

**CITY OF UNION, KENTUCKY
PUBLIC HEARING (Tax Rate)
And REGULAR BUSINESS MEETING
MINUTES
Tuesday, September 6, 2011**

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

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

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 J. Burke, PE PLS
City Clerk Kathy Porter
Attorney Greg D. Voss, Esq.

Events Coordinator Karen Franxman was absent.

Mayor Kirby opened the **Public Hearing** and stated the purpose of the Public Hearing was to discuss the proposed tax rates for 2011. Commissioner Kelly prepared a comparison worksheet of 2010 and proposed 2011 tax rates prior to the meeting. Mayor Kirby asked Commissioner Kelly to review his findings for the commission. Commissioner Kelly stated that in 2010 the real property and personal property tax revenue was \$967,100. If the city keeps the tax rates the same as 2010, which was 0.216 for Real Property and 0.188 for Personal Property, the revenue the city would generate would be \$1,015,624. This would not increase taxes. If the city takes the compensating rate plus 4% tax increase which is 0.223 for Real Property and 0.211 for Personal Property, the revenue generated would be \$1,050,677. If the city took the compensating rate which is, 0.215 for Real Property and 0.203 for Personal Property (which is an increase in taxes) the revenue generated would be \$1,012,916. If the city keeps the tax rate the same as 2010 the city would increase revenue by \$48,524.

Mayor Kirby stated that generally the city has been able to keep the tax rates stable because the increase in new homes being built.

Mayor Kirby asked if anyone had any questions concerning the proposed tax rate.

Commissioner Kelly said his thoughts were to keep the tax rates the same as the previous year.

Commissioner Miller, Commissioner Mefford, and Commissioner Adams also stated that they would like to see the tax rates stay the same as last year.

Mr. Adams made the motion to adjourn. Mr. Miller seconded the motion. **Motion carried.** The meeting was adjourned at 7:05 p.m.

CALL TO ORDER:

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:06 p.m. Tuesday, September 6, 2011.

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 August 1, 2011 Commission

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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 August 31, 2011, and Commissioner Miller seconded the motion. **Motion Carried.**

CORRESPONDENCE:

Mr. Tom Lawler (10193 Hartwood Court) addressed the commission about a letter that he drafted concerning a neighbor that has been playing corn hole on the street until late at night. The neighbor also brings in industrial lighting which shines into their home and they bring radios and have alcohol. Mr. Lawler has tried asking the neighbor to keep the noise down. He was told if he wanted them to stop then he would have to call the Sheriff's Department. The Sheriff's Department has been out to the residence several times, and the neighbor's do quiet down.

Mayor Kirby said we do have a noise ordinance and a curfew. Mayor Kirby asked City Clerk/Treasurer Kathy L. Porter if the Sheriff's Department has called us after receiving a complaint. Ms. Porter said she had not received a call from them.

Commissioner Mefford asked Mr. Lawler if the Sheriff's Department has ever mentioned the noise ordinance to the violators or if it has just been a courtesy call. Mr. Lawler stated it was a courtesy call.

Mayor Kirby asked what the noise ordinance states, whether it is enforceable only by the sheriff's department.

Attorney Voss will research this and send a letter to the resident.

Mayor Kirby asked Mr. Lawler to keep the city informed.

The city commission was invited to participate in the Ryle High School parade.

GUEST WISHING TO SPEAK:

Kurt Stiles who lives in Plantation Pointe / Arbor Springs, Mr. Stiles' home backs up to the retention (wet) pond, and the pond is not retaining water. The pond has lost about five feet of water due to a leak. Mr. Stiles presented photographs of the retention pond.

Mayor Kirby asked Mr. Burke to let the commission know what he has seen and his feelings on the retention pond.

Mr. Burke said he had met with Mr. Stiles on several occasions within a two (2) year period and acknowledges that there is a leak within the discharge control structure. Mr. Burke stated that this and other retention ponds along Relocated US 42 were planned and built by the state highway department. Mr. Burke stated that these ponds are not the city's responsibility and advised Mr. Stiles to call the KYTC District 6 Office, the planning commission and/or the HOA regarding O & M responsibilities. Mr. Stiles stated he contacted the State Highway Department, but has not heard anything back.

Mayor Kirby asked Mr. Burke to follow up on the issue and contact the State Highway Department, as he has a good working relationship with them.

Mayor Kirby asked Attorney Voss if the city had taken possession of the ponds, or if the HOA owns it. Attorney Voss said that he did not know.

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Mr. Stiles stated he went to a Plantation Pointe / Arbor Springs Home Owners Association Meeting and was told that Arlinghaus owns the land that the retention pond is on.

Mayor Kirby said we need to find out the problem and who is responsible for the repairs. Mr. Burke stated he would make the contacts and advise Mr. Stiles.

Eric Erpenbeck, the president of Union Village HOA, addressed the commission concerning the proposed change from gas lights to electric street lights in his subdivision. The HOA re-sent out ballots to each resident asking them if they supported the replacement of the existing gas lights. The ballots were sent out on July 18 and they were to be returned by August 15, 2011. The HOA received a total of eighty-four (84) votes back, with seventy-six (76) in favor of replacing the lights and nine (9) votes against changing the lights. The majority of the residents that returned the ballot were in favor. Sixty-seven (67) residents did not return the ballot.

Mayor Kirby asked if anyone in the audience would like to speak concerning this vote. No one responded. Mayor Kirby told Mr. Erpenbeck to work with Commissioner Kelly and Mr. Burke to get the process regarding public assistance/special assessments re-started. Mr. Burke will contact Duke Energy for an amendment to the original agreement, which expired 07/31/2011. Hopefully, any cost changes will be minimal.

Attorney Voss said that if the subdivision would like to have this as a special assessment, then a public hearing would have to take place. Mr. Erpenbeck said a special assessment is the preferred method. Mr. Erpenbeck asked how long it would be before the project can be started. Attorney Voss said we need to have an updated quote from Duke Energy and then have a public hearing on this.

Mr. Erpenbeck is concerned that this project might push into winter. Mr. Burke stated that previous contact with a Duke Energy representative indicated that the project could go into winter, weather permitting.

EVENTS COORDINATOR:

City Events Coordinator Karen Franxman was not in attendance.

Last movie night with Boone County Parks was held on Friday, September 2.

Fall-For-All is coming up on October 22, 2011 at the Community Building. The event will be held from 5:00 to 7:00 p.m. Then from 8:00 to 11:00 live music will be played, this event is a fundraiser for the Union Adopt – A- Unit.

The city will be selling discounted tickets to Perfect North Slopes again this year.

Union Cares for September is the Henry Hosea House.

Union Community Theater is presenting the Wizard of Oz on Thursday through Saturday August 4 – 6. The shows had an attendance of 1134 people. The upcoming show is entitled "All Shook Up" this show is a youth show. The show dates are November 10-12 at Ryle High School.

Due to the population increase the City of Union will have its own newspaper. The paper will begin circulation on September 29, 2011. Anyone wishing to submit articles should contact Stephanie Salmons at ssalmons@nky.com. The information will be put on the City's website.

ECONOMIC DEVELOPMENT COMMITTEE:

Commissioner Mefford stated that Mr. Jim Parsons was hired as a consultant for the Economic

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Development Committee. He is currently working on a report. There is a follow-up meeting on September 20, 2011.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly stated that the snow removal contract expires on December 31, 2011. The city will be advertising for bids in the Boone County Recorder on September 15 and September 22, 2011. The bids will need to be returned by October 27, 2011.

Mr. Kelly said if any Commissioner had any suggestions for changes to the contract to please let him or City Clerk/Treasurer Kathy Porter know.

City Clerk/Treasurer Kathy Porter said the bid specs are new.

Mr. Kelly asked Mr. Burke about the sidewalks along US 42, there is a bow in the sidewalk. This is the responsibility of the State Highway Dept. Mr. Burke said we need to contact Scott Pennington.

CITY ENGINEER REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 17 Items. Mr. Burke stated that the commission has previously received Report, and if there were any questions, he could respond. Mr. Burke provided an overview with an emphasis on City Action Items to follow.

Regarding Item #1 Sanitary Sewer Systems are 99.3% complete with Phase C; and, 99.9% complete with Phase A&B. The city still has only \$500 withheld from the contractor for final yard restoration on the Volpenhein property that has not been completed. Mr. Burke feels that the contractor might have walked away from the restoration and forfeited the remaining amount. Mr. Burke recommends that we have our current landscape contractor maintain the Volpenhein property, when required due to winter approaching, as extra work per the existing landscaping contract.

Regarding Item #2 the City Building Entrance Drive, now has the storm culvert in place. The state highway department still needs to come back and extend a side ditch to provide adequate drainage. The KYTC's Mr. Scott Pennington will be contacted. Mayor Kirby asked if the repair of the culvert has been successful. Mr. Burke stated yes, but until the side ditching is extended by the highway department, it would still pool water next to the city's entrance, a safety hazard along the roadway.

Regarding Item #3 (a) (2) regarding black graffiti appearing on a speed hump along Cedarwood Drive, Mr. Burke stated that a small inexpensive can of gray spray paint was used to re- paint over the graffiti.

Regarding Item #3 (b) the FY 2011 – 2012 Street Repairs, Len Riegler Blacktop, Inc. is nearing completion of the Plantation Pointe / Lancashire & Antebellum / Hampshire / Holderness project. The only item remaining is the joint & crack sealing. However, during a pre-construction drive through meeting with the contractor, excessive storm water over topping the sidewalk at 1263 Lancashire Drive will generate the need for some extra work. Edge/side drains will increase the costs by as much as an extra \$5,800.

The city has also worked with the City of Florence to have the resurfacing of Appomattox Drive extended to their portion of the roadway. The City of Florence has agreed to use the city's contractor and refund the City of Union an estimated \$12,500 that it will cost to have Reigler Blacktop complete these repairs.

Regarding Item #3 (c) the Harmony Estates/Splendor Drive and Sycamore Drive public fence buffer, the fence has been installed and reflectors have been placed. An invoice from R.E.B.T. Construction, Inc. is expected.

Regarding Item #4 fronting Gunpowder Greens, the Frogtown Sanitary Interceptor Sewer, the SD1

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contractor is now working along Churchill Drive, as an open cut, to install the pipe project.

Regarding Item #8 (a) the City Building parking lot, Mr. Burke is working with Pete Michels of Paul Michels and Sons to perform the work to include an under drain across the parking lot connecting roof leaders and full asphalt sealant. After negotiation, the cost of this work will approximate \$5,200.

Regarding Item #10 (a) the Public Street/Private property flooding in Gunpowder Greens on Windsor Way. Sanitation District No. 1 is performing on-site inspections. SD1 had approved a 50/50 cost share for this project which was estimated to cost \$16,000 including engineering fees, with ½ or \$8,000 to be refunded to the city after completion. The final concrete and asphalt overlay are the items that need to be completed.

Regarding Item #10 (d) (8), Mr. Warren Hanson at 10184 Glenfield Ct, this issue was excessive storm water generated in part from a previous building addition from the rear yard of an adjacent new neighbor. Mr. Hanson stated that excessive storm water drainage has damaged his driveway. Mr. Burke advised that the problem also shows signs of undermining the curb and public street. Mr. Burke has made contact with the neighbor, the Tierney's. In response to Mr. Burke's question regarding the city's level of financial responsibility, Mayor Kirby stated that the city's cost would be limited to work only within the public right-of-way. Mr. Burke stated he would work with the property owners and a contractor regarding competitive costs to resolve the problem.

Regarding Item #12 the Boone County Comprehensive Plan, a request was received from the county planning commission's Bob Jonas regarding updates to water and sewer elements of the Plan. Mr. Burke has reviewed these portions of the Plan with the emphasis on Union and drafted recommended changes occurring with the last five (5) years, forwarded same to the City Clerk for response back to Mr. Jonas for insertion to the Plan.

Regarding Item #16 the stolen storm grates, four (4) grates along a Westbrook Estates street, privately maintained, were replaced by the developer. Two (2) grates within South Harmony at Cobalt Way, accepted streets, were replaced by the city's contractor and an invoice from TMS Construction, Inc. for a \$309 payment sent to the city clerk/treasurer was approved for payment. Commissioner Miller asked if we could spot weld the grates. Mr. Burke said we could; but, access maintenance would be a problem; and, if only a few would be spot welded, the city may have to do them all. Mr. Burke suggested that the city wait until this becomes a major problem.

Regarding Item #6 the Whispering Trails Storm Drainage Report, Mr. Burke has been in contact with Mr. Royse, 1838 Whispering Trails (formerly the Landrum Property) regarding sink holes in his side yard over the storm sewer; Mr. Burke responded to Mr. Royse via email and recommended Sanitation District No. 1 be contacted, the owner of the storm sewer system, since May 2010. Mr. Burke also stated he received a response back from SD1 on an application requesting a 50/50 cost split on the funding to stabilize the six (6) most severe culverts/driveways. SD1 stated that since these culverts were on private property, SD1 has denied the application. However, SD1 stated in their letter that this project is on target for a full hydrologic study which will be completed by early spring or late summer of 2012. The District has repeated that the Whispering Trails project remains to be part of the larger Master Plan for Gunpowder Creek, to be resolved, hopefully, sooner than later.

Mr. Burke stated by request of the city commission, the city received bids to repair the six (6) most critical culverts. The city has received sealed packets from a total of six (6) contractors with the opened bids for all the culverts combined ranging from \$52,462 to \$130,000. Mayor Kirby asked why such a disparity. Mr. Burke said that it depends on the contractors and how busy or interested they are.

Mr. Burke has reviewed all the bids and prepared a matrix of bid tabs by individual addresses. Three (3)

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separate contractors had low bids for the six (6) culverts. Five (5) of the six (6) culverts containing galvanized pipe are deteriorated beyond repair. One (1) culvert (address 1925) contains reinforced concrete pipe (RCP) and is in good shape. Only backfill and surface repairs are necessary. Mr. Burke stated that two (2) contractors submitted low bids on one (1) culvert (address 1836) of further dependent upon whether to include or not include an enclosure grate.

Mr. Burke stated it has been general practice in many areas to include enclosure grates for certain culverts. These safety measures have been previously installed elsewhere within the city as well as on the discharge outlet pipe structure on the Landrum/Royse property for child safety. If the property owner or city desires to have these enclosure grates installed, there would be a maintenance issue that the property owner would be responsible for, since these structures are private.

Mayor Kirby asked if Mr. Burke is familiar with Coomer Contractors in Dry Ridge, KY. Mr. Burke said that they are relatives of Greg Spillman, the city's current Landscaping Contractor.

Attorney Voss said this project is partly a public safety issue; and, the city by our previous studies has recognized that some percentage of the diverted water can be defined as public that is causing some of the damages.

Mayor Kirby suggested a letter to be sent out or contact be made to the affected property owners and see if they can coordinate a meeting to discuss these findings, bids received and their interest. Mr. Jon Campbell indicated he would coordinate with the property owners for a meeting.

Mayor Kirby asked Mr. Burke to contact the three (3) low bidders concerning their times of availability. Mr. Burke stated he would.

Mr. Raybourne (1887 Whispering Trails) asked the commission after all the work the city has done why SD1 can wait so long or more than eighteen (18) months to answer this issue and who they are accountable to. They have been billing him for these storm water services. Mr. Miller suggested that he contact Boone County Judge Executive Gary Moore, who appoints members to the SD1 Board.

Mr. Raybourne asked if we could have Mr. Blake from SD1 back at another meeting. The city commission acknowledged they will move forward.

Regarding the edge/side drains project the City Attorney sent letters to nineteen (19) property owners on streets named Ashton Court, Brandsteade Drive and Cedarwood Drive. Following on-site inspections, contacts and/or follow-ups, Mr. Burke stated that there are about eleven (11) property owners discharging excessive storm water, which require mandatory tie-ins. All of these owners have been notified. In addition, there are some others who may wish to tie in. All of this information has been compiled into a list to be forwarded to the contractor. Regarding the Shively accident along Cedarwood Drive, Boone County indicated they would install the system and invoice the city for reimbursement based upon the contractor's costs.

Should the city decide to go forward with the bid submitted by TMS Construction, Inc. the cost would approximate \$39,214. However, it was noted that a few property owners along Ashton Court had sprinkler irrigation systems not permitted within the public right-of-way between the sidewalk and the curb. Mr. Burke stated that he advised four (4) owners that the city's contractor will not restore such systems, if damaged; and, to relocate such systems outside the limits of the right-of-way, preferably 12-1/2 feet back of the curb. Mayor Kirby restated his concern with notifying the property owners.

Commissioner Kelly asked if Mr. Burke had a response from all of the affected residents. Mr. Burke said that he had contact with all those requiring a tie-in, but a few. Mayor Kirby said we need continue to send

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letters to the affected residents to keep them informed of all these type projects.

Commissioner Mefford stated that as a city, we have a responsibility to keep the sidewalks safe for our residents. Commissioner Mefford asked if the city has some avenue to require the builders to tie the roof leaders into the catch basins. Mr. Burke responded that the county/city subdivision regulations and other codes already address most of these issues. In general water generated from land developments must be disposed on their own land or lots or connected to catch basins, if such basins are close by. However, some targeted discharges such as sump pump lines, roof leaders have created problems. In response to Mr. Mefford's question concerning the need for further regulatory amendments, Mr. Burke stated that after results of this study with the public's input resulted in only 11 of the 19 properties within the entire city causing an excessive water safety problem over sidewalks, any major amendments to the county/city wide regulations may not be necessary.

Commissioner Adams made the motion to approve the bid by TMS Construction, Inc. to complete the edge/drain project for the lowest costs, as quoted. Commissioner Mefford seconded the motion. **Motion Carried.**

Mr. Burke stated he received another call from Dina Rancourt of CMC Properties with Harmony Subdivision. They have had an issue with the asphalt street pot holes on Evensong Drive. This location is beyond the neighborhood community pool. This location is also in the vicinity of another street pot hole near the pool closer to Sweet Harmony, as well as a major problem along Sweet Harmony Drive near its intersection with Evensong Drive.

On Sweet Harmony, the pavement lane has settled significantly next to the curb and is in need of repairs.

Mr. Burke had previously sought legal advice that Bray Trucking, a suspect causing the damage be contacted for reimbursement for these repairs. Mr. Burke said that Bray Trucking has a soil excavating/hauling operation beyond the street, now stubbed for future extension. However, the company is no longer using Sweet Harmony at this location, directly.

Attorney Voss said since there is no regulations on the weight limits for the street, we do not have a legal argument against Bray Trucking.

Mr. Burke has sought and received two (2) bids on repairing the previous asphalt problems along Evensong Drive and Sweet Harmony. Len Riegler Blacktop submitted a bid for \$13,167; and Paul Michels & Sons submitted a bid for \$12,050. In response to Attorney Voss' legal advice, Mr. Burke recommended that Paul Michels & Sons be awarded to perform repair work, adding the additional work recommended by CMC Properties. Mr. Burke stated that with the addition, total costs should amount to about \$13,000.

Commissioner Adams asked if the dirt has been removed and maybe the trucking operation is over. Mr. Burke said that the dirt pile was still there but the trucks are now going out in another location.

Commissioner Mefford made the motion to repair the streets and Commissioner Kelly seconded the motion. **Motion Approved.**

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

OLD BUSINESS:

- ❑ **RESOLUTION NO. 2011-012** – ACCEPTING THE BID FOR FOUR SEASONS LANDSCAPING LLC. FOR

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PROVIDING LANDSCAPE SERVICES FOR LASSING GREEN. Commissioner Miller moved to approve and Commissioner Mefford seconded the motion. **Motion Carried.**

- ❑ Second Reading of **ORDINANCE NO. 2011-006** – AN ORDINANCE RELATING TO THE CREATION OF THE POSITION OF OFFICE ASSISTANT FOR THE CITY OF UNION, KENTUCKY SPECIFYING POWERS AND DUTIES OF THE POSITION. Commissioner Miller moved to approve and Commissioner Kelly seconded the motion. **Motion Carried.**

NEW BUSINESS:

- ❑ First Reading of **ORDINANCE NO 2011-007** – AN ORDINANCE LEVYING AND FIXING THE TAX RATES OF THE CITY OF UNION, KENTUCKY, FOR THE FISCAL YEAR 2011-2012, LEVYING SAID TAX UPON REAL, AND TANGIBLE PROPERTY; FIXING THE DATE OF PAYMENT, DISCOUNT PAYMENT, DELINQUENCY AND INTEREST CHARGES; FIXING THE PURPOSE THEREFORE; AND SETTING FORTH THE PROCEDURE FOR COLLECTION OF TAXES. Commissioner Adams moved to approve and Commissioner Miller seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2011-013** – APPROVING AND AUTHORIZING THE CITY CLERK/TREASURER TO USE A SIGNATURE STAMP ON CITY CHECKS WITH A THRESHOLD AMOUNT OF ONE THOUSAND DOLLARS. Commissioner Mefford moved to approve and Commissioner Kelly seconded the motion. **Motion Carried.**

Commissioner Miller mentioned that on Monday August 8, 2011 he witnessed two employees with Spillman Lawncare mow over trash instead on getting off mower to pick the trash up. Mr. Miller approached the employees concerning the trash and the employee said he would. A week later he noticed that they were still mowing over the trash instead of picking up the trash. Commissioner Miller would like to draft a letter concerning the trash.

Commissioner Miller also asked about a complaint that was sent to the city concerning signs that are posted outside of the city building on the weekend. Kathy said this is a state right of way. Kathy Porter said Mitch Light with Planning and Zoning responded to the complainer.

ANNOUNCEMENTS:

Next City Commission Meeting: Monday, October 3, 2011

No further business came before the Commission. Commissioner Kelly moved to adjourn the meeting at 9:08 p.m. Commissioner Mefford seconded the motion. **Motion carried.**

At 9:09 p.m. Commissioner Miller asked questions concerning the Union Village Lights and the Whispering Trails projects. Commissioner Miller stated we are setting precedence by using city funds on private property. Since the Whispering Trails project is because a safety issue the city can justify using city funds.

Commissioner Miller made a motion to adjourn the meeting and Commissioner Mefford seconded the motion. **Motion carried.**

Signed this 3rd day of October 2011

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer