

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING at 7:00 p.m.  
MINUTES  
Thursday, July 1, 2010**

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**CALL TO ORDER: Regular Business Meeting**

Mayor Don Kirby called to order the Regular Business Meeting for the Union City Commission on Thursday, July 1, 2010 at 7:00 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. Eight (8) citizens signed the attendance sheet.

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

Commissioner Adams moved to accept the REGULAR BUSINESS MEETING MINUTES of Monday, June 7, and the motion was seconded by Commissioner Mefford. **Motion carried.**

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

**UNION CARES PROGRAM: July – Be Concerned – Karen Franxman**

Karen mentioned the wish list for July 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:**

Request for Gunpowder Greens Subdivision – Letter from Sue Lambert. Mayor Kirby read the letter to the commission, concerning the bridge rails at the entrance to the Gunpowder Greens Subdivision. Mr. Burke said this is item #17 of his report. He has already reviewed the project and for \$610.00 they can replace the original timber cedar with pressure treated lumber on the bridge railings. Mayor Kirby said to proceed with the repairs.

Mayor Kirby read a letter from Ms. Jerilyn Verhoeven concerning a collapsed culvert pipe under a concrete driveway along Old Union Road, a city owned and maintained roadway. This Item was later added as Item #21 to his Report. Based on the Boone County policy providing public funds to keep side ditches along public streets clear. Mr. Burke recommends installing two (2) standard headwall structures to keep the corrugated metal pipe ends from collapsing. Mayor Kirby said to go ahead with the repairs.

Attorney Voss mentioned a note from Boone County Administrator Mr. Jeff Earlywine concerning the annexation agreement for the Park. A meeting is scheduled for July 13, 2010.

**CITIZENS WISHING TO SPEAK:**

Mr. Jon Campbell, who lives at 1834 Whispering Trails, addressed the commission concerning ongoing problems related to storm water runoff within the subdivision. He presented the commission with a multiple paged bound document including photos showing the damages including collapsed culverts, driveways, etc. caused from the excessive storm water and flooding. Mr. Campbell asked the commission what the residents and city can do to help remedy the problems. Mr. Burke, the city engineer, stated that this was Item #20 of his Report. Using wall mapping, Mr. Burke presented background information regarding the extent of storm water problems, the contributing watershed; and, the preliminary plans identifying the need for major improvements, such as a larger storm sewer system, etc. Nearly all of the culverts under driveways were undersized by the original developers and builders without the required reviews now part of the current SD1 jurisdiction and regulations. An open concrete chamber he also called "a monstrosity" fronting the Kim Landrum property at 1838 Whispering Trails, continues to be a problem during heavy storms. Storm water is generated from more than 90 acres of area that converges through the drainage structure on the Landrum property. To improve drainage and safety, concrete flumes and an enclosure grate were installed in the structure within the last several years. For more flood protection, a re-grading plan in the rear yard was completed in 2008. However, according to Ms.

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Landrum, while that re-grading helped, basement flooding has re-occurred again at least once, a result of intense storms this year. Per city request, Mr. Burke invited SD1 Sean Blake to attend this meeting. Reference was made to the Storm Water Transfer Agreement between the city and SD1, as approved by the District in May, 2010. The question why SD1 mapping does not clearly show any storm sewers along Whispering Trails was referred to SD1 Sean Blake.

Sean Blake, with Sanitation District 1(SD1), spoke to the commission about the District's responsibilities for storm sewers and other storm drainage now under its jurisdiction, both shown and not shown on District mapping. Mr. Blake stated that he has spoken with Mr. Burke concerning the transfer of specific storm sewers as shown on District mapping. However, the systems in question including undersized culverts are a small portion of the Gunpowder Creek Watershed. Mr. Blake implied that even smaller systems may be included as part of a larger plan over time. SD1 has taken steps to do a full blown Master Plan study of the entire watershed. Utilizing the Master Plan, now in the planning stage for some time, with completion of the final plan at least one (1) year away, SD1 would like to address these problems in the big picture for the overall watershed; and, not handle one (1) individual problem that will cause another problem, further downstream Reference was made to a liability issue where greater downstream flooding caused by some upstream improvements is a legal issue.

Mayor Kirby asked Mr. Blake if there are any solutions right now in case there is a massive rainstorm. Mr. Blake made reference to the Transfer Agreement; however, this problem seems to be more related to the larger watershed area rather than one (1) or two (2) culverts. In discussions with Mr. Burke, three (3) ponds or lakes exist within the drainage area; two-(2) are within the city; and, one (1) within unincorporated Boone County. However, it was understood that these ponds were on private property, beyond a public entities' authority. Mr. Voss asked Mr., Burke if he could provide property ownerships listing the actual owners of these ponds. Mr. Burke replied that he would provide the ownership records. Recognizing that many residents are having problems; but, that only one (1) home had basement flooding again, Mr. Burke recommended that the city provide some more help to Kim Landrum that will further alleviate current basement flooding. Ms. Landrum stated that she has hired a local contractor and working with herself, provides regular maintenance to keep debris, tree branches, etc. from clogging several storm drains on her property, three (3) times per week. In response to a question, Mr. Shirley at 1830 Whispering Trails indicated his driveway was under water again during a recent heavy rainfall. Mr. Burke also made reference to other culvert systems further downstream; and, implied that since several of these culverts were deeper and lower than the homes at higher elevations, and that these problems seem to be less severe.

Mr. George Raybourne, who lives at 1887 Whispering Trails, disagreed with Mr., Burke, and stated that he has lived in his residence since 1986 and has dealt with numerous similar problems since then, but not to the extreme, which has occurred this year. Mr. Raybourne stated that backwater flooding of the culvert under his driveway has continued; and, has become even worse from additional drainage from the rear of his property originating from the St. Timothy Church property. Mr. Raybourne stated that the church had removed a small pond, making the flooding greater now than before. Mr., Raybourne is concerned that if the excessive storm water runoff is continued to be sent downstream it would add even more water to a pre-existing problem.

Mayor Kirby asked if the drainage is cleaned out; and, the pipes under the driveways were adequately sized, would the problem be eliminated? Mr. Burke said it would help somewhat, but not solve the problem completely. Mr. Burke had stated that all the existing culverts act as detention basins, since the pipes were undersized. Cleaning the ditches or open channels between culverts would widen the channel and slow the flow. Mr. Hodge stated that when the flow enters the culverts, the flow is much faster causing the earth and the culverts to settle and collapse. Mr. Burke also stated that when the flow from the open channel reaches a retaining wall or headwall, these flows are constricted causing erosion, settlements and damages. If the culverts were adequately sized, there still would a problem, but to lesser degree.

Mr. Blake stated that the ultimate solution would be to slow down the flow of water by some appropriate means This would be similar to the District's large tunnel project in Belleview, where large pipes not only transport, but also store storm water, then releasing it at a slower rate. Mr. Adams stated that a solution to the Whispering Trails problem would be to study further the three (3) ponds within the watershed. Mr. Blake indicated that SD1 could provide some help in this regard.

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Mr. Burke stated that the city and SD1 should continue to work with the property owners sharing information such as the photos and other documents presented tonight. Mayor Kirby stated that he didn't feel comfortable telling the residents that a definite solution will occur, when, in reality, after a 2 to 3 year period, if nothing is done, the residents will return again with the same problems. Mayor Kirby directed Mr. Burke to review the existing conditions, and make some recommendations as to how to provide some further help to the residents of Whispering Trails. Mr. Burke stated he would work with Mr. Blake and provide more information and recommendations.

**CITY ENGINEER REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 21 Items summarizing seven (7) of the remaining nine (9) issues, requiring city action involving public funds.

Regarding Item #1 (b) (3). Mr. Terry Dwelly at 10109 Russwill Drive. Mr. Burke has received a new cost for only fence replacement disturbed during the sewer construction. The estimated cost is \$400.00. Mr. Burke will also review a request from Mr. Dwelly' Attorney regarding an easement discrepancy discussed before the meeting with Attorney Voss.

Regarding Item #1(c) (2) Mr. Volpenein at 10033 Old Union Road, the design plans for the alternate sewer have been approved by Sanitation District No. 1., including a Change Order for \$35, 431.25, subject to a court decision allowing the work to re-start to be authorized by Attorney Voss.

Regarding Item #2 (f) Pedestrian Sidewalk Safety. Storm water is overtopping the sidewalk along Hempsteade Drive from properties at 997 Lakepoint Court. This problem can be resolved if the property owner ties into an edge drain. Mr. Burke has a quote from TMS Construction, Inc. for \$2,290.00 to extend connection piping between the ROW line and the recently repaired and collapsed catch basin. Mayor Kirby stated that since this is a safety issue we need to get this completed

Regarding Item # 2(g), the Cedarwood Drive Street Improvements, Paul Michels and Sons was the lowest bidder and are waiting for the \$50, 441 contracts for signatures to begin the work.

Regarding Item #8. the Villas at Fowler Creek, a request has been made for additional lighting at the entrance sign along Relocated US 42. Duke has finally reviewed all of the options and granted approval for the city and/or HOA to provide a new service from the existing pole Mr. Burke has received quotes from Edgewood Electric ranging between \$5,640-\$6,540; and, Russ Hamilton Electric ranging between \$2,500 & \$3,000. This work is still subject to the review of the Boone County Electrical Inspector Steve Helmer. Mayor Kirby asked if the HOA would be willing to pay \$2,500 for the installation; and, the city would pay the electric usage service estimated at \$10/month. Ms. Morgan will take \$2,500 estimate back to the HOA for approval.

Regarding Item #15. Storm Water Complaint/Street Damages (Hartwood Court), Mr. Burke & Mr. Kelly met with neighbors Mr. Osborne & Mr. Merrell to review the problem. A subdivision violation was discovered that a sump line from the Merrell residence is contributing to the problem. Installation of a side drain system connecting the sump line would resolve the problem. Quotes for the work were sought from TMS Construction for \$5,990; and, R.E.B.T. Construction for \$6,963.16. The Quote from TMS Construction for \$5,990 was accepted. Mayor Kirby stated that Mr. Merrell should pay something, even if it is as small as \$50 for sharing in the cost of the work. This information will be forwarded to Mr. Merrell.

Regarding Item #20 (f) Perfection Pest Control, Inc at 9967 Old Union Road. Eddie Johnson and property owner Mr. Leatherman advised that original guard rail posts that caught debris from the watershed were removed causing open channel flooding for the Leatherman business and Old Union Road. Observations revealed that the city's sewer contractor (G&T Excavations) failed to replace these posts during restoration. About 90 feet of open channel (i.e., Map Area "D" within the Landscaping Contract), has also silted up and is in need of some extra work. Quotes from G&T and Spillman Landscaping were received. The Quote from G&T for \$2,925 for channel dredging and rock lining including restoration of the guard rail posts was accepted. Spillman Quote was higher at \$2,965. The city authorized the work by G&T Excavations, Inc.

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Regarding Item #20 (g), Gunpowder Greens Drainage at 1036 Churchill Drive. Mr. Burke assured owner Mr. Wayne Partin by phone that Michels Construction will correct a small detention basin overflow problem redirecting water toward the street rather than onto Mr. Partin's property. Since Michels is doing work within the city, Mr. Burke stated that added costs would not be an issue.

**CITY EVENTS COORDINATOR:**

Karen is trying to get more quotes concerning the painting of the community building. Russ Hamilton came down to give a quote on replacing the bay lights on the outside of the building. We have come to the conclusion that the city will not need extra insurance for events that the city are hosting. The July events are the Fireworks on July 2<sup>nd</sup> and the Beach Blast on July 17<sup>th</sup>. Vito Fireworks will be setting off the fireworks. Karen took a minute to thank the sponsors for the event. The historical society will be at the Union Celebrates America event as well as local authors.

The Beach Blast Event will be on July 17<sup>th</sup>. The event has three sponsors for this event.

A memorial dedication for Warren and Madge Moore will be held on Sunday August 8<sup>th</sup> at 2pm starting at the Union City building and a reception will follow at the Community Building. Karen suggested renaming the city building in the memory of Warren and placing a memorial garden in front of the City building in memory of Madge.

The Volunteer Committee will meet on July 2<sup>nd</sup> at 5:00 pm and the next meeting will be held on July 7. The volunteer committee will be at Union Kroger on July 10 to promote the Beach Blast.

The Adopt – A –Unit Committee met on June 15 and shipped 41 boxes to the troops. There are donations pouring in

daily. They have sent them everything that they had requested. The unit is very appreciative. Karen requested two flags be flown in Afghanistan in the memory of Warren and Madge, these will be presented to their grand daughters.

Karen is continuing to work with the town plans.

**REPORT BY CITY CLERK:** Kathy mentioned the memorial for Warren and Madge. Karen had received a quote for a plaque for Warren; the first quote that she received was for \$600.00. Mayor Kirby suggested that the commission would give her their takes on what the memorial should say. Mayor Kirby said a framed resolution would be presented to Mr. Moor's son. Kathy showed the commission some examples of plaques. Attorney Voss will create a resolution naming August 8 as Warren and Madge Moore day. Also Senator Schickel will send a Citation in his honor.

Kathy has received quotes on solving the problem with the drainage at the front of the city building. She has received a quote from Spillman Lawncare the quote is for \$4,800.00. She is expecting more quotes. Mr. Burke will be working on a design to make sure each contractor that are bidding on the work will bid on the same thing.

Kathy mentioned the landscaping around the building; the mulch is being piled over the bricks. This is holding the moisture in the building. This will need to be addressed when the drainage issue is completed.

**OLD BUSINESS:**

Second 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. Commissioner Sayers made a motion to accept, Commissioner Adams seconded. Motion carried.

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**NEW BUSINESS:**

Reading of RESOLUTION NO. 2010 - 002 – **A RESOLUTION APPOINTING EDDIE JOHNSON AS SEXTON/CEMETERY MANAGER OF UNION RICE CEMETERY FOR THE CITY OF UNION, KENTUCKY.** Commissioner Adams made a motion to accept, Commissioner Kelly seconded. **Motion carried.**

Reading of RESOLUTION NO. 2010 – 003 – **A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO ACCEPT THE BID FROM PAUL MICHELS & SONS, INC. TO PROVIDE REPAIRS AND IMPROVEMENTS TO CEDARWOOD DRIVE.** Commissioner Sayers made a motion to accept, Commissioner Mefford seconded. **Motion carried.**

**EXECUTIVE SESSION:**

Mayor Kirby called for a motion to enter into **Executive Session** pursuant to K.R.S. 61.810 (a&b) to discuss acquisition and litigation of two sewer projects. Motion made by Commissioner Adams and seconded by Commissioner Sayers. **Motion carried.**

\*\*\*Executive Session

At the conclusion of the Executive Session, Commissioner Sayers moved to reconvene the Regular Business Meeting at 9:55 p.m. seconded by Commissioner Kelly. **Motion carried.**

**ANNOUNCEMENTS:**

Next City Commission Meeting: Monday, August 2, 2010 @ 7:00 p.m.

No further business came before the Commission. Commissioner Mefford moved to adjourn the meeting at 9:56 p.m. Commissioner Adams seconded the motion. **Motion carried.**

Signed this 2nd day of August 2010

**APPROVED:**

**ATTEST:**

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Don Kirby, Mayor

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