

CITY OF UNION, KENTUCKY
PUBLIC HEARING (MRA/LGEA Fund) at 7:00 p.m.
And REGULAR BUSINESS MEETING at 7:30 p.m.
MINUTES
Monday, June 7, 2010

Mayor Kirby opened the **Public Hearing** at 7:00 p.m. and stated the purpose of the hearing was to receive input from citizens regarding the proposed use of Municipal Road Aid Funds and Local Government Economic Assistance Funds (Coal Severance), there is \$482,949.00 in the Municipal Road Aid Fund. Typically, these funds are used for infrastructure road improvements, maintenance, etc. Mayor Kirby stated that the commission had decided to start pulling the money from the Municipal Road Aid Fund first. Mr. Burke mentioned these funds could be used for several current street projects including, Cedarwood Drive, as well as the short term repairs planned for Lakeway, Kingston and Lakepoint Courts. The bid opening for Cedarwood Drive was held at the city building on June 2nd. Since bids were very favorable and under estimates, Mr. Burke stated that Russwill Drive is another street having alligator cracking and will need to be repaired within this or on (1) of the next fiscal years.

A resident asked where the money comes from. Mayor Kirby stated that this is money that is allocated from the state. Another citizen asked if the money can be used on new streets for the Union Towne Plan. Mayor Kirby stated that he would like to see the developers pay for the new roads as part of the construction.

Mayor Kirby asked for a motion to close the public hearing. Mr. Sayers made the motion. Mr. Adams seconded the motion. **Motion carried.** The meeting was adjourned at 7:08 p.m.

CALL TO ORDER: Regular Business Meeting

Mayor Don Kirby called to order the Regular Business Meeting for the Union City Commission on Monday, June 7, 2010 at 7:08 p.m.

Present: Mayor Don Kirby, City Commissioners Bob Kelly, John Adams, and Todd Sayers. Commissioner John Mefford was not in attendance. Also, City Engineer Barry Burke (FOPPE Technical Group), City Clerk/Treasurer Kathy Porter, City Attorney Greg Voss were in attendance. Four (4) 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, May 3, 2010 and the motion was seconded by Commissioner Sayers. **Motion carried.**

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

UNION CARES PROGRAM: June – Be Concerned – Karen Franxman

Karen mentioned the wish list for June is posted on the website and can be found on the table in the lobby. Be Concerned is a not-for-profit organization to assist Low income families.

CORRESPONDENCE:

None

CITY ENGINEER REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 18 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

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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 water surcharges from the sewer trench is another possibility. Mr. Burke received two (2) quotes to repair Mr. Kojima's property, the first from G&T Excavation, the quote was for \$4,863.35 and the second quote was from Rudi's LLC this quote was for \$1,926.00. Mr. Burke will contact Rudi's for repair upon commission approval. Mayor Kirby said to go ahead with the repair.

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 similar to the Kojima problem, 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. The work has been scheduled pending contractor acceptance.

Regarding Item #1(b) (8), Mr. Frost at 10123 Russwill Drive. Mr. Frost claims that that his yard has surface settlement. After restorations have made to the property on two (2) different occasions, Mr. Frost again complained about surface settlement. Another observation was completed and did not reveal any need for re-grading or restoration. Mr. Frost indicated that he would appeal to the city, but was not in attendance at the meeting. Mr. Burke stated that Mr. Frost may not now appeal. Mayor Kirby advised that Mr. Frost may come back again.

Regarding Item #1(b) (9) Bruce Cheser and Fran Cheser at 10156 Russwill Drive. By a letter dated 05/21/10, The Chesers have requested \$1,286.50 for reimbursement of a French Drain. Both Mr. Cheser and Mrs. Cheser talked about the benefits of the sewer system; however, they disagreed with Mr. Burke regarding the need for the city/contractor to replace the original storm under drain that was disturbed by the construction. The Chesers performed all the extra work themselves.

Mr. Burke took the position that the French Drain was not needed due to adequate final slope of the lot. Mayor Kirby asked to set up a time for Mr. Burke, Mr. Kelly and Mayor Kirby to meet with Mr. Cheser to review the situation.

Regarding Item #1(c) (2) under Hathaway Road, the Sewer Jack & Bore, and 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, the 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 to start construction. Following all approvals, G&T Excavations will build the last section of sewer within Phases A&B of the project as a Change Order, thereby saving costs for the bore & jack under Hathaway Road.

Regarding Item#1 (c) (4) Mr. Schrage (1838 Mt. Zion Road). Mr. Schrage claims that the drainage from the state's highway, (SR536) Mt. Zion Rd. is flooding his garage and collapsing a rock retaining wall. Mr. Burke will work with the KYTC to resolve the drainage issues for Schrage as well as other drainage issues fronting the city building.

Regarding Item #1 (c) (5), Mr. Long at 1764 Mt. Zion Rd. Mr. Burke is working with Mr. Long and G&T to re-grade his property.

Regarding Item #1 (c) (9), Mr. Barlow who lives at 10092 Old Union Road, Mr. Barlow has a 7-8 acre tract that will be available for development at some point and the existing on-site system may be adequate and may not a pollution problem. Mr. Barlow has paid the assessment in full, but would like to delay the tap-in as unnecessary. Since this issue is one (1) of a few cases regarding a mandatory connection at a significant cost, Mr. Burke asked Mr. Barlow to contact the county board of health to have them observe and/or approve the existing system, in order to defer the tap – in and significant cost until necessary.

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Regarding the KIA State Fund Loan Assistance Agreement, the first interest payment is due in June. SD1 will begin to add the assessment charges on the sewer bills for those who have been tied-in and/or received permits. Once the payments are received, then SD1 will send these payments to the city clerk Kathy Porter for reimbursement, deposited for payment of the KIA Loan. SD1 advises that the city is responsible for any non-payments to SD1.

Regarding Item 2. the Hempsteade Street Improvements, the narrowing center island has been removed and the only thing still needs to be done is the re-sealing the pavement. The contractor is waiting for the concrete to cure before this project can be completed. This will take about seven (7) days.

Mr. Burke mentioned a new collapse of the pavement at a catch basin near 10127 Hempsteade Drive. Mr. Burke has inspected the area; and, BCPW has place a temporary asphalt cold patch and placed traffic cones until a permanent fix is made. Preliminary observations indicated thin original concrete pavement; and, when the recent resurfacing project was completed, a pavement collapse occurred. Mr. Kelly asked when the earlier problem may have occurred. Mr. Burke answered that it may have been at least 15 years ago.

Regarding Lakeway, Lakepoint and Kingston Courts, Mr. Burke received estimates for short term pavements repairs. TMS Construction submitted a quote for \$13,165.00. The quote from Paul Michels Construction was higher at \$14,120. Mr. Burke would like to get all three (3) street projects done for less than \$20,000.00. Mr. Burke stated that while TMS is working they can also fix the collapsed catch basin. Mayor Kirby asked if a quote for the catch basin repair has been received yet. Mr. Burke stated that he had not received one yet. Mr. Burke states that it should not exceed \$1,000.00. Mayor Kirby suggested that we may have to bid the work out, if it exceeds the \$20,000 amount. Mr. Burke stated that the total repairs would not exceed the \$20,000 limit, if we only accept a portion of the \$3,900 estimate from Michels for the joint sealing. Mr. Burke suggested eliminating the sealant work at this time. Mr. Burke also stated that these projects are simply slab replacements, pothole repairs and sealants. In this case TMS & Michels are working as a team. Public bidding of repair projects like this is unnecessary. After these repairs are completed and few spot sealings made, these roads will be completely resurfaced in two (2) or three (3) years perhaps in FY2012-2013.

Regarding Item # 2(f), the Cedarwood Drive Street Improvements, bids were advertised and opened on June 2, 2010. There were a total of five (5) bidders; Paul Michels was the low bidder at \$50,441.00. Mr. Burke reviewed the bid tabs and is making the recommendation to move forward with Paul Michels & Sons as the city's contractor. Mayor Kirby took a motion to approve Paul Michels and Sons as the contractor for the project. Mr. Adams moved to accept the contract and Mr. Kelly seconded the motion. A legal contract will be prepared by the City Attorney with Paul Michels and Sons. Motion Carried

Due to a low bid for Cedarwood, Mr. Burke suggested that we could move up the start of another needed project, if funds are available. Russwill Drive is beginning to show alligator cracking, an early sign for needed repairs. this is slated to be resurfaced next year in 2011. The preliminary estimate for the Russwill project is \$46,000; however, Mr. Burke thinks it could be done for less. Mayor Kirby suggested that in light of the economy, the low bid and opportunities to save money, we should get some quotes for this project. Mr. Burke acknowledged that he would prepare Bid Documents for legal advertising and a public bid.

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

Regarding Item #7, the Union City Building and Community Center, Mr. Burke received two bids from licensed/certified plumbers for tapping - in the City Building to the public sewer; the first quote was from Ed Morehead Plumbing, in the amount of \$4,200.00 and the second from Helmer Plumbing which was slightly higher. Mr. Burke stated that the city could request from SD1 a waiver to lower the tap-in fee from the 1" meter size of \$5,300 to the ¾" size of \$3,000.00.

