

**CITY OF UNION, KENTUCKY**  
**Regular Business Meeting**  
**MINUTES**  
**Monday, May 3, 2010**

---

**CALL TO ORDER: Regular Business Meeting**

Mayor Don Kirby called to order the Regular Business Meeting for the Union City Commission on Monday, May 3, 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, City Attorney Greg Voss were in attendance. Five (5) citizens signed the attendance sheet.

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

Following two (2) minor word spelling changes, Commissioner Sayers moved to accept the REGULAR BUSINESS MEETING MINUTES of Monday, April 5, 2010 and the motion was seconded by Commissioner Adams. **Motion carried.**

**TREASURER'S REPORT:** Commissioner Mefford moved to accept the Treasurer's Report as of April 30, 2010 as presented. Commissioner Kelly seconded the motion. **Motion carried.**

**UNION CARES PROGRAM:** May – Union Harvest of Hope Ministry – Karen Franxman

Karen mentioned that The Union Harvest of Hope Ministry is through the Union Baptist Church. The purpose is to outreach to members and people in the community.

**RESIDENTS WISHING TO SPEAK:**

Justin Crigler a Republican candidate for Boone County Clerk introduced himself to the commission and audience.

Mr. Shoel Rosenhek addressed an issue concerning a pot hole that he hit at Braxton Drive, coming into the driveway to the Library. He called the City of Union to see what the procedure for filing a claim. He spoke with Ms. Kathy Porter, City Clerk, who told him to send her an email with the details, and send her estimates. He also spoke with Mr. Barry Burke, City Engineer; Mr. Burke had the pothole repaired. Following review of a letter from the Insurance Company representing the KY League of Cities.

Mayor Kirby recommended paying the claim.

Mr. Bill Long (1764 Mt. Zion Road) addressed the commission, regarding the ongoing restoration of his property and stated that he has been trying to get in touch with the City Attorney, but had not had any response. Attorney Voss stated the reason that since Mr. Long had acquired an attorney, he could no longer contact him personally. Mr. Long stated that he had not retained a lawyer. Mr. Voss stated that he was not aware of such non-retainage. Mr. Burke said he would be in contact with Mr. Long after an on-site meeting with G&T Excavations regarding any required restorations.

Ms. Noreen Morgan addressed the commission concerning the lighting at Villas of Fowlers Creek. Mr. Kelly had spoken with Duke Energy. The lady (Sandy Connelly) he spoke with said that we are approved to put street lights on the opposite side of U.S. 42, but not on the side that Villas of Fowlers Creek is on. However, Duke Energy suggested that we could remove or extend the streetlight that is within the existing island at the entrance of Villas of Fowlers Creek and replace or supplement it with a more efficient one or another one to help improve lighting for safety. However, we have a 27 year lease on the existing light. Mayor Kirby suggested we again talk to Duke Energy and the Kentucky Department of Transportation to see if they would allow a light on the Villas of Fowlers Creek side of U.S. 42. Mr. Kelly and Mr. Burke will respond to the request.

**CORRESPONDENCE:**

Municipal Government League of Northern KY, a flier that lists meetings that are coming up in the state of Kentucky.

**UNION CITY COMMISSION  
MINUTES – Monday, May 3, 2010  
PAGE 2**

The meeting will focus on the Occupational Tax Collection System.

E-mail from Mr. Allen Lucas who lives on Lakepointe Ct. The house next to his has been empty for the last couple of years. He had complained about the siding coming off of the house and debris in the back yard. The siding has now been covered up by a blue tarp and the debris has been cleaned up, however the house is still in bad condition. Attorney Voss handled the clean up of the yard. Attorney Voss has checked with the Masters Commissioner office concerning the

owner and the owner of record is still Pratt. Attorney Voss will get with the mortgage company to see if the title has been transferred to the mortgage company.

**FISCAL YEAR 2010-2011 BUDGET DISCUSSION:** Ms. Kathy Porter addressed the commission concerning the coming year's fiscal budget. She has asked CPA Terri Hudson to attend this meeting. Mayor Kirby stated he would review the budget discussion and get with Ms. Porter concerning the budget for the next fiscal year. CPA Hudson mentioned the road aid fund that is building up while the city is using general fund dollars to repair roads on city streets. The city should be using these funds for road repairs.

CPA Terri Hudson mentioned some other things that could affect the budget. She mentioned taking the compensating tax rate to help balance the budget and also the trash pick-up. The City of Union is the only city that she works with that does not pass on some sort of fee for trash pick-up. Mayor Kirby stated that he would take a look at the numbers.

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

Mr. Longano was in attendance. Mr. Longano reported on the Union Pointe Center, Dr. Wright's property. The project was approved in 2005. At that time gas stations, convenient stores or liquor sales were taken out of the proposal. Dr. Wright is now proposing that a convenient store with gas pumps and liquor sales be put in at the location. On May 17<sup>th</sup> Dr. Wright will be going before the commission for a zone change. Mayor Kirby asked Mr. Longano to keep the city in the loop concerning the timing.

**CITY ENGINEER REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 22 items 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.

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 or surcharges from the sewer trench is another possibility. After further observation, this problem will be resolved eventually.

Regarding Item #1 (b) (6), Mr. Boehm at 10099 Russwill and Mr. Mathis at 1539 Mt. Zion Road. Mr. Mathis is concerned that the small storm drain line that was put on Mr. Boehm's property is causing erosion over his livestock access way. Mr. Burke state that about thirty (30) feet of 6-inch perforated under drain should resolve this problem. Mr. Burke advised that a change order will be sought from G&T Excavations. A Change Request/Order (CO#12) for this work was requested for cost. This cost should not exceed \$500.00.

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. Mr. Voss stated that the delay was due in part to Volpenhein's Attorney and a new easement, as extended. Mr. Burke stated that this change in the project provides alternate sewage treatment for the BP, the Ferguson business and the vacant Volpenhein properties. Mr. Burke will work with Attorney Voss and SD1 for the approvals. Following all

**UNION CITY COMMISSION  
MINUTES – Monday, May 3, 2010  
PAGE 3**

approvals, G&T Excavations will build the last section of sewer within Phases A&B of the project as a Chang Order.

Regarding Item#1 (g) KIA State Fund “C” Loan Assistance Agreement, city staff has advised that funds for the \$248,293.55 loan request has been deposited into the city’s account. A list of residents who have prepaid will be provided to Chris Novak and Ron Schmidt from Sanitation District One (SD1). SD1 needs to start charging the residents who have not pre-paid on their monthly bills. Once the billing cycle starts then the city will receive a check periodically from SD1 to repay the loan.

Regarding Item #1 (I), the tap-in compliance. Mr. Burke working with the Boone County Plumbing Inspector Mr. Ancel Baxley for a confirmation of tap-ins in accord with the city’s tap-in Ordinance within the 90 day period. Once the list is

compiled the list of violators will be forwarded to the city Attorney Voss for action and enforcement. So far, no responses have been received from Mr. Baxley.

Regarding Item #1 (j), Sewer System Interim Ownership and Maintenance Responsibilities: Mr. Burke had discussions with SD1 officials in which the SD1 legal department is working on a lease agreement for maintenance and repairs of the new system until the system is ultimately transferred to SD1. The actual transfer must be delayed until after the KIA Loan is paid off and easements are transferred to SD1. Hopefully, the transfer will be less than the twenty (20) years term of the loan. It was stated that the city doesn’t want to remain in the sewer business for the full twenty (20) years.

Regarding Item 2 (b). The Hempsteade Drive Street Improvements. The narrow open island at Lakepoint Court can be converted to a mountable type with little or no maintenance. To modify the island as a mountable type. Mr. Burke received a quote from TMS Construction for \$2,690 for concrete adding \$680 for concrete pavers.

Mr. Kelly asked Mr. Burke what the cost would be to completely remove the narrowing island. Mr. Burke stated that the cost to take the island out and repave the road should be about half or \$1,500.00 what it would cost to pave over the island. Mayor Kirby asked Mr. Burke to get an actual quote on the removal of the island.

Regarding Item 2(d) Side streets Lakeway, Lakepoint and Kingston Courts – short term pavement repairs. These repairs include concrete slab and longitudinal joint replacements and pot holes until full resurfacing is necessary. Mr. Burke received a quote from TMS Construction, the same subcontractor for the 2009 Hempstead Drive Project, for \$13,165.00. The cost of Joint Sealing will be provided by Paul Michels Construction, teaming with TMS. Since the work would likely be less than \$20,000 requiring a public bid. Mayor Kirby asked Mr. Burke to get another estimate on the total costs for short term repairs. The idea is to delay full resurfacing for two (2) to three (3) years. This issue will be brought before the full commission for action at the next meeting, on June 7, 2010.

Regarding Item # 2(e), the Cedarwood Drive Street Improvements. The public Bid Documents have been forwarded to the city for posting on the city’s web site. Interested contractors can download the documents for free or purchase a copy for \$30 at the city building. A legal ad was prepared to be sent to the papers for public advertising. The project will include about 1,565 feet of asphalt milling and full resurfacing, four (4) wheel chair ramps, two (2) under drains and the two (2) speed humps that were previously approved. Mr. Burke estimates this project will cost \$61,850. The sealed bids will be opened on June 2<sup>nd</sup> at 3pm and reviewed for recommending and award and contract on June 7, 2010.

Regarding Item # 4(g), the Pembroke Drive Speed Table. The speed table was completed by TMS Construction on April 22, 1010. The TMS Invoice for \$15,960 was recommended for payment. Mr. Burke will contact the Boone County Public Works Sign Division to have the related warning signs be placed.

Regarding Item # 4(I), Mr. Izzo on Fireside Court complained about the location of traffic control devices. Mr. Izzo was mainly complained concerned with the placement of stop signs, too few and/or too many at certain locations. Mr. Burke in response to Mr. Izzo by phone advised that locations of stop signs are placed by BCPW in accord with the Uniform Traffic Control Manual and a special committee, when needed. Other street calming devices (i.e., speed humps and speed tables) are placed following engineering speed studies in compliance with ITE guidelines after approval of the city

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

commission.

Regarding Item # 5, The Storm Water Drainage Transfer Agreement – The SD1 Board approved the Agreement for Union on April 20<sup>th</sup>. After 30 days, the date of transfer will be May 20<sup>th</sup>. At that time all Storm Water Drainage systems primarily underground storm sewer systems, except for surface grates, will be the permanent responsibility of SD1.

Regarding Item #7 the Union City Building and Community Center, Mr. Burke is currently seeking estimates with licensed plumbers to connect both the City Building and the Community Center into public sewer systems. Regarding the City Building, Mr. Burke received one (1) quote, to date, from Ed Morehead Plumbing for two (2) sewer tap-in options (i.e., through or around the parking lot). Mr. Burke will be contacting another contractor to get a competitive quote for the City Building. In addition to the plumber's cost, the SD1 tap-in fee for a 1" water meter is \$5,300; and \$3,000 for a ¾" meter.

The Community Center currently has a 1" inch meter requiring a tap-in fee of \$5,300; Mr. Burke contacted the Boone County Water Commission for the fee to change the meter from the 1 inch to a ¾". The fees are \$625 and a likely increase in July to \$950. The Sanitation District fees are charged based on the size of the meter. It was concluded that replacing the 1" meter with a smaller ¾" size would very not likely be a significant cost savings. Competitive quotes from licensed plumbers would be sought for the city's approval at the next meeting.

Regarding Item #11, the Double Eagle Drive Catch Basin (CB) & Curb & Gutter Repairs. REBT Construction has completed the repairs. The Invoice for payment to REBT is in process.

Regarding a sanitary sewer tap-in for the Randy Barlow property along Old Union Road, Mr. Barlow has requested to defer a tie-in into the sanitary sewers at the present time. Since the house is approximately 500 feet from the tie-in location a cost of about \$17,500 for a building lateral seems extraordinary and unnecessary, provided the on-site system is not a pollution problem and is operational. Mr. Barlow has already paid his assessment in full lump sum of the \$20,000. Mr. Burke advised that per an earlier discussion, the fact that Mr. Barlow's property is developable and very distant from the new sewer; it would be impracticable to extend a building lateral at this time. This is consistent with only a few other properties. Mr. Burke will work with Mr. Barlow to adequately resolve the matter.

Mr. Burke also received a call from Deputy Sheriff Greg Faulkner, for a committee meeting regarding morning bus transportation conflicts entering Ryle High School via Double Eagle and Raider's Run roadways. There has been a lot of bus back up or stacking along relocated US42 into these roadway entrances. One (1) possibility discussed was making Double Eagle Drive, only one-half of which, is under the city's responsibility, on-way during certain hours.

Since most of these issues were outside the Union, city limits, Mayor Kirby asked Mr. Burke to have the state contact him after the meeting rather than attend the meeting.

Mr. Adams asked Mr. Burke about the often requested traffic light signal along relocated US 42 at Whispering Trails. Mr. Burke said that unfortunately, those KYTC actions are based upon growth and traffic accidents, as warranted. Perhaps with the delay of the new restaurant at this time, a new traffic light, relieving the problem with turning movements to and from Whispering Trails is not warranted at this intersection.

**COMMISSIONER OF PUBLIC WORKS/UNION VISIONING COMMITTEE:** *Bob Kelly-Commissioner of Public Works;* Mr. Kelly received a complaint fro the representative of the Harmony HOA regards to people parking cars for sale at this location. Mr. Kelly requested having no parking signs put in place there.

Regarding snow removal, the remaining salt that was stored in the pool parking lot has been moved to the barn for storage. The concrete blocks have been moved behind the community building.

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

We have already been receiving calls concerning grass that needs to be mowed. A certified letter will be sent to the owner and if the situation has not been remedied within five (5) days, the city will have their mowing company mow the yard and the charge will be attached to the property tax at the end of the year. For repeat offenders a second notice will not be sent.

Mr. Mefford asked about the entrance to the Lancashire Subdivision. He asked if there is anything we can do to the HOA about being more proactive. Mayor Kirby asked Kathy Porter to find out who the president of the HOA is and he will contact them.

**CITY EVENTS COORDINATOR:** Karen Franxman spoke about the Union Community Building. The community building has received a donated refrigerator from Mr. Glen Taylor.

The community building has a rental contract for a wedding reception on September 25<sup>th</sup>. Karen would like to paint the other side of Kirby Hall. Mayor Kirby told her to get quotes to have it painted.

Karen has requested and received information last week that the Kentucky League of Cities now has a TULIP (Tenant User's Liability Insurance Policy). This can save the renters money. Karen is waiting for more details on this program.

The Community Events for the month of June will be movie nights on June 4<sup>th</sup>, 18<sup>th</sup>, and 25<sup>th</sup>. In July the City of Union will partner with Boone County Parks and Recreation and host an event called "Union Celebrates America". This will be on July 2. Karen is also in the process of planning a "cruise in", more details to follow.

The volunteer committee will meet on May 13<sup>th</sup> at 6:00 pm. They will be working on a sponsor packet to be sent to the business in Union.

The Adopt-a-Unit Volunteer Committee had their first meeting on April 13<sup>th</sup>. Six (6) volunteers showed up. Mrs. Kim Voss agreed to be the Committee Chair for this committee. The deployment ceremony went well. The next meeting is scheduled for Thursday, May 13<sup>th</sup> at 7:00 pm.

On the Town Center Plan, Karen is continuing to work with Boone County Planning, Visionary Committee, Union Economic Development Committee and potential developers to proceed with progress of the Town Center Plan.

**OLD BUSINESS:**

Second 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.**

Attorney Voss asked about the dedication for Mr. Moore, he had spoken to his son and the end of July or early August would be a good time for him. Mayor Kirby said to coordinate with Karen to schedule an event.

Noreen Morgan asked if there is any update on the town center. Mayor Kirby informed her that there is nothing that is definite, however the city has been in contact with some serious developers and there should be some movement soon.

**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 Kelly moved to adjourn the meeting at 9:10 p.m.

**UNION CITY COMMISSION  
MINUTES – Monday, May 3, 2010  
PAGE 6**

Commissioner Sayers seconded the motion. **Motion carried.**

Signed this 7th day of June 2010

**APPROVED:**

**ATTEST:**

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

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