

**CITY OF UNION, KENTUCKY
PUBLIC HEARING (Municipal Road Aid & LGEA Funds)
AND
REGULAR BUSINESS MEETING
MINUTES
Monday, June 3, 2013**

CALL TO ORDER:

Mayor Kirby called the Public Hearing to Order at 7:00 p.m.

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

ROLL CALL: The following city officials were present:

Mayor Don Kirby
Commissioner Bryan Miller
Commissioner Deanna Kline
Commissioner Donna Fryman
Commissioner Ken Heil
City Engineer Barry J. Burke, PE PLS
City Clerk Kathy Porter
Attorney Greg D. Voss, Esq.

City Events Coordinator Karen Franxman was not in attendance.

Mayor Kirby opened the **Public Hearing** at 7:00 p.m. and stated the purpose of the Public Hearing was to receive input from citizens and the commission regarding the proposed use of Municipal Road Aid Funds and Local Government Economic Assistance Funds (Coal Severance Tax). This is an opportunity for the commission or residents to comment regarding the use of these funds for the upcoming year. The balance in the fund is currently \$436,604. Mayor Kirby asked if anyone had any questions or comments concerning the use of the funds. No one had any questions or concerns, Mayor Kirby asked for a motion to adjourn the Public Hearing.

Commissioner Kline made the motion to adjourn. Commissioner Heil seconded the motion. All voted in favor of the motion. **Motion carried.**

CALL TO ORDER:

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:03 p.m. Monday, June 3rd, 2013.

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

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting. Commissioner Heil made a motion to accept the minutes and the motion was seconded by Commissioner Miller. All voted in favor of motion. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Miller moved to accept the Treasurer's Report as of May 31, 2013, and Commissioner Kline seconded the motion. All voted in favor of the motion. **Motion Carried.**

Bills for Payment:

These were not available and will be presented at the next business meeting on July 1, 2013.

CITY EVENTS COORDINATOR:

City Events Coordinator Karen Franxman was not in attendance for the meeting. Mayor Kirby briefly summarized her report.

Two (2) movie nights will be held in June hosted by Boone County Parks and Recreation at the Union Community Building. The movie nights will be June 14th and 21st. The movies are Escape from Planet Earth on the 14th and How to Train Your Dragon on the 21st.

The fourth annual Beach Blast will be held on June 15th from 6:00 – 10:00 pm at the Union Community Building. Conch Republic will be headlining this event again. All volunteers are welcome.

On Thursday, June 27th, 2013 it will be City of Union night at the Florence Freedom Ballpark. This is a fundraiser and half of proceeds will go to the Ella Reid Mason Foundation. Ella Reid was a six year old student at Mann Elementary School who recently lost her battle with cancer. Mayor Kirby's band "Underpaid" will be playing after the game. Tickets are available at the Union City Building, for \$10.00.

Union Celebrates America will be on Friday, June 28th. The annual parade will be at 7:00 p.m. Parade forms are available on the City of Union website. Fireworks will be around 10:00 p.m. or at dark.

The Union Community Theater will be hosting five (5) performances of the all youth play the "Seussical", on June 6th – 9th. The performance will be held at the Union Community Building. Tickets are available online on the UCT website, and there is a link from the city's website. Each performance will be limited to 133 seats.

PUBLIC WORKS:

Commissioner Bryan Miller stated on June 9th at 3:00 pm there will be a dedication of the historical marker for General John Hunt Morgan.

Commissioner Miller stated that a sign has a Wisteria plant that has grown around a sign on Cherbourg Drive, this has now been trimmed.

PLANNING AND ZONING REPORT: Mayor Kirby stated that there are no items on the agenda that affect the City of Union.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated at the last meeting Mr. Larry Solomon's proposal to break down in focus groups to discuss the Union Town Plan was discussed. The committee felt that this would be valuable to communicating the message to the residents, but would like to stress that Boone County along with the EDC would like to lead the focus groups. The next meeting will be held on June 11th at 5:30 p.m. and Carol Callan-Ramler with the transportation cabinet will be in attendance to discuss the KY 536 (Mt. Zion Rd.). Commissioner Miller asked if this meeting would be open to the public and Commissioner Kline stated that it was.

Mayor Kirby at this time asked Mr. Larry Solomon if he would like to address the commission. Mr. Solomon had put together some information concerning communication strategies for the Union Town Plan. Mr. Solomon stated that the plan is 13 years old and many residents were not living in the city at this time. Mr. Solomon stated that the city needs to find out what the people want and adjust to current needs. Mr. Solomon suggested involving each community and then to develop a communication plan.

Commissioner Miller asked when the commission should start with the focus groups. Mr. Solomon stated that the city should start as soon as possible.

Mayor Kirby asked if during the focus groups would the residents know about the plan or just discuss and then learn about the plan. Mr. Solomon said that he feels that the residents should know about the plan prior and they can give an informed opinion.

Commissioner Kline stressed that these should be a positive discussion. And the goal in these meetings is not to change the Town Plan. She stated that in the world of planning a thirteen (13) year old plan is not considered old. She commented that the state is banking on the Union Town Plan and the city cannot deviate from it.

Mr. Solomon stated that a plan has to have room to be able to be adjusted if it is off target from what the residents want. Mayor Kirby stated the plan provides a framework but does not narrow down the details on what is required.

Mr. Solomon stated that there is a lot of miscommunication out there that can be addressed during the focus groups.

Commissioner Kline stated the city should wait until the fall to host the focus groups and Mr. Solomon and Mr. Kevin Costello could work together to coordinate these groups.

Commissioner Miller asked how far outside the city the focus groups would go. Mr. Solomon stated that he feels the recommendations should come from Union residents first and then branch out if necessary.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 15 Items. Mr. Burke stated that there are seven (7) items that require formal City Commission Action in his CE Report and others, as noted in his Report, which may require same.

Regarding Item Number 1 regarding spot speed studies in Hempsteade and Hampshire Estates, Mr. Burke completed 'peak hour' spot speed studies on Burleigh Lane. The commission at the May meeting asked him to move forward and get quotes for the construction of two (2) asphalt speed humps. He received cost quotes from Len Riegler Blacktop for \$1,950 per hump and from Michels Construction for \$1,875 per hump. Mr. Burke recommended the city award the job to Michels Construction.

Commissioner Miller made the motion to move forward with the quote from Michels Construction to place the two (2) speed humps on Burleigh Lane at the specific locations, as noted. Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Regarding Item 1 (d) Traffic controls on Evensong Drive, due to many small children and low speed counts, it was determined that there is a need for three (3) traffic control devices; stop signs, an asphalt speed hump and a concrete speed table. The stop signs have already been posted by the Boone County Public Works Sign Division. Commissioner Kline stated that these signs are hard to see unfortunately. Commissioner Kline thought maybe the white stripe on the road would make it easier to see. Mr. Burke stated that we would have to be careful not to set a precedent, but if there is a sight visual problem at that location, a stop bar might be something the city could look into.

Mr. Beemon, a Hempsteade resident asked if Mr. Burke could explain what a Stop Bar is. Mr. Burke stated it is about 12" - 16" of white paint or thermoplastic that is placed on the pavement in front of a stop sign to show traffic where to stop.

For the speed humps that are proposed on Evensong Drive, Mr. Burke sent the plans and specifications out to three (3) quality contractors; Michels Construction Co. was again the low bidder on the asphalt speed hump between Soaring Breezes and Splendor Drive. Mr. Burke recommends that this work be awarded to Michels Construction Co.

Also along Evensong Drive, a concrete speed table was originally proposed at a point approximately 200 feet west of Melody Drive with the purpose of placing a crosswalk atop the table. Mr. Burke stated that after further study, if a speed table is placed the city would need to place a piping under the table at the curbs to redirect the storm water, which is expensive. After more study, Mr. Burke recommends the city place an asphalt speed hump at this location instead of the speed table with a cross walk; and, to remove a small section of concrete extending from the existing pedestrian path. Other crosswalks in the area to the east nearer the neighborhood park are adequate.

Commissioner Heil made the motion to approve awarding all four (4) speed humps (Burleigh Lane and Evensong Drive) to Michels Construction Co. at a cost of \$1,875 per hump. Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Regarding Item 3 (b) Street Repairs for Union Budget FY 2013-2014, Mr. Burke stated that about 25 streets were recommended for joint and random crack sealing as well as some other curb and gutter and pavement repairs. Mr. Burke sent the details and specifications to five (5) qualified contractors for quotes. In a previous requested response, Attorney Voss advised that if these projects included separated tasks for costs under \$20,000, then the

city would not be obligated to follow the publically advertised bidding process. Mr. Burke then stated he has received separate quotes for street and curb & gutter repairs; and, separate quotes for the Joint & Random Crack Sealing. Mr. Burke received these quotes from both Len Riegler Blacktop, Inc. and Michels Construction Co. Len Riegler Blacktop Inc. was the low bidder on both separate projects. Mr. Burke then recommended moving forward with these projects with Len Riegler Blacktop Inc.

Mayor Kirby asked for a motion to accept the quote from Len Riegler Blacktop Inc. for the street and curb and gutter repair for \$14,250. Commissioner Fryman made the motion to accept and Commissioner Miller seconded the motion. All voted in favor. Motion Carried.

Mayor Kirby asked for a motion to accept the quote from Len Riegler Blacktop Inc. for the joint and crack sealing quote from Len Riegler Blacktop Inc. for \$15,147. Commissioner Miller made the motion to accept and Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Regarding Item Number 3 (c), Mr. Burke has prepared the public bidding documents including plans and specifications for full resurfacing work on Bayswater Drive. This work includes nineteen (19) ADA Ramps. The bidding documents have been forwarded to City Clerk Kathy Porter to be advertised and posting on the city's website. The Public Bid Opening will be held on Wednesday, June 26th at 3:00 pm at the Union City Building, subject to the Mayor and/or City Commission's approval. Mayor Kirby approved the bid advertising and opening. The awarding of the bid will be at the July 1st meeting.

Regarding Item Number 1(c), the Royal Oak Lane (Villas of Fowler Creek), and sight distance problem along Old Union Road. Mr. Burke was directed last fall to revisit this issue in the spring when the leaves are on the trees. The owner has expressed that he would like to keep the trees for aesthetics. Therefore the city will need to get costs to have the trees trimmed back. Mr. Burke stated that the owner had stated that he was willing to share in the costs. Mayor Kirby asked if the tree was on private property. Mr. Burke stated the trunk was in the bottom of a ditch, and half of tree is on private property and half is in the public right-of-way. Mr. Burke will contact the owner and get an estimate from the city contractor A&A and to the owner for consideration by the city at a future meeting.

Mr. Burke mentioned the streetlights issue along the proposed Relocated KY 536 project, at least a few years off before construction. He stated that any light type other than the standard Duke Energy Light Options would be at the city's expense, an issue that the city should look at very carefully since the city would be entering the lighting business.

Mr. Burke mentioned that the new safety light at the northwest corner of KY 536 (Mt. Zion Rd.) and US 42 has been placed and is working. The other street lights project at US 42 and Frogtown Rd/Double Eagle is still waiting permits from the highway department.

Regarding Number 9 the landscaping and repairs of the sterile soils at the Union Pool is nearly complete. Mr. Burke stated that a portion of the project seemed incomplete and the straw may have been blown off. Contact with the city's contractor Perfection Landscaping, Mr. Kevin Beach stated he will go back and re-straw the area. Commissioner Miller stated that he had observed the area and has seen some new grass already growing.

Regarding Item 12 (d) storm sewer surface inlets, Mr. Burke spoke with Mr. Klosterman who lives at 10212 Pembroke Drive, who is affected by the inlets. Mr. Klosterman's yard around these inlets has some settlement or open holes, which is a safety problem for children. SD1 storm water mapping clearly indicates that these storm sewers and inlets are not maintained by SD1. Unless otherwise directed, the city's position is that they cannot use city funds on private property.

Mr. Burke mentioned last year's street repairs and improvements around Kroger, such as Braxton Drive, the traffic control arrows and stop bars have now been placed and completed by Boone County Public Works Sign Division. There are eight (8) crosswalk striping's that still need to be completed. Mr. Burke also stated that he had contacted Kroger's to see if the city could add a short section of sidewalk along Braxton, to allow for the physically challenged to access the parking lot rather than using the vehicular access drive. He has tried to make contact with Kroger representatives numerous times for the portion on Kroger property. Mr. Burke stated he will try again if the commission does not direct him otherwise. No other concerns were addressed.

Regarding FY 2013-2014. Mr. Burke mentioned some revised budgeted costs for the Public Works Items. These revisions included changes to street repairs, storm drainage, traffic calming and sanitary sewers; and, a higher covered salt dome. The city currently does not have a place to store salt for our snow removal contractors to use. The Community Center property is a consideration. Commissioner Miller stated that he had spoken to Judge Moore about possibly using Boone County's salt dome at Lassing Point.

Commissioner Miller asked Mr. Burke about the detention ponds that were transferred to SD1, they were maintained by the city previously and now they are owned by SD1. In Mr. Burke's report he suggested that if SD1 fails to maintain these basins to the city's satisfaction, the city could have their contractor mow the properties and bill SD1, as previously suggested by SD1. Commissioner Miller stated that he would rather not mow the properties. Mr. Burke stated that contact with SD1 indicated that these properties should be mowed by SD1 contractors within the next ten (10) days.

Guests Wishing to Speak

Mr. Frank Beemon asked the commission to possibly to have limb, brush recycle pick-up days. An audience member stated that some cities have a one or two time a year yard waste pick-up.

OLD BUSINESS:

□ Solid Waste and Curbside Recycling Collection and Disposal Services.

Brett Gaspard with Rumpke addressed the commission concerning their desire to continue their relationship with the City of Union. Mr. Gaspard stated that Rumpke has not changed the rates from the previous two years. Mr. Gaspard mentioned the option for the free recycling carts that are offered through Rumpke, the competitor would charge \$3.00 per cart.

Ms. Katie Raverty with Bestway Disposal addressed the commission concerning the desire to start a relationship with the City of Union. Bestway Disposal currently has the contract to provide waste collection services for the cities of Crestview Hills and Cold Springs. Ms. Raverty stated that Bestway Disposal could save the city over the first two years a total of \$34,000.

Commissioner Fryman asked about the fully automated waste collection. Ms. Raverty stated that with the fully automated system each resident would receive a garbage can and recycle bin.

Mayor Kirby stated that if the city would be interested in the fully automated service, then the city would need to re-bid.

Commissioner Heil addressed the commission concerning recycling. Commissioner Heil stated that Boone County has a recycling program; the residents can drop off recycling at Ryle High School. Commissioner Heil stated that the city could save money by eliminating the recycling program to fund projects that the city needs to complete.

After a brief discussion Commissioner Heil made a motion to not include recycling. Commissioner Miller seconded the motion. Commissioner Heil voted in favor of the motion. Commissioners Kline, Fryman and Miller voted against the motion. Motion was denied by a vote of 4 to 1.

Mayor Kirby asked if there were any more questions to the bidders concerning recycling.

Attorney Voss stated that the law is to not only take the lowest bid, but also to take the best bid.

After further discussion Commissioner Fryman made the motion to accept the bid from Rumpke for waste and recycling collection for the customer service and Commissioner Miller seconded the motion. Commissioner Heil voted against the motion and Commissioners Fryman, Kline, and Miller voted for the motion. Motion Carried.

- **RESOLUTION NO. 2013-012:** - A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO ACCEPT THE BID FROM RUMPKE FOR PROVIDING WASTE COLLECTION SERVICES FOR THE CITY OF UNION, KENTUCKY. **This will be an ordinance for the July meeting.**

- **Second Reading ORDINANCE NO. 2013-002:** – AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING RENEWAL OF A FRANCHISE TO INSIGHT KENTUCKY PARTNERS II, LP TO OPERATE A CABLE COMMUNICATION SYSTEM WITHIN THE TERRITORIAL LIMITS OF THE CITY; AND AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF UNION, KENTUCKY TO EXECUTE A FRANCHISE AGREEMENT TO OPERATE A CABLE COMMUNICATION SYSTEM BETWEEN THE CITY OF UNION, KENTUCKY AND INSIGHT KENTUCKY PARTNERS II, LP. Commissioner Miller made motion to approve, Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.

NEW BUSINESS:

- **First Reading ORDINANCE NO. 2013-001:** - AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL, INC., INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND SUBSEQUENT AMENDMENTS AND FUTURE EDITIONS THERETO, SUBJECT TO THE CHANGES, DELETIONS, AND AMENDMENTS CONTAINED HEREIN, TO BE CODIFIED AS CHAPTER 155 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES. Commissioner Kline made motion to approve, Commissioner Heil seconded the motion. Commissioners Kline and Heil and Mayor Kirby voted in favor of the motion. Commissioners Fryman and Miller voted against. Motion Carried by a vote of 3-2.
- **Table First Reading ORDINANCE NO. 2013-003:** - AN ORDINANCE OF THE CITY OF UNION, KENTUCKY ESTABLISHING A NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION OF EITHER OR BOTH NATURAL GAS AND ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY; AND PROVIDING THE TERMS THEREOF. Commissioner Miller made motion to **table this ordinance** at this time, Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- **First Reading ORDINANCE NO. – 2013-004:** – AN ORDINANCE ADOPTING AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Miller made motion to approve, Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- **First Reading ORDINANCE NO. 2013-005:** – AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made motion to approve, Commissioner Miller seconded the motion. All voted in favor of the motion. Motion Carried.
- **First Reading ORDINANCE NO. 2013-006:** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION KENTUCKY CITY CLERK/TREASURER. Commissioner Heil made motion to approve, Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- **First Reading ORDINANCE NO. 2013-007:** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION KENTUCKY OFFICE ASSISTANT. Commissioner Miller made motion to approve, Commissioner Heil seconded the motion. All voted in favor of the motion. Motion Carried.
- **Table RESOLUTION NO. 2013-013:** – A RESOLUTION APPOINTING INFRASTRUCTURE & DEVELOPMENT ENGINEERING, INC, (IDE) TO THE CITY ENGINEERING POSITION FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made a motion to **table the resolution** and Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.

- **Table MUNICIPAL ORDER NO. 2013-001:** – A MUNICIPAL ORDER FOR THE ADOPTION OF SPECIAL EVENT GUIDELINES FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made motion to **table** this municipal order at this time, Commissioner Miller seconded the motion. All voted in favor of the motion. Motion Carried.

ANNOUNCEMENTS:

The next regular business meeting will be held on Monday, July 1, 2013 at 7:00 PM.
Commissioner Kline invited everyone to the Boone County Relay for Life Event.
Commissioner Miller reminded everyone about the Historic Marker Dedication on June 9, 2013 a marker commemorating the escape route of CSA General John Hunt Morgan.

ADJOURN:

With no further business coming before the Commission, Commissioner Miller moved to adjourn the meeting at 9:40 p.m. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Signed this 1st day of July 2013

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer