

**REGULAR BUSINESS MEETING MINUTES OF THE UNION CITY COMMISSION**  
**May 2, 2011**  
**7:00 PM**

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

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

**PLEDGE OF ALLEGIANCE:** Mayor Kirby led the audience in saying the Pledge of Allegiance

**ROLL CALL:** The following members were present:

Mayor Don Kirby  
Commissioner Bob Kelly  
Commissioner John Adams  
Commissioner John Mefford  
Commissioner Bryan Miller  
City Engineer Barry Burke  
City Clerk Kathy Porter  
Events Coordinator Karen Franxman  
Attorney Greg D. Voss

**APPROVAL OF MINUTES:**

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

Commissioner Mefford made a motion to accept the minutes from the April 4, 2011 Commission Meeting and the motion was seconded by Commissioner Miller. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Adams moved to accept the Treasurer's Report as of April 30, 2011, and Commissioner Kelly seconded the motion. **Motion Carried.**

**UNION CARES PROGRAM:**

For the months of April and May 2011, the city of Union will be working with the Harvest of Hope Ministries at the Union Baptist Church. City Events Coordinator Karen Franxman mentioned that all items are appreciated.

**CITIZENS WISHING TO SPEAK:**

Carolyn Bosch, 9724 Windsor Way, addressed the commission concerning flooding issues within Gunpowder Estates. This issue is increasing with each additional rainfall. The Bosch residence is in the cul-de-sac at the end of Windsor Way. Three (3) houses, on each side of the street, above them, do not have their yard runoff water hooked up to any sewer drains. Therefore, each time it rains the water and other debris including mulching travels from their homes and yards to a small private drain that the Bosch's had installed. This drain then gets clogged up causing the water to rush over the driveway and over some curbing and onto the swimming pool cover. This causes the swimming pool cover to come off and allows the runoff water to get into the swimming pool and it overflows. Mrs. Bosch has two pumps running on her pool trying to remove the water, but it is not capable of removing the excess water fast enough. Some of the water goes into the pool which causes a large clean-up process each time it rains. Mrs. Bosch proposes to have more drains part of the way up closer to the neighbors. Also, she suggested the run-off from the homes be tied into the sewer. Mrs. Bosch does not feel that it is her responsibility to add more drains. She asked the commission to please add more drainage to help resolve the problem.

Mayor Kirby asked Mr. Burke to address the commission concerning his observations made. Mr. Burke stated that he had been working with the Boschs' and a neighbor concerning this issue. Mr. Burke noticed that there is only one (1) catch basin at the low point in the cul-de-sac. This was in accord with the Code in the late 1970's when the subdivision was constructed, but is not up to Code

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or Regulation today. The current standards require two (2) more street catch basins before entering the cul-de-sac for a total of three (3) catch basins. Mr. Burke said, where possible, the city needs to ensure that the standards of all streets are up to code but unfortunately this one is not and has contributed to a problem for the Boschs'. Mr. Burke recommends that the city add two (2) additional catch basins and storm sewer to reduce the quantity of surface water flow within the cul-de-sac. This is only part of the problem. In addition, the city should work with another property owner to extend an edge or side drain within the right-of-way up to the property line to help reduce and intercept excessive storm water. Mayor Kirby asked how many properties are causing the issue. Mr. Burke responded that there may be up to three (3) properties that contribute to excessive flow which are not intercepted by any storm drain.

Mr. Burke requested and received three (3) estimates to help provide a solution. The first is from TMS Construction (which includes adding a 6-inch side drain pipe) for \$17,490. The second is from Paul Michels for \$12,415. And the third is from L&S Contractors for \$10,790.

Mayor Kirby asked if the adjacent neighbors had been contacted about possibly tying their properties into the side drain. Mr. Burke said he had spoken to Bosch's adjacent neighbor by the name of Westergard now listing their property for sale due to job relocation and the Westergards advised that work in their driveway may affect the sale. Mr. Burke advised that the city's work, as proposed in the public right-of-way, includes about 30 feet of 6-inch side drain, saw cut into only the first part of the driveway, to be capped for future extension. Such extension to resolve excessive yard drainage on private property would have to be at an expense by the property owner or others.

Mr. Bosch asked what it would cost to have the side drain line extended including a few catch basins in the adjacent yard along the driveway from the point where the city will add a side drain, which will be capped. Mr. Burke said that these private costs would be roughly around \$250 or less. Mr. Bosch indicated that they may be able to work with the adjacent lot owner in the future to intercept storm water.

Mr. Miller asked how long it would take to construct the storm water project including the side drain. Mr. Burke said that if it is approved tonight then he would submit a formal application for review to Sanitation District No. 1. Once approved by SD1, then it would be on the contractor's schedule. Mr. Miller asked Mr. Burke to clarify how long it would take to construct the project. Mr. Burke replied that it would take about two (2) days, weather permitting.

Mr. Burke said that he had also received a call from an adjacent neighbor, Donna Dupuy at 9733 Windsor Way, also in the cul-de-sac, who advised that she has a large pot hole in the street curb fronting her driveway. Mr. Burke observed it and recommends replacement of three (3) feet of concrete curb for an extra \$105 submitted by L&S Contractors, the lowest estimate that contractor submitted.

Mayor Kirby asked if anyone on the commission had any questions or comments. No one spoke up. Mayor Kirby took a motion to approve Mr. Burke's recommendation of adding the two (2) catch basins, sewer pipe, and side drain, as well as the three (3) feet of curb for the cost submitted by L&S Contractors, the lowest bidder. Commissioner Kelly made the motion to approve the recommendation using the lowest bidder and Commissioner Mefford seconded the motion. Motion Carried.

Mayor Kirby asked if there are any other residents who would like to address the commission concerning drainage and flooding issues.

Mr. George Raybourne of 1887 Whispering Trail addressed the commission, concerning the water

issue and recent flooding events in his neighborhood. The water from the past rain has caused a lot of damage. Mr. Raybourne's driveway is at a point where it will crack and collapse at any time. There is a storm drain on the street that comes out about 10-15 feet from his driveway that runs down to the creek,

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at the end of the pipe there is a headwall that is now damaged. Mayor Kirby asked if he has spoken to anyone else concerning the problem and he stated he had not.

Mayor Kirby asked and Mr. Burke said this problem has been well documented in a previous City's Report from last fall, which states the driveway drains are undersized based upon current standards. These drains are all a part of private property except for one (1) or two (2) crossing the roadway. Review of the SD1 mapping did not indicate the SD1 took over any ownership and maintenance of these sewers or culverts result of City/SD1 Storm Water Transfer Agreement/Resolution in 2010.

Mr. Raybourne asked for an update from Sanitation District No.1 concerning this area. Mr. Burke said that result of the recent rains, resident photos were forwarded to SD1 and, he has spoken again to Sean Blake with SD1 who said that the Whispering Trails flooding problem has been designated as a Priority number five (5). Mr. Burke advised that he doesn't know how or when this project will fit into SD1 projects. It has been our understanding that the Whispering Trails area is included within the larger Gunpowder Creek Watershed, and according to Mr. Blake may be several years away from solution. Brandon Raybourne, a local engineer, also responded to several questions that the problem has been ongoing for many years, and stated that SD1 is involved with many projects, and hopefully they will address this project in the short term.

Several other residents from Whispering Trails were present. The Cambell's also re-addressed the commission concerning the ongoing flooding issues. Several partial short term solutions approved by the city regarding safety and public health regarding the Landrum and Campbell properties have helped but failed, since more back water flooding and damages have occurred to their and the Shirley properties. The Campbell's advised that another estimate submitted by a contractor to replace their driveway and the two (2) existing culverts without upsizing would cost around \$11,500 plus material disposal. Mr. Burke responded that the City's Report included a replacement cost for the Campbell culverts (same size) was about \$9,740; and, costs of between \$16,800 to \$20,000 for upsizing each of the other culverts. Many options are under consideration to resolve the problem. One new option to further control downstream flooding brought on by a large storm sewer project would be to possible consider the Landrum/Royse property as a detention basin, thereby slowing the water down before adding to the pre-existing downstream flooding problems including the community center, which flooded during the recent downpours. Many residents are concerned about not being able to get in or out of their house for fear of driveways collapsing. The residents would like answers, more immediate than later.

The city and Mr. Burke have continued to focus on the Sanitation District who should identify and fund a viable project within the next year or two. However, residents are concerned that the regional solutions presently in the planning stage will be too late. Mayor Kirby asked and was answered that out of the 21 culverts undersized, about four (4) or five (5) may be at the critical stage for collapse requiring some sort of immediate repairs.

Mayor Kirby asked if the Sanitation District offered in low interest loans to pay off this type of contracting. Brandon Raybourne PE, with a local engineering firm stated that as of right now they do not offer this type of loan, but they are always open to updating policy.

Commissioner Miller asked how many residents are affected. There are 21 homes that are directly affected, some more than others.

Mr. Kelly asked how this project can be moved up from number five (5) to one (1) or two (2). The residents are asking for better and more immediate direction and action.

Mayor Kirby asked what reasonable recommendations can be made for the resident's safety, since the

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wait from SD1 could be longer than the residents can wait if driveways are nearing collapse. Mr. Burke has said that all driveway culverts are located on private property and cautioned that we cannot use city funds to reconstruct all of the driveways. This would be very precedent setting for many others to follow beyond the city's financial capability.

Mr. Burke stated that that the overall watershed includes public streets; and, the city has assumed some responsibility regarding safety, as previously stated. These practices were limited; and, paying a maximum of 15% of the total may be reasonable, subject to further advice from the City Attorney. A resident said that seems too low to solve the problem

Mr. Adams asked the Attorney Voss if the city can pour concrete to extend the headwall to try to save the driveways. Attorney Voss said before the city can expend money on private property they can't use it to improve land. Attorney Voss will research and see if the city can contribute to a fix because there is a safety issue. Attorney Voss said you can possibly do an assessment project like we did for the sanitary sewer. Attorney Voss said maybe they can work with the Sanitation District regarding an assessment. Mr. Burke stated that pouring concrete into a headwall would only be a temporary band aid, and not resolve the problem. Attorney Voss will do some research and give the mayor an opinion letter in regards to the situation

Mayor Kirby stated that he will follow-up with a letter to Sanitation District 1.

Mr. Burke will set up a meeting with Sanitation District No.1 involving Mayor Kirby and John Adams.

City Clerk Kathy Porter asked if we could add this to the list of items previously forwarded to Boone County Emergency Management for funding. Mr. Burke acknowledged that he will contact Mark Ihrig and see what we can do in these regards.

Noreen Morgan from the Villas of Fowlers Creek addressed the commission concerning the ground sign lights along Relocated US 42. At the latest Homeowners Association meeting, she advised that the condo developer did not agree to provide any funds; and, it was decided to send a letter to the residents about using a reserve fund to purchase the lights. Ms. Morgan also mentioned that solar lights would not be bright enough. Further, when traveling north there is a hillside and some large trees and/or bushes that would make the lighting at the entrance a lot clearer. Ms. Morgan said she will talk to the land owner to see if he might allow her to have grading performed and the tree trimmed or removed.

Mr. Burke mentioned this is a safety issue, and hopefully the Condo HOA will find a way to come up with the needed money.

Regarding sanitary sewer project and the approximate five (5) to six (6) non-tap-ins, Mr. Burke stated that it had been about seven (7) months since Attorney Voss' letter to the owners that have not yet tied into the sewer system. Owner names are as listed in the Report. Attorney Voss indicated he would follow up regarding these problems.

In reference to his report, Mr. Burke stated that the wet weather has delayed many repair projects that have been approved.

Mr. Burke stated that the public bidding documents have been completed for Plantation Point/Hampshire Street Repairs Project for funds in FY2011-2012. According to the City Clerk, the project will be advised in the local news media and the city's website. The bid documents are also available for contractor copying for a cost of \$30/each at the city building. The Engineer's estimate was amended to cost about \$104,000 with the addition of two (2) sections of side drains needed to eliminate excessive storm water onto

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sidewalks along Capri and Napa Ridge Court, a serious safety issue. The bid opening is scheduled for June 1, 2011 at 3PM at the city building.

The Union Village Street Lighting Plan has been completed by Duke Energy. Copies of the Plan were made available to the HOA. Costs and Options within an Agreement for city approval will expire on July 31, 2011. The Plan and documents will be reviewed for the June meeting.

Regarding Item 11 (g) Resident Basement Flooding – 10057 Indian Hill Drive, Connie & Dan Zmurk. Mr. Burke observed the basement damages due to sump pump backup and advised the owners that due to the age of the common drain in the side yard, there may be roots in the line causing the backup. SD1 was called. The Boone County Water Commission was also called, since the owners advised that a side drain line near the street curb was cut and later reconnected. The Zmurk's hired a private contractor who confirmed the roots in the line. The Zmurks' will replace the old line with a new system. The owners were advised that the work necessary is on private property and the residents are responsible for the repairs.

Mr. Burke recommended that the amended budget for FY2010-2011 be revised to allow for the certain street repairs that are needed, as stated in his report.

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

**PUBLIC WORKS/UNION VISIONING COMMITTEE:**

Commissioner Kelly mentioned the trees along US 42; in April the commission discussed the maintenance of the one hundred thirty-four trees. Commissioner Miller stated that he had counted the trees while riding his bike and there are seventy-four (74) trees. Commissioner Miller said there is actually only one dead tree. Mayor Kirby mentioned that it is surprising. Our contractor, Spillman Lawncare said there are roughly forty (40) dead trees and he could mark them for further review. Mayor Kirby said he would like to go with the contractor to look at the trees.

Commissioner Kelly also mentioned a bee hive problem within the city. There are two separate complaints about bee hives. One of the residents has around thirty bee hives and the other is located in Union Bluffs at the detention pond that our landscapers maintain. One of the landscapers was stung while mowing at the detention pond. The contractor stated that he had a worker who is allergic to bees. The resident offered to purchase netting for the contractors to wear, but the contractor is concerned about a possible workers comp. claim. Mayor Kirby asked if Attorney Voss was aware of this problem. Attorney Voss stated he had not heard of the bee hives, but would look into it.

The other resident is selling his honey at the Union Food Mart. This resident lives on Sycamore Drive.

Mr. Kelly said that we could have the resident from Union Bluffs move the bee hive from the city maintained property. And since we do not have an ordinance prohibiting it she would just need to move it to her private property. Attorney Voss said that even though it is on private property the resident would be liable if the bee was stung.

Mayor Kirby said it would be interesting to know if any other city had ordinance relating to bees. City Clerk Kathy Porter said she could find out.

Commissioner Kelly also mentioned an issue on Sherman Ct. where a resident complained that the snow removal killed his grass. Commissioner Kelly spoke with Greg Spillman of Spillman Lawncare who will contacted the resident and replace the grass.

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Commissioner Kelly has had several grass complaints, one on Mt. Laure Way which he met with Mr. Mefford. This home is vacant. Kathy Porter asked how far back the contractor should mow the yard. Mr. Mefford said that the yard needs to be mowed to where the creek starts. If no one mows the yard then we will mow it and attach the bill to the tax bill. Mr. Mefford asked who the letter is sent to. The letter is sent to the owner that is listed on record. When complaints are issued the city has a procedure that has to be followed before the city takes action.

**EVENTS COORDINATOR:**

Regarding the Community Building, Hamilton Electric, weather permitting, should be done with the installation/replacement of the outdoor lights this week. The lights have been wired to switches so

that the city will have control of the lighting.

Mayor Kirby asked about issues with plugging things into the outlets. Karen said she had mentioned this to Russ Hamilton. The issue is that all plugs are on same circuit and can be fixed. Mayor Kirby asked to get an estimate on repairing this.

Mayor Kirby mentioned that he had tested the Christmas lights that were stored in his office and the outlet caught fire. We need to contact Russ Hamilton or another electrical contractor to have this looked at.

The Community Building flooded on April 19, 2011. Only Porter hall was flooded and no major damage was caused. Karen said if we get the door leading to the outside in this room fixed then possibly we could prevent this problem in the future.

Regarding Community Events, the first event for the year was held on April 16, in the rain. We had about 200 people in attendance.

On Friday April 22, we had our second annual Fish Fry with the Union Emergency Alliance - Explorers. The storm dampened the festivities, but we still had around 200 people in attendance.

Karen met with Lt. Collinsworth and Maj. Steinborne of the Boone County Sheriff's Department, to discuss the upcoming events and July parade. Now the city is ready to get the permits. Karen will keep the Sheriff's Dept. updated. One suggestion is to have signs made to place on roads at least one week prior to the parade. One at U.S. 42 and Pleasant Valley, Farmington, Old Union Road, Mt. Zion Road, Frogtown Road, and Mt. Zion and Gunpowder. The roads will not be closed all at once, but will be closed to allow parade to pass.

The first movie night will be June 3, 2011. Mayor Kirby asked for the movie line-up so that he can place it on the website.

We now have our tickets available for sale at the Union City Building. The tickets are \$24.00 a piece, after selling 200 tickets then we will have enough money to purchase 50 seats for our military personnel.

Karen took the time to thank Mayor Kirby and Commissioners Kelly and Adams for helping at the pancake breakfast.

The volunteer committee's next meeting will be on Wednesday, May 18<sup>th</sup> at the Union Community Building in Porter Hall, at 6:30 pm. These meetings are open to the public.

The Adopt-A-Unit, had a grill-out fundraiser at the Union Kroger's on April 30, 2011. They collected \$485.00 that will go towards the cost of the Adopt a Unit soldiers that will be coming up on July 1<sup>st</sup> and

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July 2<sup>nd</sup>. Mayor Kirby asked if we had any idea of how many soldiers would be attending the event. Karen said that hopefully we can have a number in May.

The Headhunters unit has invited the Adopt-a-Unit to attend a bar-b-que on May 15<sup>th</sup>.

The next scheduled Adopt-A-Unit meeting will be on Wednesday, May 25<sup>th</sup> at 7:00 pm. They are still looking for host families for the military guests for July 1<sup>st</sup> and July 2<sup>nd</sup>. They are taking names and contact information with the number available to host at this time.

The Union Community Theater held auditions for All Shook Up and the Wizard of Oz. Approximately

75 people turned out for audition. The Wizard of Oz will be performed the first weekend of August at Ryle High School and All Shook Up will be in October, but this has not been confirmed. They will also

We received a letter from Mr. Curtis Rath about an issue with his neighbor. Attorney Voss will research the issue and follow-up at the next meeting.

**OLD BUSINESS:**

- ❑ Second reading of **ORDINANCE NO. 2011-002** – AN ORDINANCE ADOPTING AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATIONS OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY Commissioner Adams moved to approve and Commissioner Mefford seconded the motion. **Motion Carried.**

**NEW BUSINESS:**

- ❑ Proposal by the Residents of Lassing Green to update the entrance of the neighborhood. Commissioner Miller said that he had spoken to several residents of the neighborhood about the entrance and most have expressed the approval of updating the entrance. Also Mr. Miller said that he had some residents who mentioned the path leading from Lassing Green to Ryle High School that needs improvement. Attorney Voss said he would have to research and see if that path is on school property or is to be maintained by the city. Mr. Miller and Mr. Mefford created a proposal and gave to the commission prior to the meeting. He would like to request a bid to be sent out for this project. Mayor Kirby said to follow-up and bring it back to the commission.
- ❑ First Reading of **ORDINANCE NO. 2011-003** – AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING CHAPTER 70 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES, SPECIFICALLY SECTIONS 70.41 AND 70.42, PERTAINING TO SNOW EMERGENCIES. Commissioner Miller moved to approve and Commissioner Kelly seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2011-008** – A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO EXERCISE ITS OPTION TO EXTEND THE WASTE COLLECTION FRANCHISE FOR AN ADDITIONAL TWO YEAR PERIOD WITH RUMPKE OF KENTUCKY, INC. Commissioner Mefford moved to approve and Commissioner Adams seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2011-009** – A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO FILE A PETITION TO TERMINATE THE CEMETERY MASTER TRUST AGREEMENT WITH OLD NATIONAL TRUST COMPANY – KENTUCKY n/k/a/OLD NATIONAL WEALTH MANAGEMENT CO. Commissioner Kelly moved to approve and Commissioner Miller seconded the motion. **Motion Carried.**

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**ANNOUNCEMENTS:**

Next City Commission Meeting: Monday June 6, 2011 @ 7:00 p.m.

No further business came before the Commission. Commissioner Mefford moved to adjourn the meeting at 9:32 p.m. Commissioner Adams seconded the motion. **Motion carried.**

Signed this 6th day of June 2011

**APPROVED:**

**ATTEST:**

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

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