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Mr. Burke has the applications filled out we just need Mr. Morehead's signature on the application and a letter of request to SD1 for such modification to the fees.

In addition, the Community Center currently also has a 1" inch meter requiring a tap-in fee of \$5,300, and once again SD1 suggested we ask for lower tap-in fees. Mr. Burke received two (2) quotes for this project as well, the first from Richardson Plumbing at \$12,365.00; and, the second from Helmer Plumbing for \$11,000. The quote from Helmer Plumbing was recommended for acceptance.

Mayor Kirby took a motion to accept the bid for \$4,200 from Ed Morehead Plumbing for the installation of the building sewer for the City Building outside of the parking lot pavement. Mr. Sayers made the motion and Mr. Kelly seconded. Motion Carried.

Mayor Kirby took a motion to accept the bid for \$11,000 from Helmer Plumbing for the installation of the building sewer for the Community Building. Mr. Adams made the motion and Mr. Sayers seconded. Motion Carried.

Regarding Item #8, involves the Villas at Fowler Creek, the request for the additional lighting at the entrance, along Relocated US 42 for safety. The city has a 27-year agreement with Duke Energy of Kentucky providing for ten (10) internal street pole lights via easement costing the city about \$184/month usage. Following discussions with a Duke Energy representative, Mr. Burke advised the city of two (2) options for the increasing the frontage lighting at the Fowler's Creek entrance. The first would be to amend the agreement with Duke and install another pole light. However, this pole type would not provide adequate lighting, as Duke Energy doesn't provide any ground lighting. Duke advised that this would cost approximately \$4,500 plus \$10 a month of additional usage. The second option is to install a separate service and meter about \$275 away connecting to a transformer near Royal Oak Lane. Extending lighting from the east side of the highway was not an option. Mayor Kirby stated the next step would to get an estimate for the electrical work involved. Mr., Burke will seek some quotes for the work involved from qualified electrical contractors.

Item #14., Budget Expenses – Public Works, the budget for FY 2010-2011 through FY 2015-2016. Mr. Burke updated an earlier Street Inventory and Conditions Report that was completed in 2003 by David Estes Engineering, Inc... In 2003, the city streets numbered 56. In 2010 with seven (7) years of growth, city streets now total 98 comprising over 100,000 lineal feet or 19.01 miles. This Report, as updated in 2010, evaluates all streets by an Overall Condition Rating (OCI) index and will give the commission an overview of a better sense of setting priorities, as to which streets are in need of repairs in a specific year. All streets are indexed by OCIs and targeted for repairs during the next six (6) fiscal years for worksheet FY budgeting. Mr. Burke stated that while 37 of the 98 streets are relatively new and not requiring repairs, at present, the city will have to be concerned with various alternatives for repairs, including resurfacing, pot holes, edge drains, etc. as its street infrastructure ages. Mayor Kirby stated that even if streets were new, that does not mean the street will last as long as the report states necessarily.

Concerning Item 15. Mr. Boccia at 10206 Hartwood Court, Mr. Boccia has a drainage problem where upstream drainage has inundated the street curb & gutter on an-going basis for several years. Mr. Burke recommended to install a 6" under drain system including two small CBs & Wye fittings at an approximate cost of \$2,500.00. This will not only help resolve the under-street water issue; but if both Mr. Osborne & Merrell agree to connect roof leader & sump pump discharges at a cost of \$350 - \$650 each, this situation will be greatly improved. Mr. Burke is waiting on approval from the residents. Mr. Burke stated that he talked to Mr. Osborne and was not interested in participating in the project. Mr. Boccia has returned a questionnaire in agreement. Mr. Merrell has not responded. Mayor Kirby asked if this could eventually be an issue causing damage to the streets. Mr. Burke advised Mayor Kirby that it would. Mayor Kirby asked to set up a time to meet with the residents.

Concerning Gunpowder Greens, Sue Lambert of Tudor Lane advised that the wood railing on each side of the bridge have deteriorated and needs repairs. The railings are approximately thirty-five years old. Mr. Burke recommends replacing the railings in-kind. He also will contact the highway department regarding any related requirements for standard steel guardrails, posts, etc. which may be further regulated.

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CITY EVENTS COORDINATOR: Karen Franxman spoke about the Union Community Building. Mrs. Franxman reported on painting estimates, she has received one quote, from Freschcoat, so far and is in the process of getting a couple more.

She also mentioned the St. Timothy's mission week is June 21st through June 25th. There is a possibility that they will be looking for jobs for the teenagers. She with the commission's approval said they could paint over the graffiti that has been painted on the exterior wall of the Community Center. Mayor Kirby said that would be fine.

Karen has purchased five (5) shelves from Old Time Pottery to put in the Community Building. She will be able to store items there.

Karen is still waiting on information from Kentucky League of Cities now has a TULIP (Tenant User's Liability Insurance Policy). She is waiting on the paperwork for the two upcoming events the city is hosting.

The Community Events for the month of June will be movie nights on June 4th, 18th, and 25th. The first movie night for the year was attended by 408 people. In July the City of Union will partner with Boone County Parks and Recreations and host an event called "Union Celebrates America". This will be on July 2. The Appalachian Troubadours will be performing from 6:30 till 8:00 and the Dragoons will perform from 8:30 to 9:30 with fireworks to happen afterwards. Also some local authors will be at the event.

July 17th will be the Beach Blast, tailgate spots are still available. They will also have t-shirts available.

The volunteer committee will meet on June 10th at 6:00 pm. They prepared a sponsor packet to be sent to the business in Union. Currently they have received 2 \$500 dollar sponsors.

The Adopt-a-Unit Volunteer Committee will have their next meeting on June 17th at 7:00 p.m. The response to this program has been overwhelming. Karen was contacted from Union Kroger's wishing to host an event, with all the proceeds going to the adopt a unit. They had a cookout, this event raised \$968.00.

Many groups have come together to support this group such as writing letters and packing boxes to send to the troops. Some businesses have set up containers for donations.

The Union Cares is supporting Be Concerned. This is a food pantry located in Covington.

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.

COMMISSIONER OF PUBLIC WORKS/UNION VISIONING COMMITTEE: *Bob Kelly-Commissioner of Public Works;* Mr. Kelly has received some complaints concerning dogs running loose. He mentioned the ordinance 90.02 and 90.19 which basically states you cannot let your dog run loose. Mr. Kelly also received some complaints concerning solicitors. The solicitors were going to peoples home at 11:00 at night. Mr. Kelly suggested we adopt something that would put some time constraints.

Mr. Kelly also mentioned the repaving of Mt. Zion Road. He has put an e-mail together to Senator Schickel to see if the road re-structuring will be postponed, he will update the commission when he receives a response.

The visioning committee met on June 7, Dr. Turner (the chair from the Economic Development Committee) met with

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them and gave them an update on what is being discussed concerning the city.

CITIZENS WISHING TO BE HEARD: Mr. Boccia asked for clarification on Hartwood Ct. issue, he asked what the process of what will happen after the meeting with the owners. Mayor Kirby told him that they would get back with him after the meeting. Mayor Kirby told him that the city had an ordinance that would allow the city to put drainage along the street to eliminate some problems from the water flow. He hopes to talk to the property owner and let them know the benefits and they will cooperate and tie in.

Mr. Boccia also commented on what penalties apply to the leash law. He would like to know how the penalties occur, he has went through animal control and his neighbor's cats still run loose. Mr. Kelly says that he will have to check the penalties. Mayor Kirby told him he will give Mr. Boccia a copy of the ordinance.

NEWBUSINESS:

First reading of ORDINANCE NO. 2010-002 - AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Mr. Kelly asked if corrections could be made once the budget has been approved. Mayor Kirby said that the budget could be adjusted. Commissioner Adams made a motion to accept, Commissioner Sayers seconded. **Motion carried.**

First reading of ORDINANCE NO. 2010-003 – AN ORDINANCE OF THE CITY OF UNION, KENTUCKY ESTABLISHING REGULATIONS FOR UNINVITED SOLICITATIONS OF CONTRIBUTIONS, SALES OF GOODS AND SERVICES, AND PLEDGES, SUBSCRIPTIONS, ORDERS AND OFFERS FOR THEM AND ESTABLISHING PENALTIES FOR THE VIOLATIONS THEREOF. Mayor Kirby would like to research this, check to see what other cities do in this situation. This ordinance was tabled until the July meeting. Commissioner Kelly made a motion to table the ordinance, Commissioner Adams seconded. **Motion carried.**

ANNOUNCEMENTS:

Commissioner Adams made a motion to change the meeting from July 5 to July 1st, Commissioner Kelly seconded. **Motion Carried.**

Next City Commission Meeting: Thursday, July 1, 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. Commissioner Sayers seconded the motion. **Motion carried.**

Signed this 1st day of July 2010

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer