

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Tuesday, April 10th, 2012**

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

CALL TO ORDER:

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Tuesday, April 10, 2012.

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

ROLL CALL: The following members were present:

Mayor Don Kirby
Commissioner Bob Kelly
Commissioner John Adams
Commissioner Bryan Miller
Commissioner John Mefford
City Clerk/Treasurer Kathy Porter
City Engineer Barry J. Burke, PE PLS
City Events Coordinator Karen Franxman
Attorney Greg D. Voss, Esq.

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 March 5th, 2012 City Commission 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 March 31, 2012, and Commissioner Mefford seconded the motion. **Motion Carried.**

GUEST WISHING TO SPEAK:

Kevin Costello from Boone County Planning and Zoning addressed the commission on the behalf of the Economic Development Committee (EDC). A property owner meeting has been held, where potential property owners within the Union Town Center area (a ninety acre area) was presented with the Economic Incentives Report and other information about the project. They had approximately fifteen (15) property owners come to the meeting. They had some existing business owners from Old Union Road also attended the meeting. Mr. Jim Parsons was at the meeting to present the report and answer questions. From that meeting, two (2) property owners have come forward that would like to participate in the Request-For-Proposals (RFP). Mr. Costello said they are working with Mr. Parsons to draft the RFP and review the proposals that are being brought in. There may be multiple developers and multiple sites. The EDC would like to use excess money from the money allocated for having Mr. Parsons draft the Economic Incentives Report, to work with the EDC to draft RFP and review the proposals that come in. The goal is to come up with at least one developer and bring the information back to the city.

Mayor Kirby asked what the total amount that was allocated to have Mr. Parsons draft the report. Mr. Costello stated the total was \$15,000, and they have about \$4,500 remaining. Mayor Kirby asked what Mr. Parsons would do if they retained him to help further. Mr. Costello said he would help draft the RFP and help review responses.

The EDC currently has a scheduled work session to review the draft RFP in May. From there they will firm up the schedule to release it. Mr. Costello invited any interested party to attend the meeting.

Mayor Kirby asked if there are any objections to using the remainder of the money allocated to retain Mr. Parsons.

**UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 2 of 10**

No one from the commission had an objection.

Mr. Joe Prather a resident of Russwill Lane addressed the commission concerning a parking problem. He and his neighbors (Mr. Frost and Mr. Hedgecock) attending with Mr. Prather asked the commission about possibly having no parking signs placed on his street. Mr. Prather suggested a sign that said no-parking overnight or to put a time limit on parking. They have an issue with a resident across the street from his home that has been parking on Mr. Prather's side of the street and leaving oil spillage on the street. Mr. Prather believes this is an EPA violation of some sort.

Mayor Kirby asked Mr. Burke if he had looked into the situation, however, he was unaware of it. Commissioner Kelly commented on the situation concerning the parking ordinance. The current city parking ordinance states that a vehicle must be moved every twenty-four hours, which is occurring. But, the owners of the vehicles are parking close to Mr. Prather's driveway and fire hydrants; the new county ordinance is more restrictive in how close a vehicle can park to driveways and fire hydrants. Mayor Kirby asked if there is some type of local ordinance that might make give us the authority to have the vehicles repaired in order to keep the oil from leaking on the street. Mr. Kelly stated he has reviewed the ordinances and did not see any, but asked City Attorney Voss if he knew of any. Attorney Voss stated he will research this situation and advise. Attorney Voss asked Mr. Prather what the address was of the property problems in question. Mr. Prather said the address was 10151 Russwill Lane. The property owner is Ed Klus.

Mayor Kirby asked besides the parking issue, if there were any other problems with this resident. The residents attending stated that there had been instances where parties were loud and the police had been called. One resident stated she couldn't understand why some no-parking signs originally posted along the street were no longer there.

Mayor Kirby stated that the applicable no-parking ordinances will be reviewed and he would advise Boone County Sign Division to review and re-post the no-parking signs along the roadway. Mayor Kirby also suggested calling the county's code enforcement regarding these problems.

Mrs. Prather also spoke to the commission concerning an incident with the same neighbor or family member who lives at 10151 Russwill with his dog. The neighbor was walking his dog and allowed him to lift his leg on their newly planted flowers around her mailbox. The neighbor got very upset using profanity when she tried to address or stop him.

Mayor Kirby asked if there were any other problems with people parking vehicles on the street. Mr. Prather stated that residents were not the only people parking vehicles on the street, and he saw on several occasions' non-residents having a function with the resident also having people parking numerous vehicles on the street.

Mayor Kirby asked Mr. Prather if anything else occurs, and the Sheriff's Department has to be called to please let the city know.

EVENTS COORDINATOR:

City Events Coordinator Karen Franxman, Ms. Franxman briefly summarized her report.

The third annual Pancake Breakfast and Easter Egg Hunt was held on Saturday, March 31st. We had about ninety-six (96) paid adults eat breakfast and had one hundred sixty-seven (167) children register for the egg hunt. Each child was able to collect nineteen (19) eggs. Ms. Franxman thanked all volunteers.

The Good Friday Fish Fry was held on Friday, April 6th, with about 302 meals served. St. Timothy Catholic Church allowed the city to use their equipment which helped the city. This was a fundraiser kickoff for the Adopt-A-Unit Program.

On Sunday, April 15th, the Gunpowder Creek Acoustical Society will be having their first gathering of the year. The

**UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 3 of 10**

time is from 4:00-7:00pm. An email blast was sent to our residents on Monday, April 9th, 2012.

On Tuesday, May 22nd it will be Union Community Night at Florence Freedom Ball Park. Discounted tickets can be purchased for \$8.00 with \$3.00 of the purchase price donated back to our Adopt-A-Unit Program. Tickets will go on sale April 16th. Tickets will be also sold on line at Florence Freedom or you can call the box office. The tickets will not be sold at the City Building. The Florence Freedom has requested that Mayor Kirby throw out the first pitch and possibly sing the National Anthem or the 7th Inning stretch.

Movie nights with the Boone County Parks and Recreation will begin in June. The city has three (3) movie nights planned. The first one will be held on Friday, June 8th and the movie will be Dolphin Tales; on Friday, June 15th the movie will be Chipwrecked; and, on Friday, June 22nd the movie will be Hop. Ms. Franxman has already spoken to Mr. Barlow for permission to use his hillside property across the road and the parks department will cut the grass.

On June 16th we will be having our Third Annual Beach Blast with music by Conch Republic. More details will be provided closer to the event.

On Friday, June 29th the Second Annual Union Celebrates America Parade and fireworks will be held. Registration forms are available on the City's website and at the City Building. A Registration Form must be completed in order to participate in the parade. We are still waiting to hear if the Dragoons will be able to attend.

Event sponsorships are still available.

The next Volunteer Committee will be meeting scheduled for Thursday, May 10th at 6:30 pm at the Union Community Building.

For the Adopt-A-Unit Committee they will be having monthly meetings starting in May. The dates will be posted on the City's Website. At this time there are 178 names on the roster for this year. They are scheduled to be deployed in November to Afghanistan for nine (9) months.

Anyone wishing to get involved can send an email to unionadoptaunit@gmail.com.

For the Union Cares program, Karen is still trying to locate agencies to accept clothing that was donated for the tornado victims in our area.

The Union Community Theater the Sound of Music has been casted. They had an overwhelming response to the auditions, 103 people showed up to audition. Tickets will be going on sale on May 1st. The cast list and other information can be found on the website at www.unionct.net. The show will be held on July 12th, and 13th, and two (2) shows on the 14th at the Ryle High School Auditorium.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly stated that there are approximately 36 dead trees alongside US 42. Our mowing contractor has gone out and tagged the trees that they feel are dead and gave the city a price of \$35.00 per tree to remove them. Mr. Kelly stated that we could possibly get other quotes. Mayor Kirby said he felt we need to get another quote. Commissioner Kelly asked the commission if they felt we should treat the trees for worms, or at least get quotes. Mayor Kirby said to get a quote. Commissioner Kelly mentioned the fence at Lassing Green Subdivision and the need to have it repaired and repainted. The quote that we received at the end of the season last year was for \$3,600 and Mr. Kelly felt that it was a little high. He asked the commission if we should get more quotes and Mayor Kirby said he felt that we should. Commissioner Mefford asked what the previous quote included. Mr. Kelly stated it was for repairing the damaged boards and repainting the entire fence. Commissioner Miller stated that he was told that it included 36 boards that needed replacing and repainting of the fence. Commissioner Miller asked if it included the section of fence that is located on US 42. It was implied that this section was also to be included, as shown on the landscaping area mapping documents.

**UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 4 of 10**

Snow Removal bid documents and requests have been prepared and the Notice-To-Bid was published in both the Boone County Recorder and Kentucky Enquirer. The bids received will be opened on Wednesday, April 25th at 3:00 p.m.

We are starting to get complaints of high grass that has not been mowed. If anyone sees grass over 8", we have an ordinance against it and the city will send the owner a letter to have the grass cut; and, if they do not comply the city will go in and cut it and bill the resident, as required.

On the KY 536/ Mt. Zion Road Project the city should know within a week if additional funding requests for the right-of-way acquisition will be granted.

Planning and Zoning: There was nothing to report at this time.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 13 Items previously provided to the city commission and staff. Unless there are questions, Mr. Burke stated he will discuss eleven (11) of the items in the Report for City Actions, as required.

Regarding Item number 2, (a) under Storm Drainage Systems (assets transferred to SD1 June 2010), for the storm drainage systems there has been an effort in Boone County to transfer approximately thirty (30) or forty (40) detention basins that are in fee simple ownership from Boone County to SD1. Mr. Burke stated that the City of Union has two (2) detention ponds that fit the same description (Union Bluffs and Wyndham Way). Mr. Burke provided Attorney Voss copies of mapping of the two (2) basins to follow-up with SD1's Legal Counsel Gerry Dusing Esq. Ms. Amanda Waters has recently left SD1 as one of their in-house attorneys.

Regarding Item number 3 (a) (2), Lancashire Drive Speed Hump, the city has received quotes from Michels Construction for \$1,650 and from Len Riegler Blacktop, Inc. for \$2,100 for the installation of one (1) speed hump along Lancashire Drive. Mr. Burke recommended the city award the work to Michels Construction. Mr. Burke has the general paperwork and is awaiting approval. Mayor Kirby asked who the contractor is on the other speed humps in the city. Mr. Burke stated there have been a few others, but Michels was the lowest and the one (1) of the best in terms of quality. Mayor Kirby said to move forward with the installation. Commissioner Miller made a motion to approve Michels Construction bid and Commissioner Mefford seconded the motion. Motion Carried.

Regarding Item number 3 (a) (3), (b) the access pathway to Boone County Schools. Resident John Schoener of Mountain Laurel Way asked to have the city resurface the pathway that is used by students to walk to and from schools. Mr. Burke advised that the existing pathway is approximately 1,300 feet long. Of these 1,300 feet, about 250 feet is located within the Lassing Green Subdivision. Mr. Burke has spoken to the builder, and developer and Boone County Schools Maintenance Supervisor Mr. Mike Blevins; and was told that the developer received verbal permission to install the pathway, part over top of an existing sidewalk easement within Lassing Green and a sanitary sewer force main easement. While talking to Mr. Blevins, it was revealed that the school district gave the developer verbal permission to build the pathway, but there was not any written agreement on the maintenance.

Mr. Kevin Costello, from Boone County Planning and Zoning, stated that there was a condition in the zoning that the pathway be put in by the developer. However, the maintenance was not determined. After some discussions concerning the jurisdiction of the entire pathway, within or outside of the city limits, it was determined that the pathway was located within both the Lassing Green Subdivision and the Boone County Schools Property was located within the city limits of Union.

Mr. Burke stated that the pathway at this time doesn't look like it is extremely bad, but May be in need of some "asphalt sealing" maintenance. The cost of 1-1/2" asphalt resurfacing the pathway is more expensive, as much as \$9,800. If the city chooses to just reseal the entire pathway, it would be less expensive, at about \$2,300; but, if the city only chooses to reseal the 250 feet portion within Lassing Green, it would cost less than \$500.

**UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 5 of 10**

Commissioner Miller stated he did not feel the path needs full resurfacing, but sealing it would be beneficial. Since the original construction about eighteen years ago, the pathway has not been touched regarding maintenance.

City Attorney Voss stated that the path is on private property but for public use. Since the path is used for a public purpose, the city could use public money to maintain or make repairs to it as long as they receive permission from the school board.

Mayor Kirby suggested to get input from the school board on whether they would give permission to make any repairs. Attorney Voss suggested speaking to the legal counsel for the School Board about long term agreement on the maintenance of the path. Attorney Voss stated he would contact Gerry Dusing, Esq., the attorney for the Boone County Schools.

Commissioner Kelly asked if the path is used frequently. Commissioner Mefford stated that it is used on a daily basis and not only by students, but by walkers and people out jogging. Mr. Mefford also made reference to use of the pathway for a vehicle or a small car, which is beyond the use intended for the pathway.

Regarding Item number 4 (b) The Gunpowder Greens Entrance Bridge Rail and Subdivision Sign. Mr. Thomas Hodge and Mr. Leatherby attended the meeting. Mr. Burke was directed to get quotes on repairing/replacing the sign at the entrance to the subdivision. To repaint the existing, over 30-years old, wood sign it would cost close to \$900 and the life span would only be about one (1) year before more maintenance would be required. If you raise to the next the level and have all rotting wood joints repaired and have the sign repainted it would cost about \$1,100 with more sooner than later maintenance required. Other options include replacing the sign completely with thin aluminum or new Red Cedar with a fifteen (15) year guarantee for \$3,295 or replace it with High Density Urethane (HDU) for about \$3,600.

The Greens' resident Ms. Sue Lambert suggested to Mr. Burke to look at the South-Hampton Estates sign along Mt. Zion Road near their subdivision. This sign is about thirty-five (35) years old. It is made out of cast concrete and is attractive and low maintenance. Mr. Burke stated that cast concrete is not readily manufactured locally, but found one (1) supplier in Illinois, which also produces longer lasting Indiana limestone. There is another local supplier in Madisonville in Cincinnati, which can make a limestone sign. The costs for concrete are about the same as a sign made out of Indiana Limestone which could be sandblasted with similar lettering and small cannon. The sign would be rectangular, 3-1/2" to 4" thick and be same size as the existing sign. A heavier stone sign could be mounted directly on the concrete between the existing stone columns. The vendor indicated that either concrete or limestone could be made, but limestone is more common. Granite was another more expensive option.

Mr. Burke has spoken to the residents including Ms. Lambert, Mr. Hodge, and Mr. Chaney concerning the sign and most, from their input back from initial contacts, would prefer a longer lasting sign leaning toward the limestone.

Based upon the research conducted and other cost sharing projects within the city regarding public/private issues, Mr. Burke had recommended if the city chooses to fund any repairs for this sign a 50%/50% cost share with the Greens residents is reasonable. The basis given is that this sign is a private sign. City Attorney Voss advised while such sign is private, it is also located clearly within the limits of a public right-of-way.

Attorney Voss stated, the sign is not on private property, but within the public right-of-way; and, therefore can be deemed for public use. Therefore, the city would be within its rights to share in the cost on the sign.

Commissioner Kelly asked if there is an HOA in Gunpowder Greens and was told there is not one. Mayor Kirby asked how many properties are located within the subdivision. There are forty-five (45) properties.

**UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 6 of 10**

Mayor Kirby asked if there was a particular sign that the residents preferred. In the absence of Ms. Lambert, Mr. Tom Hodge spoke on behalf of the residents. Mr. Hodge stated he was astounded about the cost options for the repair of the existing sign. He stated that the neighborhood was canvassed and each resident was given a sheet that explained what is trying to be accomplished and the alternatives that Mr. Burke had prepared. The general consensus is that the residents would prefer some type of sign made of stone that would be much longer lasting. Mr. Hodge knew through several conversations with Mr. Burke what his recommendation was going to be, however he would like for the city to take a more active role in the financial cost. The sign is on a right-of-way. The subdivision is not clearly marked; there are no lights and without the sign, it would be hard for people to find the subdivision. Also, Mr. Hodge was led to believe that the original developer had some type of arrangement with the city (maybe a former mayor or former council member) that when they transferred certain property over to the city, the city would maintain the subdivision sign. Mr. Hodge asked Mr. Burke to comment on the dedication and acceptance process.

Mr. Burke stated that the developer hires an engineering firm to design the subdivision, construct the streets and other public improvements such as storm sewers, catch basins, etc. Following inspections, the developer dedicates the right-of-way for the street to public use including the bridge and rails over the creek. The fifty (50) foot wide space is public right-of-way, and the law since 1986 states that it is the city's responsibility to maintain the streets. The responsibility for the storm sewer systems are also dedicated and these systems have been later transferred for ownership and maintenance by SD1 in 2010. Mr. Burke implied that, in general, signs are not part of this dedication or acceptance, unless some other agreement is consummated within the city, which at present he was not aware of such recorded document.

Mr. Hodge stated that they have not talked to any of the residents about the possibility of sharing the financial cost for putting up a new sign. This was not an issue that had been discussed previously. If the city takes the position to have the residents share the financial responsibility then they will need to go back to the residents and discuss, they would also need other proposals to present to them.

Commissioner Miller asked if the new sign would fit between the existing pillars. Mr. Burke said that it would.

Mayor Kirby suggested getting some more input from the residents on the different options and let the commission make their decision during the next meeting. Mayor Kirby stated the city would have to go forward because the sign is in bad condition.

Mr. Hodge asked if he would need to get one hundred (100) percent approval from the residents before moving forward and was told that is not necessary. The residents that did respond, the majority was in favor of the stone sign.

Mayor Kirby suggested putting together a letter to the residents letting them know what the city plans to do, and the type of sign that is proposed. Because the sign is in the public right-of-way the city should get the sign fixed and replaced and as long as the price stays in the \$3,000 range the city should approve and send letters out just to see if there is any feedback or questions or concerns. Commissioner Miller made the motion to move forward in having the sign replaced, and Commissioner Mefford seconded the motion. Motion Carried,

Regarding Item number 7 (a) Edge Drains at 1131-1144 Bayswater Drive (Matt Gains). As originally authorized at an earlier meeting, Mr. Burke has received quotes from two (2) qualified contractors. The city was successful in retaining TMS Construction, Inc. for a cost of \$14,154, the lowest and best quote of the two (2) received. The same contractor also submitted a cost per foot to be paid by the residents for the private work on private property. All residents at the end of this street except for one (1), which was non-critical, have agreed to tie in to the edge/side drain within the public right-of-way. With the city's approval Mr. Burke stated he would like to move forward with this project. Mayor Kirby asked for a motion to move forward with this work. Commissioner Adams made the motion and Commissioner Kelly seconded it. Motion Carried.

UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 7 of 10

Regarding Item number 7 (b) Edge Drains at 10082 – 10108 Bayswater Drive (Jennifer Conley), residents were sent letters and Mr. Burke has met with them and has cooperation from the required minimum of four (4) residents who will be willing to connect to the side drains and pay for this work. Mr. Burke asked the commission for permission to seek bids from qualified contractors to for this work. Mayor Kirby gave permission to proceed.

Regarding Item number 7 (e) 10185 Glenfield Court, Mr. Anthony Ross, who has issues with water overtopping an existing sidewalk causing a pedestrian safety issue. Mr. Burke stated that as an option to extending pipe along the street curb to nearest catch basin about 30 feet away, there is an existing storm sewer approximately four (4) foot deep directly fronting the problem; and, if SD1 will issue a “permit” to connect to this sewer it may be less costly than if the city would have to connect to the closest storm drain. Mr. Burke’s estimate is \$2,240. Due to the required number of residents being less than four (4), Mrs. Ross, who was in attendance, stated that they are willing to pay a proportionate share of 25% of the lowest actual bid cost to connect the sump pump line and resolve the problem. Mayor Kirby asked for a motion to approve moving forward with repairs to this drain, Commissioner Mefford made the motion and Commissioner Adams seconded it. Motion carried.

Regarding Item number 7 (f) 10240 Pembroke Drive, Mr. Keerthi Kanubaddi, has advised that he also has excessive water overtopping an existing sidewalk fronting his property with an adjacent neighbor. Mr. Burke advised that this is a moderate safety problem, but still a problem which could become worse. Mr. Burke advised that this problem has a greater expense than the Glenfield Court issue, since the connecting catch basin is further away. The cost estimate is approximately \$5,940 with a 25% share of \$1,485 due from the property owner. Mr. Kanubaddi stated that this cost was too extreme for just him and addressed the commission. Mr. Kanubaddi stated that the sidewalk is a slick surface and has seen people wrench their back while walking across the wet slimy surface. The slickness straddles two properties. After speaking with Mr. Burke he is concerned with the liability that this problem may cause. Mr. Burke stated that due to an unlisted phone number has not made any contact with the owner of the adjacent property, a Mr. Frasure. Commissioner Miller asked if the neighbor is aware of the issue and Mr. Kanubaddi stated he is. Commissioner Kelly suggested sending a letter. Mayor Kirby asked Mr. Kanubaddi if he could get with his neighbor and contact Mr. Burke to discuss the situation further and have it brought back to the commission for action.

Mr. Kanubaddi asked how the liability would be decided if someone might fall on the property line. Attorney Voss stated that the residents are responsible for the sidewalk.

Regarding Item number 7 (h) the Hempsteade storm drainage, culvert headwalls and detention basin discharge control structures, the residents (Machenheimer/Shelters) in this area are concerned that the backwater flooding is going to enter their basements when debris is allowed to stack up on the face of the metal grating. The city’s landscaping contractor (Spillman Lawncare) contacted Mr. Burke and stated that he had workers in the area for about three (3) days and feels that this is Extra Work. Mr. Burke reviewed the current landscaping contract which states that these areas are to be cleaned out twice per month in April, May, and June and once per month in July, August, September, October, and November. Mr. Burke also stated that the contract states that “*periodically, debris, dead branches, trash, silt, etc., collects and inundates the inlets causing clogging, which must be cleaned and cleared on an as needed basis*”. Mr. Burke feels that the work completed in March falls under this periodic cleaning and should be done as per the contract and not as Extra Work.

Commissioner Miller stated that he had spoken with the City’s Landscaping Contractor who took him out and showed him the areas in question and from his observation; it is not an area where you can just go clean it out by hand. The landscaper needed some heavy equipment to remove and dispose the debris. Commissioner Miller was told that they removed a dump truck full of debris from this area. Commissioner Miller asked why a grate was put in this area and not one on the other side.

Attorney Voss stated that if the contract specifically states when the area is to be cleaned, if the contractor has to go in outside of those stated months this would be classified as Extra Work. Attorney Voss also stated that the accumulation of debris is probably the result of the area not being cleaned throughout the winter months.

UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 8 of 10

Commissioner Miller once again asked the reason behind the grate. Mr. Burke stated that much earlier than his time as the city's engineer, he was aware of the existence of rectangular chain link fencing with a flap gate erected around this large inlet pipe intended to increase safety on the culvert, especially for small children. Such protections are not mounted on outlets, as they would trap debris on the inside of such grates. Vertical fencing is not only a safety hazard for such strong flows from such a large drainage area of about 76 acres; but, often times after an intense storm, the fence and flap gate had to be repaired at a high cost only to re-occur frequently. Further, based upon several recognized studies, the diagonal grating bolted to the wing walls is much safer, as objects including a child could be thrust up and out for improved safety. However, these grates must be cleaned on a regular basis. This issue has also been forwarded to the NKU Department of Environmental Services for input. In addition to keeping it clear of excessive debris on a regular basis, the city in the near future may have to look into doing more work to remove more of the silt laden sediment from the flow line to improve the low flows through the culvert. At present, the easement up stream of the inlet culvert is only 25'X42'. Additional easement must be acquired from the owners prior to authorization of this work.

Mayor Kirby suggested in the next contract the cleaning of the culverts should begin earlier. Mayor Kirby stated that per the existing contract, with Attorney Voss' input, the work must be considered to Extra Work and the Invoice should be paid.

Regarding Item number 7 (j) 10054 Old Union Road (Chestnut Hair Styling), concerned the existing private culvert beneath the driveway within the city's public right-of-way, the storm water within the side ditch is backing up. Mr. Burke stated he has contacted a qualified contractor that will re-cut the side ditching to allow water to flow within a lowered ditch and culvert beneath the driveway. This is a common public works project. The cost for the repair from R.E.B.T. Construction Inc. will not exceed \$600. Mayor Kirby said to proceed with the work.

Regarding Item number 8 within Harmony Estates, in addition to the issues in the Report, a storm water complaint along, Soaring Breezes. Mr. Burke has met with the County Engineer, Building Department, SD1 and Builder MI Homes concerning the two (2) catch basins grates in the street that have a preventive silt measures in place. During storms, the excessive water is backing up in the street and into a front yard. The conclusion reached was that SD1 permitted the silt traps to be immediately removed. The County Engineer will contact the design engineer and see if there are any other measures further downstream to prevent the stream erosion further downstream. Mr. Burke advised the street has been dedicated but not yet accepted as a city street. It may two (2) to three (3) months before the developer will be ready to move forward with the final surface paving and the acceptance.

Regarding item number 9 (a) the Clarkston Lane safety repair work, in 2011, the city authorized costs for that work to have Michels Construction to apply emergency large stone to widen the city's portion of the shoulder and base of the roadway. Mr. Burke stated that the same contractor should come back now to give the city a bid to finish the widening & resurfacing work to provide at least a sixteen (16) foot wide roadway pavement. This would be for only the portion within the city, about five hundred fifty (550) linear feet. The quote from Michels Construction including full resurfacing is \$14,835.

Commissioner Miller suggested trying to do this repair work in conjunction with Boone County. Mr. Burke stated that Boone County had already completed the resurfacing work for the portion at the top of the hill within the county and Florence. Unless Union proceeds with its portion, the project will not be completed. Mayor Kirby asked Mr. Burke about the condition of the portion previously resurfaced at the top of the hill. Mr. Burke stated that the balance of the roadway was between 13 & 16 feet in width. However, the portion within Union is a serious safety problem for vehicles ascending or descending on the hill, unless improved.

Mayor Kirby stated that for liability reasons we need to have this work completed.

Commissioner Kelly asked which budget Mr. Burke would like the work to be completed. Mr. Burke stated the sooner was better using the current bid. Mayor Kirby suggested we should have this repair work completed in the current fiscal year budget. Commissioner Miller made the motion to move forward road repair work and

UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 9 of 10

Commissioner Mefford seconded the motion. Motion carried.

Mr. Burke also spoke with Michels Construction concerning some widening work to be completed on Old Union Road intersecting with the newer portion that the highway department built connecting US 42. About thirty (30) feet of turning area on the road curve needs to be further widened to bring the road up to as reasonable standard. With the same equipment on site, Michels Construction will also do this work for \$1,945. Mr. Burke also mentioned an on-going problem with a private access driveway washing mud onto Old Union Road in the same area just south of the Old Union Road intersection. Mr. Burke stated he would work with Michels Construction to install a small culvert within the side ditch and negotiate down the original estimate of \$1,500, which seems too high. Commissioner Adams made the motion to approve the work on Old Union Roads and Commissioner Miller seconded the motion. Motion carried.

Mr. Burke stated he met with City Attorney Voss concerning the proposed KY536 /Mt. Zion Road Project. During this meeting, the Draft language, with edits made as a result of several meetings with the KYTC and the Planning Commission's Kevin Costello, a second resolution was drafted. The highway department is requesting the new resolution to complete the project. Attorney Voss stated that he has reviewed the language and prepared a Draft of the second resolution for action at tonight's meeting under New Business.

Old Business:

- ❑ **Second reading ORDINANCE NO. 2012-001** – AN ORDINANCE RELATING TO THE ADOPTION AND APPROVAL OF A TEXT AMENDMENT REGARDING FIREWORK SALES, OF THE CURRENT BOONE COUNTY REGULATIONS APPLICABLE TO THE CITY OF UNION, KENTUCKY. Commissioner Kelly moved to approve the ordinance and Commissioner Adams seconded the motion. Motion Carried.

New Business:

- ❑ **First reading of ORDINANCE NO. 2012-002** – AN ORDINANCE ADOPTING AN AMENDED 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 Mefford moved to approve the ordinance and Commissioner Kelly seconded the motion. Motion Carried.
- ❑ **First reading ORDINANCE NO. 2012-003** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION, KENTUCKY CITY CLERK/TREASURER. Commissioner Mefford moved to approve the ordinance and Commissioner Adams seconded the motion. Motion Carried.
- ❑ **RESOLUTION NO. 2012-003** – A RESOLUTION RELATING TO THE REDESIGN AND RECONSTRUCTION OF THE MT. ZION ROAD, KY 536 PROJECT. Commissioner Adams moved to approve the resolution and Commissioner Mefford seconded the motion. Motion Carried.

Commissioner Miller asked about the Union Village Light bills that were sent out on April 1, 2012. He would like to know what the recourse would be if the resident does not pay the invoice for the yearly installment on time. We did not put any penalties on the invoice at this time; a lien has been placed on each property and will not be released until balance is paid in full. The interest has already been factored into the payment amount.

Commissioner Miller asked if the meeting minutes have been put on the website. They are or will be current on the website.

Kathy Porter asked about a property on Russwill Drive that the city has been having issues with. City Attorney Greg Voss advised a foreclosure agreement has already been filed.

Commissioner Miller asked what the commission would like to do about the North Gateway Tree and Sign Project.

UNION CITY COMMISSION
MINUTES – Tuesday April 10, 2012
PAGE 10 of 10

Ryle High School is out on May 18, 2012 and the Agriculture teacher, Mr. Tubbs will be leaving the school on May 14th. Mayor Kirby asked if we could proceed to have the trees put in place while the school is in session. Mayor Kirby asked for a motion to proceed with placing the trees and approving sign later. Commissioner Kelly made the motion to approve and Commissioner Mefford Seconded the motion. Motion Carried.

ANNOUNCEMENTS:

Next City Commission Meeting will be held on May 7, 2012

No further business came before the Commission. Commissioner Adams moved to adjourn the meeting at 9:24 p.m. Commissioner Mefford seconded the motion. **Motion Carried.**

Signed this 7th day of May 2012

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer