cost alternative and to proceed with the repairs before a full resurfacing is planned in two (2) or three (3) years. Mr. Burke will seek quotes for costs from a reputable contractor to perform the work.

Regarding Item #3 the Hempstead Drive Drainage Culverts on Public Easements. Property owner Paul Moran caused a work stoppage for the vertical safety fencing on public easement. The city has recently approved a Resolution for the Water Drainage Transfer Agreement (Ref. Item #5). It is recommended that any future work will be the responsibility of SD1 rather than the city of Union. The city acknowledged that no more work on the Moran property will be necessary.

Regarding Item #4 (g) Pembroke Drive, Construction of a Speed Table & Pedestrian Crossing near the community pool, TMS Construction has scheduled the project to start during the week of 04/05/2010.

Regarding Item #6, an annual report identified projects which impact Union including Frogtown Interceptor along Gunpowder Road. This sewer project to be bid shortly will ultimately provide centralized sewer service to the un-served residents within Gunpowder Greens by 2014, when additional district sewer capacity will be available.

Regarding Item #7 the Union City Building and Community Center, Mr. Burke will seek estimates with plumbers to connect the City Building and the Community Center into public sewer systems.

Regarding Item #11, the Double Eagle Drive Catch Basin (CB) & Curb & Gutter Repairs. REBT Construction is in process of repairing one (1) CB and about 20 feet of Curb & Gutter for a cost of less than \$4,000, as authorized. Other CBs will be the responsibility of SD1 per the Transfer Agreement.

Regarding Item #14 Pot Hole Repairs, Mr. Burke received a call from Mr. Rosenhek advised that a pot hole caused axle damage to his BMW. Mr. Rosenhek was advised to contact his insurance company for coverage and forward a cost estimate for the repair to his vehicle. Mr. Kirby advised that we need to come up with a procedure for this type of accident in the future. Boone County Public Works repaired the pothole within the afternoon. Mr. Burke advised that contact with the BCPW worker said that the crevice was only about three (3) inches deep.

Regarding Item #15, Curb and Gutter repairs on Lewis Lane, Mr. Burke is awaiting a cost estimate from a reputable contractor.

Regarding Item #16 Arbor Springs Drive Roof Leader/Side Drains, TMS Construction advised of a reoccurrence of sidewalk storm water overflow, and will perform repairs at no additional cost to the city.

**UNION CITY COMMISSION
MINUTES – Monday, April 5, 2010
PAGE 5**

COMMISSIONER OF PUBLIC WORKS/UNION VISIONING COMMITTEE: *Bob Kelly-Commissioner of Public Works;* Mr. Kelly mentioned the Villas of Fowlers Creek lighting, the street lights have to be on the US 42 side not on the Villas of Fowler’s Creek side. He will follow-up with Duke Energy. He will also follow-up with Noreen Morgan.

Mr. Kelly also mentioned the lighting of the corner of US 42 and Mt. Zion Road. Another accident has been reported at this intersection.

Mr. Kelly mentioned the new Summit Medical Building, they were required to put three (3) street lights on this property and they requested the city pay for the electricity. These lights are on private property and not the public right away and will be their responsibility.

Mr. Kelly had a complaint about all of the signs that have been placed. There is a county ordinance. Mayor Kirby asked City Clerk Kathy Porter to research the County Ordinance and then this will be revisited.

The Union Village voted to convert the gas lights to electric. They still need more votes.

Mr. Kelly mentioned we may see a nursing home in Union in the future. There are several areas that are zoned for this type of facility.

Economic Development Committee

Mr. Mefford spoke about the initial meeting of this committee. The committee would like to meet again the week of April 19 with Dave Geohegan and Jeff Earlywine to discuss what other cities are doing.

CITY EVENTS COORDINATOR: Karen Franxman spoke about the Union Community Building. Karen has received the maximum capacity permits from the Fire Dept, Porter Hall capacity is 45 and Kirby Hall is 200. Karen mentioned some concrete repair that needs to be done at the Community Building. Mayor Kirby asked Mr. Burke to look at the areas requiring repairs. There are still some items that need to be completed to become code compliant. The first is the plumbing issue and being connected to the sanitary sewer, and also install a HVAC.

Karen met with the Health Department on April 5; there are some things that need to be completed to be able to apply for permits. The city would need to be connected to the sanitary sewer system, a stainless steel three (3) sink with drain boards would need to be installed, a floor mount mop sink would need to be installed and a refrigerator would need to be installed.

Mayor Kirby said to get some cost estimates in order to get compliant.

Karen has recently received three (3) applications for renting the facility; the requesters are non-profit organizations and have requested that all fees be waived for their issues. Mayor Kirby said to stick with the fees we have in place.

Karen mentioned the events that we have recently had. She mentioned the Pancake Breakfast and Easter Egg Hunt and The Good Friday Fish Fry. Both were huge successes. She also went over some upcoming events. Movie Nights in June every Friday, Fourth of July celebration to be held on July 2 and the Beach Blast on July 17th. Tailgate spots are now on sale.

The volunteer committee met on March 25th. at 6:00 pm. They mailed letters to local businesses inviting them to attend a meeting to learn more about the events that has been planned. The next meeting will be April 8th at 6:30 pm.

On the Town Center Plan, Karen has had several meetings with Kevin Costello and Dave Geohegan following up on the recommendations of the Pizzuti Report.

**UNION CITY COMMISSION
MINUTES – Monday, April 5, 2010
PAGE 6**

NEW BUSINESS:

First reading of Ordinance No. 2010-001 – **AN ORDINANCE ADOPTING AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY.** Commissioner Adams made a motion to accept, Commissioner Sayers seconded. **Motion carried.**

ANNOUNCEMENTS:

Next City Commission Meeting: Monday, May 3, 2010 @ 7:00 p.m.

EXECUTIVE SESSION:

None needed.

ADJOURNMENT:

No further business came before the Commission. Commissioner Sayers moved to adjourn the meeting at 9:30 p.m. Commissioner Mefford seconded the motion. **Motion carried.**

Signed this 3rd day of May 2010

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer