

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING  
MINUTES  
Tuesday, July 5, 2011**

**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  
Attorney Greg D. Voss

Events Coordinator Karen Franxman was absent.

**CALL TO ORDER:**

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Tuesday, July 5, 2011.

**APPROVAL OF MINUTES:**

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

Commissioner Adams made a motion to accept the minutes from the June 6, 2011 Commission Meeting and the motion was seconded by Commissioner Miller. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

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

**UNION CARES PROGRAM:**

For the months of June and July 2011, the city of Union will be working with the program entitled Be Concerned.

Paul Gottbrath, the Director from Be Concerned addressed the commission. Mr. Gottbrath said the food pantry in Florence, KY will be celebrating its 25<sup>th</sup> year helping provide for those in need. In May they served 916 families providing them with food which is the highest total in the last five years. The charity is seeing a surge in the amounts of families in need. Mr. Gottbrath also thanked the city for their support of the charity.

Mr. Gottbrath said the charity has a need for canned food items, tooth paste and toiletry items.

**GUEST WISHING TO SPEAK:**

Frank Beemon from Union Village Subdivision addressed the commission concerning the residents who are against changing from gas to electric street lighting. He would like for the change to happen.

Mayor Kirby said that the commission asked the Homeowners Association send out new ballots before a

**UNION CITY COMMISSION  
MINUTES – Monday, July 5, 2011  
PAGE 2 of 7**

decision is made on this issue.

Mr. Beemon also mentioned the stop signs in his neighborhood. He stated that on Richmond Road, eighty (80%) percent of the people do not stop. He suggested putting in cross walks with the word Stop painted on the road. This will draw the attention of the motorists. Children use this road and the motorists drive too fast.

Mr. Beemon also mentioned the advertisements that are being thrown and not retrieved by the owners. Commissioner Miller said on the package of the Door Store ads, there is a number that you can call and ask them to stop delivering. Mr. Beemon said he wanted his advertisements, but his neighbors do not. Mr. Miller said he needs to contact his neighbors. Mr. Beemon said he feels that it is littering. Mayor Kirby asked if the papers are in the road or in the driveways. And Mr. Beemon said some is in the road and when it rains they get washed down the street. Mayor Kirby suggested that residents pick up the litter and throw it away. City Engineer Mr. Burke said that the first 12.5 feet back of the street curb is within a public right of way; and, if he chose to, could go pick up the discarded papers or trash if littering is evident.

Mr. Beemon said that soliciting is also a problem. Mayor Kirby said the city has an ordinance against this, if they are doing it within certain hours or if they have not registered with the city, please contact the city building. Attorney Voss said that you can post a no soliciting sign on your door. Mr. Beemon suggested the city post something on the street saying no solicitation. Attorney Voss said it is illegal to do so, but Mr. Beemon can put a sign on his property. Mr. Beemon asked if there is a certain place he should put the sign, and Attorney Voss said anywhere on his property as long as it conforms to his HOA rules.

An Ivy Pond resident addressed the commission concerning the use of public rights-of-ways. He and his neighbors recently received a letter from the Planning and Zoning Enforcement Officer in Boone County directing them to remove their basketball goals that were within the public rights-of-ways. The resident acknowledged that there may have been some recent issues on another street pavement in the subdivision concerning a portable basketball goal. The resident stated that the goals on his street had been in the ground for approximately thirteen (13) years. And one (1) of his neighbors had one (1) fixed in the ground for sixteen (16) years. During this time he had never had any issues or complaints.

This complaint was originated from the City of Union office and there were a total of six (6) basketball goals that were not in compliance with zoning laws. Mr. Burke advised that three (3) of these goals were permanently encased in concrete in the grass strip back of the street curb; and, three (3) others were portable located directly on the street pavement or in the grass back of the sidewalk.

Attorney Voss said from a legal perspective, the goals would violate the subdivision regulations.

The resident asked if every street within the City of Union was inspected. Attorney Voss said that he could not say, but we can speak with Boone County Enforcement to see. Mayor Kirby said we could take a look. He asked Mr. Burke if he had seen other violations of this nature while out in the city. Mr. Burke said in 2004 and/or 2005, there were two (2) portable basketball goals along Indian Hill Drive, but, at present, those no longer existed. Mr. Burke said, based upon his observations over time, that no other basketball goals exist within the public rights-of-way of the city limits.

Mr. Kelly asked if the ordinance applied to permanent goals as well as private. Attorney Voss said he was not sure, but would look into it. Mayor Kirby told the resident that they would inspect the goals and speak with the county enforcement to see what can be done.

**CITY ENGINEER REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 15 Items. Mr. Burke allowed the commission to review the Report and ask any questions or address any

**UNION CITY COMMISSION**  
**MINUTES – Monday, July 5, 2011**  
**PAGE 3 of 7**

concerns on items listed within his Report.

Mr. Miller asked about Item #3 Street Repairs/Improvements and Speed Complaints/Speed Studies within the City Engineer's Report. Mr. Miller asked about the City Action Requested concerning Traffic Controls Re-striping, he asked if this has been started. Mr. Burke stated that we have requested bids from three (3) contractors, as suggested by the City Clerk. The intent here is to obtain costs for the white paint standard; and, the more permanent thermoplastic/glass beads striping for addressing one (1) traffic control device along Richmond Road near the pool crossing, which has faded; and, for budget estimates for the other 18 or so devices for the future.

Mr. Miller asked about Item # (3) (b) FY 2011-2012 Street Repairs. The bid for \$124,284.75 from Len Riegler Blacktop Co., and asked if this would be approved at the meeting. Attorney Voss said he had a Resolution and Contract ready for action at this meeting.

Mr. Miller asked where the city is at on Item #10 the Union Village Lighting Plan. Mayor Kirby said that the city had asked for a new ballot. There were many ballots that were not returned and there were two ballot issues on the original ballot and on one of the issues it stated that if the resident did not return the ballot that it would be considered a yes vote. And the other issue stated that if the ballot was not returned it would be counted as a no. The city felt that it was a confusing ballot for the residents. Mr. Erpenbeck from the HOA was to get with Attorney Voss on the new ballot before re sending. Attorney Voss said he had spoken to Mr. Erpenbeck, but had not seen the new ballot. Mayor Kirby stated that if ballots were not returned that he would have city staff call the residents to find out what there points of views were. Mr. Burke said the agreement with Duke Energy is set to expire on July 31, 2011.

Mr. Miller asked about Item #11 (f) Open Centered Cul-de-Sacs, at Whispering Trails and Gunpowder Greens or Windsor Way. The city had an inquiry about the maintenance of the grass in these areas. Mr. Burke said that these two (2) locations are not maintained by an HOA, but by individual property owners. Mr. Miller stated that there is no landscaping in either of these areas. Mr. Kelly mentioned that we could add this to the landscaping contract. Mayor Kirby said this is an issue that we need to review as a committee to see what is best for the area. Mr. Miller suggested maybe removing the island altogether and asphalt over. Mr. Burke said that costs for removal would significantly exceed the costs for grass cutting, etc. The concerns also focused on rutting repairs caused by vehicles.

Mr. Miller asked about Item #11 (g) the Public Sidewalks – Excessive storm water complaints. Mr. Miller stated that we now have over a half a dozen of these types of problems. Mayor Kirby stated that we previously approved fixing the sidewalk drainage on Bayswater Drive. Mayor Kirby asked if we had talked to the property owner. Mr. Burke said he had spoken to both property owners Ms. Tolson and the injured Ms. Wolverton, suffering a broken wrist. We have received two (2) quotes from qualified contractors. The city accepted a quote for \$7,440 from TMS construction, with the work set to start; but Mr. Burke advised that SD1 requires a permit to tap-in to the SD1 catch basin on the street. Since the contractor was not on the approved sewer tappers list, he has since filed the necessary application and is awaiting approval. The extra work has been estimated to cost an additional \$400.00 including the SD1 permit fee of \$85 for inspections.

Mr. Burke said in the meantime he was advised that another person had fallen at the same location. However, it was his understanding that this person did not have any broken bones as x-rayed at a hospital.

Mr. Miller said according to the Report there are about six (6) other separate locations in Hempsteade that sidewalk slippage issues are a problem. Mr. Burke said that residents should have to commit to the city's ordinance by tying into any city funded edge/side drains at an extra cost they would have to pay themselves.

**UNION CITY COMMISSION  
MINUTES – Monday, July 5, 2011  
PAGE 4 of 7**

Mr. Miller asked if this problem was all from sump pumps. Mr. Burke said from it was from sump pumps, roof leaders, and some yard drains. Except for a few instances, most of the discharge lines were within the legal limits at least 20 feet back of the curb. However, compliance with the regulation doesn't resolve the problem. Excessive water continues to flow over the sidewalk.

Mayor Kirby asked Mr. Burke how many houses are contributing to the run-off problem on Ashton Court. Mr. Burke said that there are at least two (2) maybe three (3) homes that are contributing. Ms. Kelly Lobenberg stated that she and her neighbor have talked and this problem has re-occurred now for several years. Mr. Burke advised that providing edge/side drains along both sides of the street would be very expensive, since the nearest catch basin is located near the Cedarwood Drive intersection. Mayor Kirby asked if combining the issues into one (1) side drain was possible. Mr. Burke agreed that it would be less expensive.

Mayor Kirby asked Mr. Burke to see how much it would cost to repair the items, as listed in his Report. Mr. Burke stated he would prepare an RFQ (Request For Quotes) from a number of contractors to take advantage of the lowest bids for the extent of the work involved.

Mr. Miller asked about Item #11 (I) the Bee Hive House in Union Bluffs. Mr. Burke said the city drafted a letter to the owner. Based upon Mr. Burke's field observation, the bee hive house is near the city's property line causing a stinging problem with the landscaper's workers. Attorney Voss said he has reviewed the letter and has some modifications to be made to the letter before sending it out.

Mr. Miller asked Attorney Voss if there are any restrictions as to how high a stop sign must be off the ground. Mr. Miller said there is an intersection in the Harmony Subdivision where a stop sign is blocked by low tree branches. Attorney Voss said the tree needs to be cleared or trimmed. Mr. Burke said that the industry standard sign height is seven (7) feet; and city staff has contacted the HOA president recommending having the trees trimmed.

Mr. Kelly asked for an update on the extent of mowing at Lassing Green bordering US 42. Mr. Burke stated he had discussed the issue with Mr. Patel, the resident owner in the cul-de-sac at the end of Mt. Laurel Drive. Spillman Lawncare is actually mowing more than they need to, based upon the plats and mapping contract. We have had some complaints from this property owner stating the landscaper was not mowing to the area they had in the past. Mr. Burke advised Mr. Patel that the city has a new contractor and marked the areas with stakes to be cut by Mr. Spillman's crew. Regarding the trees buffer, two (2) have been cut down, two (2) others are dead, but tree growth has filled in sufficiently that the buffer is adequate and no new trees are required.

Mayor Kirby asked for an update on the Whispering Trails Storm Sewer Project. Mr. Burke has talked to Mr. Sean Blake from SD1, who stated that he would get back to him with more detailed hydrological watershed design information. SD1 is considering several options that have been discussed and provided to residents and SD1 by the city's Storm Water Report published in July 2010.

Mr. Burke has also applied for some 50/50 cost share funding with SD1 for a limited number of driveway culverts. Mr. Burke has drafted a letter to SD1. Mayor Kirby has reviewed the letter and application with costs approaching \$41,000 and will sign the application to be forwarded to SD1.

One (1) resident stated that during the last rain his wife could not drive across their driveway. Mayor Kirby asked how often this problem has happened. He stated roughly once or twice a year, especially this year, with record storms and rains.

Mr. Burke said there are six (6) resident's driveway culverts out of the total of 21 that are in need of stabilization type repairs to ensure against further collapse. The residents recommended adding a

**UNION CITY COMMISSION  
MINUTES – Monday, July 5, 2011  
PAGE 5 of 7**

seventh, Mr. Shirley's property, making the total seven (7) properties in need of repair. Mr. Burke later stated that the Shirley driveway was a separate issue and not a concern for a collapse.

Mayor Kirby asked if Mr. Burke had a detailed plan and costs for the repair of these properties. Mr. Burke said he already had contractor cost estimates; and, would update these for the next meeting. Hopefully SD1 will provide some additional information regarding a possible 50/50 cost share funding before the next meeting.

Mr. Adams asked if we go in and make these culverts larger now, will we cause more damage to the other residents downstream. Mr. Burke answered yes; this would be a potential liability problem. Mr. Burke said if we are not making them larger, just repairing, the stabilized structures would not collapse, but would again be overtopped during heavy storms, but be safer. The intent here is to stabilize the culverts initially; and, to work with SD1 and the residents on a detailed plan including detention (dry) storage as a permanent solution.

Mayor Kirby would like to get the costs to get this completely fixed, then we go back to SD1 to see what help they might be able to offer.

Mr. Adams said that the city is in a catch, if we make some culverts bigger it will cause flooding downstream. Then you'll see people further down the street that will have their driveways flooded to a greater extent.

Regarding Item #3. (b) the Plantation Point and Hampshire Street Repairs, Mr. Burke recommends that Len Riegler Blacktop Inc. be awarded the bid for \$124,284.75. The bids have been checked for accuracy. Riegler was the low bidder \$279.65 lower than Paul Michels and Sons. Mayor Kirby asked if there were any questions or concerns. Mr. Miller made the motion that we accept the bid, and Mr. Mefford seconded the Motion. Motion Carried.

- **RESOLUTION NO. 2011-011** – A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO ACCEPT THE BID FROM LEN REIGLER BLACKTOP INC. Commissioner Kelly moved to approve and Commissioner Adams seconded the motion. **Motion Carried.**

Regarding the item for financing the Tap-in fee for residents on the Sanitary Sewer System, Mr. Burke stated he was incorrectly led to believe that such financing was only for the residents and not for commercial businesses. While there is only a limited number, City Attorney Voss advised that the city should provide the same financing to all land uses via signed promissory notes payable back to the city via annual property taxes with a low interest rate due to a hardship.

Mr. Burke also mentioned that in his discussions with the City Clerk, the city could decide the opportunity to get out of the sewer business sooner than the loan term of 20 years; and, repay the approximate \$248,000.00 loan sooner within the next few years. Mayor Kirby will look at this possibility for the next fiscal year budget.

Mr. Burke advised we are now almost 100% finished with the construction of nearly two (2) miles of the city's sanitary sewer system including restoration. We have returned the remaining 10% retainage fees for the completed project, but withheld a balance of \$500 from G&T Excavations, Inc. for the Volpenhein restoration for seeding that did not germinate.

Regarding Tap-in Violations, the city still has about seven (7) owners who have not yet tapped-in to the sewer system. Attorney Voss advised he is ready to file action in the proper court of law, as directed by the city commission.

**UNION CITY COMMISSION  
MINUTES – Monday, July 5, 2011  
PAGE 6 of 7**

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

**EVENTS COORDINATOR:**

City Events Coordinator Karen Franxman was not in attendance.

The last family movie night was held in June and we averaged approximately 300 people at each event.

We had one movie night that was rained out and will be re scheduled for early fall.

Beach Blast was held June 11, 2011; we had over 200 people in attendance.

Union Celebrates America was July 1, this was another successful event. The mayor has received numerous compliments.

Mayor Kirby thanked all who were involved in making this a successful event.

The hard work from the adopt-a-unit allowed the soldiers to not only provide for their needs, but also share with other less fortunate units.

The Union Community Theater will present Wizard of Oz in August. They will also be performing All Shook Up. Please view our website for updates.

**PUBLIC WORKS/UNION VISIONING COMMITTEE:**

Commissioner Kelly mentioned that we have received a complaint about high grass on US 42. The city cut the median, but the rest is on private property. Mr. Kelly said for the residents coming out of Whispering Trails it is an obstruction.

We have a couple of dead trees along US 42. Mayor Kirby said to replace the trees.

Mr. Kelly had a clarification concerning the trees that are blocking the stop sign. Mayor Kirby asked if it is a simple trim back or is it an ongoing problem. Mayor Kirby asked if the stop signs are at regulation height and they are. Mayor Kirby suggested that we contact the HOA to have the trees trimmed back.

Mr. Kelly said that graffiti still tends to be a problem. If anyone sees any please contact the Union City Building.

Mr. Jon Campbell asked about street lights on his street that has not been working. They have been reported, but it has not been repaired. The city will follow-up on this issue.

Mr. Campbell asked if there is an update about Tully's Tavern and the sign. The sign is on private property and the city cannot take it down. Attorney Voss will contact Brad Horn with Boone County.

**OLD BUSINESS:**

- Second reading of **ORDINANCE NO 2011-004** AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2011 THROUGH JUNE 30, 2012 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Adams moved to approve and Commissioner Mefford seconded the motion. **Motion Carried.** Mr. Kelly asked about the budget for Urban Forestry. We have put \$50,000 in the budget. Mr. Kelly said before we pay them he would like to discuss further before payment.

**UNION CITY COMMISSION  
MINUTES – Monday, July 5, 2011  
PAGE 7 of 7**

- Second reading of **ORDINANCE NO 2011-005** AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF UNION, KENTUCKY. Commissioner Adams moved to approve and Commissioner Miller seconded the motion. **Motion Carried.**

**New Business:**

None reported

**ANNOUNCEMENTS:**

Next City Commission Meeting: Monday, August 1, 2011 @ 7:00 p.m.

No further business came before the Commission. Commissioner Kelly moved to adjourn the meeting at 9:01 p.m. Commissioner Mefford seconded the motion. **Motion carried.**

Signed this 1st day of August 2011

**APPROVED:**

**ATTEST:**

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

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