

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, May 7, 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. Monday, May 7, 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
Attorney Greg D. Voss, Esq.

City Events Coordinator Karen Franxman was not in attendance.

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 April 10th, 2012 City Commission Meeting and the motion was seconded by Commissioner Adams. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Kelly moved to accept the Treasurer's Report as of April 30, 2012, and Commissioner Mefford seconded the motion. **Motion Carried.**

EVENTS COORDINATOR:

City Events Coordinator Karen Franxman was not in attendance. Mayor Kirby summarized her report.

Tuesday May 22, 2012 will be Union Community Night at Florence Freedom. Tickets can be purchased at the Florence Freedom website, Florencefreedom.com and there is also a link to this website on the City of Union website cityofunionky.org. One of the actors from the UCT's production of "Sound of Music" will be singing the national anthem.

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.

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 on May 14 or 17th, 2012 at the Community Building. Karen will

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send details to volunteers when a date has been chosen.

There have been a lot of rental requests for the Union Community Building.

The Union Community Theater the Sound of Music has been casted. Tickets went 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:

Snow Removal bids were due on April 25, 2012. Two bids were received. The new contract will run from October 2012 through April 2013 with an optional one (1) year extension through April 2014. Mr. Kelly sent an email for the commissioners to review prior to the meeting. The bids were received from Spillman Companies, who is the current snow removal contractor, and Perfection Landscaping. Mayor Kirby asked if Perfection Landscaping had any experience with snow removal on streets. Mr. Kelly stated he would contact them and verify. Perfection Landscaping has fifteen (15) employees and has been in business for thirteen (13) years. Spillman Companies have six (6) employees and has been in business for ten (10) years. Perfection Landscaping is a Curtis Snow Plow authorized dealer which allows them to have their equipment like new at all times. They have fourteen (14) vehicles including plows and spreaders. Spillman Companies have ten (10) vehicles including plows and spreaders. There is quite a bit of difference in the bids. Commissioner Kelly asked the current contractor (Spillman Companies) how many times the roads would normally need plowed during the season and was told two to three (2-3) pushes for snow fall amounts of one to three (1-3) inches. Commissioner Kelly took both bids and multiplied the total bid by three to get a total. For Spillman Companies the total was \$7,890 and for Perfection Landscaping the total was \$3,600. If you do the same thing for snow fall of three to six (3-6) inches Perfection's totals was \$5,400 and Spillman Companies total is \$9,825. And for over six (6) inches the total for Perfection Landscaping the total would be \$10,293.75 and for Spillman Companies the total would be \$13,800.

Mayor Kirby asked if we had received detailed invoices from our current contractor. Commissioner Kelly stated after talking with the current contractor the invoicing has improved.

Commissioner Kelly stated that he felt that the commission needs to bring each prospective contractor in and give the commission the opportunity to ask questions concerning the snow removal process.

Commissioner Kelly moved on with the bid documents. He pointed out the salt pricing. The pricing is based on tons used. For Perfection Landscaping the price is \$230 per ton and Spillman Companies is \$350 per ton.

Commissioner Adams asked if Commissioner Kelly had talked with anyone from Perfection Landscaping and he has not to this point.

Mayor Kirby asked if we could invite the prospective contractor to a separate contractor.

Commissioner Kelly also mentioned changes to the parking ordinances.

Attorney Voss mentioned that he feels the city should repeal their parking ordinances and adopt the county ordinances since the county deputies will be the ones that are enforcing them.

Mayor Kirby asked what the major differences in the county ordinances and city ordinances are. Attorney Voss stated there are things that may need to be tweaked. He said there are two major things. The county has enacted a hearing board that will review the cases. Attorney Voss suggested the city enter into an inter-local agreement with the county and use their board for violations. The statutes do not require the board to be citizens of the city. The other major issue is to determine which streets the city would like to designate no parking on one side or no parking on either side. The county statute covers how close to an intersection or mailboxes and in a cul-de-sac. If the city wants to limit people from parking on a street, they will need an ordinance addressing which streets are affected and if parking will be limited to one side or neither side.

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Attorney Voss stated we need to get a list of the streets and which ones have been designated for parking restrictions.

Mayor Kirby asked where we have certain enforcement of no parking how much in alignment it will be for what the county will be doing. Attorney Voss stated that the county did not determine streets for no-parking. Attorney Voss stated they may do that but have not as of yet.

Mayor Kirby suggested the city review the ordinances and determine which streets will need parking signs before passing the new parking ordinance.

Mr. Burke, the City Engineer, will provide the commission with listing of the city streets and their widths which will help the city determine which streets are wide enough for only parking on one side and which ones will be wide enough for parking on both sides or if they are too narrow to allow any on-street parking. He will also be able to provide a listing of streets that already have parking signs posted on them. As requested, an existing city-wide parking database considering street widths, etc. and street signage listings will be provided for the next meeting.

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

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 14 Items previously provided to the city commission and staff.

Regarding Item number 4 (b) the access pathway to Boone County Schools – Asphalt resurfacing, Mr. Burke stated that City Clerk Kathy Porter had provided him with a copy of a letter the previous City Engineer Willard Rusk had written to the developer/builder dated April 9, 2000. The letter indicated that the city will maintain the walkway within Lassing Green Subdivision between lots 39 and 40. In the letter, it does not mention the remaining pathway leading to the schools. Records reveal that there is an existing sidewalk, sewage force main and utilities- easement on the two (2) lots along Aspen Place within Lassing Green, but no formal dedication to public use.

City Attorney Greg Voss spoke with Boone County Schools Attorney Gerald Dusing concerning the portion of the pathway within the school property. He was informed that the school board does not feel that the sidewalk is in such a shape that it would need attention before their other projects. The sidewalk is on public property, not owned by the city, but still for public use. Any liability for injuries would be the responsibility of the school.

Mr. Burke advised based upon a preliminary estimate, to seal the entire 1,300 feet of pathway would cost approximately \$2,300. The life expectancy for the path would be another five to seven years.

Commissioner Miller suggested that maybe asking the school board to mow the pathway around the path and spray the weeds prior to having our contractor seal the pathway.

Mayor Kirby feels that this project needs to be completed. Commissioner Miller made a motion to have the entire pathway sealed and Commissioner Kelly seconded the motion. Motion Carried.

Attorney Voss will contact the attorney for the school board and advise him on what the city is willing to do and ask if the school system will mow and spray weed killer on the pathway.

Regarding Item number 4 (c) the white board fencing repairs/painting along US 42 and Rice Pike. Our current landscaping contractor (Spillman Companies) has put \$1,000 in his bid contract for general maintenance of the white board fence. In the fall of 2011 Mr. Spillman was asked about the fence and he told the commission that there are approximately 36 boards along the fence that will need replaced. The replacing of the boards is not within the scope of the contract and will constitute extra work. At that time, Mr. Spillman stated that the full painting of the fence and replacing bad boards would exceed the \$1,000 that was in the contract.

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As an option, the city contacted the Boone County Jail work program about possibly completing this work, but they declined stating the area was too close to residential property.

The city's landscaping contractor, Spillman Companies, in the fall of 2011 gave the city a Quote for \$3,600 for the repair/painting of the fence, thought to be too high. Commissioner Kelly stated he has since talked with Mr. Spillman and negotiated the price down to a total cost to perform the work for \$3,150.

Commissioner Mefford asked if this is in addition to the \$1,000 that is placed in the contract. Commissioner Kelly said he would verify that the price includes the \$1,000.

Mayor Kirby asked how the contract is worded. Mr. Burke stated that the fencing repairs including board replacement would be extra work. In addition, in his previous discussions with Mr. Spillman, the contract bid of \$1,000 would not completely cover a full 100% repainting of the entire fence. Thus, since no work has been performed to date on the white board fence part of the contract, the extent of extra work will total \$2,150 for a total project cost of \$3,150.

Commissioner Mefford asked about the materials the contractor will use. He would like to have the contractor use quality wood and high quality paint. Commissioner Mefford suggested the contractor not paint the new boards until the wood has been seasoned.

Regarding Item number 6 (b) The Gunpowder Greens Bridge Rails. Mr. Burke has a contractor (Frontier Signs, Harrison, Ohio) to clean and stain the two (2) - 32' long bridge rails.

Regarding Item number 6 (b) (b) The Gunpowder Greens Estate Subdivision entrance sign. The residents are requesting a more permanent sign possibly stone as opposed to wood. Mr. Burke and City Clerk Kathy Porter have requested quotes from several limestone manufacturers for the new sign. The existing sign needs to be replaced. The existing sign is mounted on a concrete base between rock pillars. The current wood sign is not heavy, but when you start talking about limestone it may weigh seven hundred fifty to nine hundred pounds (750-900 lbs.). If the new sign is lowered and placed on the concrete base it will be too low. Thus, the sign will need to have some additional height of about 5-inches added to it to make it look right. This would increase the cost, but not significantly. Regarding construction the problem with installation is it would be too heavy for the support onto only the rock pillars. Normally, for these signs they build the rock walls and mortar around the edges of the sign. Mr. Burke recommends having a stone mason build mini-columns around the sign edges for lateral support. Mr. Burke stated that if the limestone is chosen then the total cost to the city would be around \$3,000. Mr. Burke also stated that granite material could be provided at a higher cost; however, the base and pillars would have to be replaced and may require a permit from the KYTC and this will significantly exceed the cost for a limestone sign using the existing base and pillars.

Mr. Burke spoke to Mr. Wayne Partin who is the resident that owns the property that is located at the intersection of Gunpowder Road and Churchill Drive. He had some concerns about the new signs. Mr. Burke provided a GIS photo of the site indicating that the sign is located within the limits of the public right-of-way.

Commissioner Miller asked if the city could give the residents a sign without having all the extras that are needed to reinforce the existing base. Mr. Burke stated that it was his understanding that the city's previous action was to replace the sign for a cost to the city around \$3,000.

Mr. Wayne Partin addressed the commission concerning a letter he received from the City Attorney Greg Voss. The letter stated if the resident had any questions to please call the City Attorney. Mr. Partin called the Attorney's office but instead received a phone call from City Engineer Mr. Burke. Mr. Partin was displeased with how this decision was handled as well as his displeasure with the phone conversation he had with Mr. Burke. He stated he does not see the need for the sign. He stated that other subdivisions within the city do not have signs. The subdivision has a nice street signs already.

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Commissioner Miller asked if Mr. Partin had seen the sign and Mr. Partin had seen the sign, but still does not see the need for the sign.

Attorney Voss stated that the sign is there for emergency services to be able to find the subdivision.

Commissioner Miller made a motion to purchase the limestone sign and Commissioner Mefford seconded the motion. Motion Carried.

Regarding Item number 9 (b) Hempsteade at Brandsteade Court. Mr. Burke has received quotes to add an edge/side drains along Brandsteade from addresses 10082 to 10108. Mr. Burke received quotes from Michels Construction for \$18,797.50 and TMS Construction, Inc. for \$16,333. The individual property owners will pay an estimated \$900 of the quoted price for work on private property. Mr. Burke recommended that TMS Construction, Inc. be awarded the work. TMS Construction, Inc. was the lowest bidder for the Brandsteade Court Edge Drains Project.

Mayor Kirby asked for a motion to proceed with awarding TMS Construction Inc. the contract. Commissioner Adams made the motion and Commissioner Miller seconded the motion. Motion Carried.

Regarding Item number 9 (e) Glenfield Court Edge Drain Project. There is only one (1) property that is affected by a sump pump line. Mr. Burke has received preliminary approval from SD1 for the contractor to connect into an existing storm sewer directly beneath the curb, rather than connect to a catch basin further down the street. Mr. Burke has received bids from three (3) qualified contractors. The bid from Michels Construction was the lowest bid in the amount of \$2,520. Mrs. Ross who was at the meeting in April had agreed to pay 25% of the cost leaving the city with the public's portion of \$1,900.

Mayor Kirby asked for a motion to proceed. Commissioner Mefford made the motion and Commissioner Miller seconded it. Motion Carried.

Regarding Item number 9 (f) the 10240 Pembroke Drive excessive sidewalk drainage-problems submitted last month by Mr. Kanubaddi. Mr. Burke has tried to contact a neighbor in Mr. Frasure the adjacent neighbor to cost share but was unsuccessful.

Regarding Item number 9 (g) the Hempsteade Inlet Culverts, Commissioner Miller had advised that he visited the site with the current landscape contractor Greg Spillman. Mr. Spillman feels more work needs to be done upstream from the culvert. Mr. Burke advised that the existing easement only extends back approximately 42 feet. Mr. Burke feels that a larger area needs to be cleaned out requiring easements from two (2) other property owners above what is required in the existing contract; and, recommended that about \$5,000 be allocated for this work during the next fiscal year.

Commissioner Mefford asked if we do this work it would not eliminate, but greatly improve the flow and eliminate a lot of the debris, which Mr. Burke agreed.

Regarding Item number 11 the Budgets for Fiscal Years 2011 through Fiscal year 2013. There is a lot of repair and maintenance work that has already been approved and in process. And in the next fiscal year there is a full resurfacing work for the commercial streets around Kroger's', extensive joint & crack sealing and paint line striping that needs to be completed. This major work will need to go to a public bid.

Regarding Item number 11(b) the Curb & Gutter replacement and sidewalk repair, Mr. Burke will get some more bids on replacing about 70 feet of curbing and will hopefully have this cost come from the FY 2011-2012 budget. Mr. Miller asked if the rebar problem exposed in the curb was included. Mr. Burke advised that curb fronting 1960 Arbor Springs was included.

Commissioner Miller asked about Item #2 on Mr. Burke's Report. He asked if the city was sure they wanted to

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transfer property ownership of two (2) existing detention basins to SD#1. Mr. Burke stated that similar to several Boone County dry pond transfers, it is recommended that the city transfer these two (2) lots or property for ownership and maintenance to SD1 including mowing, discharge control, etc. In the long term, it would also reduce the city's liability, since a structure and an earthen dam was involved. Commissioner Miller feels that the city should not give away property. Attorney Voss is reviewing the 2010 storm water transfer agreement from SD#@1, but is awaiting more legal input due to recent legal staff changes at the district.

Commissioner Miller also asked about the final street light restoration within Union Village. Mr. Burke stated that there is only one (1) small area that still needs to have some final restoration. The city's landscaping contractor has been contacted to complete this restoration. The other areas were previously restored by the Duke Energy Contractor. However, expecting Duke to return for such a small area may not be possible. Thus, the city contractor should finish this up for a small amount of extra work.

Old Business:

- **Second 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. City Clerk Kathy Porter stated that there have been significant changes to the budget and feels that we will need to have another first reading. It was recommended to table Ordinance No. 2012-002 Mayor Kirby asked for a motion to table this ordinance. Commissioner Mefford made the motion and Commissioner Adams seconded. Motion Carried.
- **First reading of ORDINANCE NO. 2012-007** – 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 Miller made the motion to approve and Commissioner Kelly seconded the motion. Motion Carried.
- **Second reading ORDINANCE NO. 2012-003** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION, KENTUCKY CITY CLERK/TREASURER. Commissioner Adams made the motion and Commissioner Miller seconded. Motion Carried.

Commissioner Miller asked the Mayor about possible evaluations. Mayor Kirby stated that one has not been completed in a couple of years. Mayor Kirby asked City Clerk for past evaluations and dates they were held so he will be able to have all new ones take place around the same time.

Commissioner Miller asked about the parking complaints that were brought to the commission in April on Ruswill Drive. Attorney Voss met with Mr. Ed Klus prior to the meeting and feels the situation will be resolved. One of the people parking on the street has moved out and taken the dog with him. The vehicle had issues with the exhaust and will pay to have it fixed in order to park in the driveway. He will contact the complaining property owner to make amends.

Commissioner Miller asked about the complaint that was received about garbage pickers. Attorney Voss stated that once the garbage has been taken to the curb for disposal it is no longer their property. If the resident has issue then they should contact the sheriff department.

Commissioner Miller stated that the trees will be planted within city's northern gateway along Relocated US 42 this week. Commissioner Miller stated that there will be possibly thirty to thirty-five students that will there to plant the trees.

Commissioner Miller also mentioned the sign at US 42 within the same location as the tree plantings. Mr. Miller

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has received the email from Mayor Kirby concerning a new logo for the sign. The sign that Commissioner Miller is proposing will cost no more than \$3,900. The sign will be placed in the center of the trees.

Commissioner Mefford stated that the trees need to be planted, but maybe the commission should take more time to put thought into the sign before we rush into a sign that will be in place for twenty or thirty years.

Commissioner Mefford feels that the visioning committee needs to have some input on the sign. He feels that this is why they were formed.

Commissioner Miller stated that this project began in November.

Commissioner Miller made a motion to move forward with the sign. No seconds were received. Thus the sign project did not go further at this time.

New Business:

- **First reading Ordinance No. 2012-006** – AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Kelly asked about the public works budget for street repairs. Mr. Burke stated that the total is \$104,100. Commissioner Miller made a motion to approve the ordinance and Mr. Mefford seconded. **Motion Carried.**

Mayor Kirby mentioned that the commission decided to pass on the first reading of Ordinances 2012-004 and 2012-005. These dealt with parking and will be discussed at a later date.

ANNOUNCEMENTS:

Dr. Eric Simms introduced himself to the commission. He is a new chiropractor that will open his business in the former DECA/PNC Bank building at the intersection of Old Union Road and Hathaway Road. An open house will be held on Saturday, May 12, 2012 from 10:00-3:00.

The next City Commission Meeting will be held on Monday, June 4, 2012

No further business came before the Commission. Commissioner Adams moved to adjourn the meeting at 8:50 p.m. Commissioner Miller seconded the motion. **Motion Carried.**

Signed this 4th day of June 2012

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer