

**CITY OF UNION, KENTUCKY  
BUSINESS MEETING  
MINUTES  
Monday, October 6th, 2014**

**CALL TO ORDER BUSINESS MEETING:** Mayor Don Kirby called the Monthly Business Meeting of the Union City Commission to order at 7:00 p.m. Monday, October 6th, 2014.

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

**ROLL CALL:** A quorum was present:

Mayor – Don Kirby

Commissioner – Bryan Miller

Commissioner - Ken Heil

Commissioner – Donna Fryman

**Also present was the following:**

City Engineer - Barry J. Burke, PE PLS

City Attorney - Greg Voss, Esq.

City Clerk/Treasurer – Kathy Porter

**Absent:**

Commissioner - Deanna Kline

**PLEDGE OF ALLEGIANCE:** Mayor Don Kirby led the audience in the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES:**

All City Commissioners were provided a copy of the minutes of the Special Business Meeting from September 9th, 2014, prior to tonight's meeting. Commissioner Heil made a motion to dispense with the reading of the Special Business Meeting Minutes from September 9th, 2014, and the motion was seconded by Commissioner Fryman.

**Motion carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Miller moved to accept the Treasurer's Balance Summary Report as of October 6th, 2014, and Commissioner Fryman seconded the motion. **Motion carried.**

**BILLS FOR PAYMENT:**

Commissioner Heil made the motion to pay the bills, as received. Commissioner Fryman seconded the motion.

**Motion carried.**

**PERSONS WISHING TO SPEAK:**

Mr. Jeff Wallace addressed the commission concerning the lot at the corner of Frogtown Road and US Highway 42, where the IGA Express is planned to be built. There has not been any work at the property for a long time and there is equipment that has been sitting there and the weeds have been allowed to grow. The city will contact Boone County Codes Enforcement to have the equipment removed and the grass mowed.

Ms. Robbie McFerron, a member of the Union Adopt-A-Unit, introduced herself to the commission and audience. Mayor Kirby briefly explained the purpose of the group and stated that it was a worthwhile committee that the city has backed.

**PLANNING AND ZONING REPORT:** Mr. Jim Longano stated there were no items that directly impacted the city of Union. Mr. Longano stated the Planet Fitness has been approved to be built on Mall Road.

**UNION COMMUNITY BUILDING/UNION COMMUNITY THEATER DATES:**

Commissioner Heil stated that the Union Community Theater has offered to take care of the 2014 and 2015

Breakfast with Santa events for the city in exchange for permission to move forward with the planning of the fall show for 2015. Commissioner Miller made the motion to allow the Union Community Theater to host the Breakfast with Santa in exchange for allowing them to have the 2015 fall production. Commissioner Heil seconded the motion. Commissioners Heil and Miller and Mayor Kirby voted in favor of the motion and Commissioner Fryman voted against the motion. The motion carried with a 3-1 vote.

Commissioner Heil also mentioned the area at Ryle High School, he stated the right lane past the school is useless. He would like to ask the Kentucky Department of Transportation to review the traffic flow. Commissioner Heil made the motion and Commissioner Miller seconded the motion to involve Mr. Burke, city engineer. All voted in favor. Motion Carried.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):**

Commissioner Kline was not in attendance for the October 6<sup>th</sup> meeting.

**COMMISSIONER OF PUBLIC WORKS:**

Commissioner Bryan Miller stated that the sidewalk safety problem in front of the Union Presbyterian Church along US 42 has been repaired.

Commissioner Bryan Miller stated the city received another bid on the maintenance of the heating and air conditioning on both city owned buildings. The new quoted is from Morris Heating and Cooling. Commissioner Fryman made a motion to accept the quote from Morris Heating and Cooling and Commissioner Miller seconded the motion. All voted in favor. Motion Carried.

Commissioner Miller stated there was a traffic accident along Old Union Road at Clarkston Lane. A delivery truck damaged a portion of Old Union Road and a section of guard rail at the bridge at Clarkston Lane. Boone County Public Works was notified and came out and placed a temporary patch on the damaged roadway, and secured the site for safety Commissioner Miller stated he had met on-site with Mr. Burke; and, the city would seek quotes from local contractors regarding the damages, inform the trucking company from Louisville regarding compensation and/or for insurance purposes and perform any necessary repairs.

As publically advertised, the city has received one (1) bid for snow removal. The bid was from Perfection Landscaping, LLC, and Florence, Kentucky. Their bid was the same as in previous years except for the cost of salt. The price for salt is now increased by \$40.00 per ton.

We received a complaint about the open burning of leaves. The resident stated that the smoke made it to where her kids were unable to play outside. Commissioner Miller suggested we review the city's ordinance on open burning.

Commissioner Miller also mentioned the ordinance concerning garbage cans. Currently, the ordinance states that garbage cans cannot be placed at the curb prior to 6:00 pm on a Wednesday, the night before pickup; and, must be removed prior to 6:00 pm on Thursday. Commissioner Miller proposed to change the time to 6:00 am on Wednesday to Thursday at midnight.

Commissioner Miller also advised that the street resurfacing and repairs along Lakepoint Court and Indian Hill Drive was complete and that he thought city still owes the contractor some money. Mr. Burke stated that Commission Miller is correct; and, presented a copy of the original Invoice listing the 10% retainage amount held for at least 30 days. Thus, a final payment of \$10,140.10 is recommended for payment to Len Riegler Blacktop, Inc.

**CITY ENGINEER'S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling twelve (12) items, some, as noted, requiring some city commission actions.

Regarding Item 1 (f), Hempsteade Subdivision/Lakeway Court street repairs. In response to resident's inquiry presented at the last meeting and after another on-site review, Mr. Burke asked for approval of Change Order Number 4 (CO4) in the amount of \$2,375. To replace an additional 85 square feet or 9.5 square yards of concrete slab/curbing. Commissioner Miller made the motion and Commissioner Fryman seconded the motion. All voted in favor. Motion Carried.

Regarding Number 3 (c), the request for a pedestrian crossing along US 42 at Sweet Harmony Lane. After the August business meeting, as directed, Mr. Burke formally requested a study from the KYTC District 6 Office for improved pedestrian safety at US 42 and Sweet Harmony Lane. On October 1st, Mr. Burke received results of the study from the KYTC. In summary, the KTC found very low pedestrian volumes and only three (3) non-pedestrian accidents at the intersection. Thus, the KYTC has concluded that a pedestrian crossing or warning beacon is not warranted at the present time along this section of highway having a posted speed limit of 55 MPH. By subsequent request, Mr. Burke also stated that the KYTC advised that other safety improvements along US 42 south of Frogtown Road including a lower speed limit of 45 MPH, pedestrian crossings and other signalization improvements have been made. No further action was taken.

Regarding Number 7 (a) & (b). Duke Energy – Outdoor Lighting Agreements – Harmony Estates. Following receipt of Duke Energy Agreements, Mayor Kirby advised Mr. Burke that the Agreements including city monthly costs for energy use were previously signed and processed.

Regarding Number 9, Old Union Road and Clarkston Lane – Truck Delivery Accident. This item was covered earlier within Public Works Commission Miller's Report.

Regarding Number 11. Kentucky Infrastructure Authority (KIA) 2016 SRF Call for Projects. Mr. Burke stated that the city had previously applied for competitive state grant / loan funding for three (3) projects including Whispering Trails (i.e., flooding and storm drainage); and, Gunpowder Greens (i.e., sanitary sewer system). The city did not apply last year due to low priority ratings. The KIA is accepting online applications for 2016 Projects. After some discussion, Mayor Kirby advised that there have not been any resident requests or other pollution problems within Gunpowder Greens, which contains very large lots, and thus recommending that Gunpowder Greens be deleted from the list. Commissioner Miller stated that the deadline for completing new applications is December 12<sup>th</sup>. Mr. Burke acknowledged the city's direction and stated he would make the new 2016 SRF online applications for only Whispering Trails.

Commissioner Fryman asked about storm sewers, if Mr. Burke inspects them as well. Mr. Burke stated that about 98% of the storm sewer systems have been transferred to Sanitation District 1 as a part of SD1 transfer agreements including Union in 2010, with the exception of the catch basin frames and grates within public streets. Commissioner Fryman stated there is one (1) on her street (Golden Pond) that is sinking. Mr. Burke stated the city needs to call SD1 to have them inspect the storm sewer. Commissioner Fryman stated that SD1 has repaired a couple of other similar ones on the street.

#### **EXECUTIVE SESSION:**

None needed.

#### **ITEMS FOR CONSIDERATION:**

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

- ❑ **RESOLUTION NO. 2014-011** - A RESOLUTION APPOINTING KEN HEIL TO SERVE ON THE BOONE COUNTY **PLANNING AND ZONING COMMISSION TECHNICAL DESIGN REVIEW COMMITTEE** ON BEHALF OF THE CITIZENS OF THE CITY OF UNION, KENTUCKY. Commissioner Miller made the motion to approve the resolution and Commissioner Fryman seconded the motion. Motion Carried.
  
- ❑ **RESOLUTION NO. 2014-012** - A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE AGREEMENT FOR CITY **ENGINEERING SERVICES** BETWEEN THE CITY OF UNION, KENTUCKY AND BARRY J. BURKE, PE PLS. Following commissioner discussions concerning the Agreement and Insurance, Mr. Burke advised he had previously applied; but did not actually have a Certificate of Insurance for professional and general liability. The city advised Mr. Burke that he could not perform any further city engineering services until the insurance matter is resolved. After more discussion concerning the City Engineer position 'adopted as an employee' or an independent contractor, the city offered to hold a special meeting within one (1)

week to resolve the issue regarding Mr. Burke's Insurance, the city's Employee and The Agreement. The city tabled this resolution until the issues are resolved.

- **RESOLUTION NO. 2014-013** - A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO ACCEPT THE BID FROM PERFECTION LANDSCAPING & DESIGN, INC. AND TO ENTER INTO A CONTRACT FOR **SNOW/ICE REMOVAL SERVICES**. Commissioner Fryman made the motion to approve the resolution and Commissioner Miller seconded the motion. All voted in favor. Motion Carried.

**ANNOUNCEMENTS:**

The next regular city business meeting is scheduled for Monday, November 3rd, 2014.

**ADJOURN:**

With no further business coming before the Commission, Commissioner Heil moved to adjourn the meeting at 8:26 p.m. Commissioner Miller seconded the motion. All voted aye. **Motion carried.**

Signed this 3rd day of November, 2014

**APPROVED:**

**ATTEST:**

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Don Kirby, Mayor

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Kathy Porter, City Clerk/Treasurer