

**CITY OF UNION
Business Meeting
September 5, 2017**

Regular Business

The meeting was called to order at 7:00 PM on September 5, 2017 by Mayor Larry Solomon.

Pledge of Allegiance

Mayor Solomon led all attendees in the pledge to the flag.

Roll Call

A quorum was present: Mayor Larry Solomon, Commissioner Eric Dulaney, Commissioner Bryan Miller, Commissioner John Mefford and Commissioner Jeremy Ramage (arrived at 7:30 p.m.).

Also present:

City Attorney-Greg Voss, Esq.

City Engineer-Barry Burke, PE, PLS

City Administrator-David Plummer

City Clerk-Donna Wahoff

City Communications and Operations Director-Melissa Stark Hinkle

Mayoral Report

Mayor Solomon updated members of the community in attendance on the Storypoint Development and the request for the Industrial Revenue Bonds (IRB)

Approval of Minutes

Engineer Burke requested a change to the August 7 meeting minutes to note the inclusion of two invoices from Len Riegler paving, and not from Bluegrass paving as indicated. Commissioner Dulaney requested wording be changed in the information about the change in the Nuisance Ordinance involving Kroger Deliveries to indicate the voice vote to allow an exemption to the noise restrictions to accommodate Kroger deliveries through the end of 2017. Commissioner Dulaney moved to approve the August 7 regular business meeting minutes with those changes and the August 23 special meeting minutes with no changes, and Commissioner Mefford seconded that motion. **Motion approved 3-0.**

Financial Reports

The Commission reviewed the Balance Statement from August 7, 2017 to September 1, 2017; the Budget/Spend Comparison report from August 7, 2017 to September 1, 2017; and also reviewed bills for payment through August 7, 2017 to September 1, 2017. Commissioner Miller requested that the Lassing Green Sign Repairs in the amount of \$350.00 be billed for repayment for the moving company that caused damage to the sign last year. Commissioner Dulaney moved to approve the City's monthly financial statement in total. Commissioner Miller seconded. **Motion approved 3-0.**

Public Comment

Don Duritsch, with the Farmview Property Association came forward to thank the Commission for removing a series of six (6) Bradford pear trees located along Farmview Drive on City Property. While the majority of Farmview Estates is located in Florence, a small portion along the entrance to the subdivision is located in the city limits of Union. These trees were unsightly and had suffered from recent storms, and were impeding views for Boone County School bus routes. Mr. Duritsch informed the commission that the association had spent more than 10,000 on tree removal and was working with Mr. Peter Glynn from the City of Florence on a master plan for replacing the trees with a “color explosion” plan to incorporate more hardy and better suited varieties of trees in the area. He was hoping to get new trees in for next year, and may bring back a proposal for costs to see if the city might be interested in assisting with the project. He thanked the commission again for removing the trees on the city property.

Mr. Marvin Collins of 1888 Arbor Springs came forward with an issue of backyard erosion in his yard area. This issue had been mediated between residents and Arlinghaus properties by the City of Union and was scheduled to be resolved in the summer of 2016, but has not been resolved. Mr. Collins advised that he has been working with legal counsel and with Boone County Planning and had been informed by “Sharon” that pipes were going to be put in his yard, to which he is strongly opposed. City Engineer Burke advised that he had provided a consultant opinion on this matter several years ago, with possible solutions, but because that the issue lies on private property, it does not involve the city and must be resolved among the land owners. Burke stated that he would be happy to provide the documentation from his consultant opinion to the parties if requested. Attorney Voss suggested that Mr. Collins’ legal counsel contact City Administrator Plummer to see what, if any, information is needed, but that the matter is a private matter, and the city has no responsibility to resolve the issue.

Robyn Bancroft, with OKI, presented information on the Boone County Transportation Plan. She provided information and a brief review of the plan. The Plan is a multi-modal transportation plan, and looks at all types of transportation. She stated that the group is looking to raise awareness of the plan and the processes behind developing the final Boone County Transportation Plan. She advised that there is still time to provide feedback into the plan, and residents can learn more at booneky.oki.org to learn more and find out ways to participate in the plan. The draft recommendations are due to Boone County at the end of October.

Mr. Frank Beeman of 8872 Richmond Road came forward to address the commission. He brought forth an issue of street runoff in the Sumpter/Richmond road area, where water runs across the road and freezes in the winter. Despite recent repairs, the water still runs across the road, and with winter approaching, he would like the issue to be looked at and recommends drainage be installed to take the runoff to a drain located across the road. City Engineer Burke will visit this area and return to the commission with his findings and recommendations.

Mayoral Report

Mayor Solomon updated that the Grand Opening of Kroger will be held September 14, with a special preview night on September 12. Each commissioner was presented a VIP pin, in a horseshoe shape with the old and

new store number on them to signify the “union of old and new to form a more perfect union”. Each commissioner is requested to wear the pins at the Kroger events. Mayor Solomon updated that city leadership will meet with representatives of Kroger on September 8 to finalize the grand opening event, and will meet again on September 19 to discuss the outlot development and old Kroger location redevelopment.

Solomon and Ramage updated on the Braxton Drive/Kroger Fence issue of grubbing. Kroger has sent a letter to the affected residents, but only one has been returned as of the date of the meeting. The grubbing issue requires a unanimous consent of all affected residents, and consensus has not been reached. The issue will continue to be a city priority, and Commissioner Ramage will work with CAO Plummer to see if the city can help facilitate a meeting to mediate the issue with the residents.

Work on Mt. Zion continues. Work will continue on the KY 536 corridor in Boone County extending from Old Union Road to I-75. Motorists should exercise caution when travelling the work zone; the posted speed limit is 35 MPH. Overweight Slow traffic and possible delays should be expected. Motorists should watch for crews, flaggers, equipment when travelling in the work zone. The work appears to be back on schedule after delays in the utility relocation process had slowed construction.

Community Building

Commissioner Ramage updated on the Community Building. CAO Plummer contacted KLC and there will be no forgiveness of penalty for prepayment, because the loan is structured as a guaranteed bond investment, and the penalty allows for the agreed upon terms of the bond to be fulfilled. The penalty, based on the market value of the day of closing, could be between 50,000 and 60,000. Discussion ensued about what to set as a reserve on the building. Ramage pointed out that the city may take a loss on the initial sale, but that it would be more than a one-million dollar investment to keep the building to term and bring it up to current building code where it could operate as either a public facility or a business space. The project is not “shovel ready” for a new development and will take significant investment to bring it up to code, and Ramage recommends an “as is sale” if the property is listed for surplus.

Ramage also updated on the two new businesses looking to locate to US42, and that their previous issues with planning commission requirements have been largely resolved, and no further city action is required at this time. Lefty’s Barbershop hopes to open by end of September, while Union 42 Bourbon and Brews is looking at a fall-winter opening date.

Public Works

Commissioner Dulaney updated that the drainage issues with the Steve Howe property on Abbington has been resolved, with Mr. Tanner correcting the issue privately after receiving a “soft-touch” request letter from the city.

Engineer Burke updated on Sweet Harmony Drive, and the subgrade failure issue that has caused the project to be rebid. The initial work scope had a bid accepted for a cost of \$10,284 , and now Drees has stepped forward with an offer to contribute \$10,000 toward the repairs needed to the subgrade. Reigler Asphalt has

the low bid for the expanded project, and Burke recommends approval of their bid of \$32,590 for approval during the legislative portion of the meeting. Mayor Solomon questioned why this road has failed so quickly. Burke responded that there has been significant water seepage under the asphalt, which, when combined with the “fatty” clay substrate existing in that section of roadway, created the rapid failure. The proposed solution with additional inches of gravel substrate, combined with side drainage should correct the issue in a more permanent way, but could not provide a guarantee for that, stating “no engineer would guarantee that.” Solomon asked Burke and CAO Plummer to talk with Drees Homes to ask them to divert the heavy truck construction traffic away from this section of road until the construction in that area of the subdivision is complete to help alleviate the issue in the future.

Engineer Burke recommended to pay Bluegrass Paving, Inc., \$81,793.89 and \$90,731.60 for a total of \$172,525.58, leaving a balance to finish including retainage of \$1752.82 excluding any more extra work. Burke also addressed the issues of speed humps on Cedarwood Drive, which received citizen complaints that they were not as effective once redesigned to allow for a longer approach to accommodate a lower-profile vehicle. CAO Plummer advised that Bluegrass Paving’s quote to modify slightly each speed hump would cost about \$3,796.94, and was not very cost effective for the small benefit received. Burke recommended leaving them as is and to monitor to see if additional changes may be warranted in the future.

Burke also reported of resident complaints on Hempstede Drive for two street creeping problems. Because of the full depth concrete streets, heat and cold causes expansion and contraction in the street based on ambient temperature. These expansions/contractions have created two bumps along this drive. These bumps would require the extension of existing asphalt expansion joints at a cost of \$1200-1800 each joint, or \$1000 to mill the concrete street to eliminate the bump issue. The street was resurfaced in 2005, and the PWC recommendation is to continue to monitor the creep issue and see if further repair is warranted after the winter season.

The City will hold a Kentucky Municipal Road Aid Public Hearing, as required by KRS, to solicit feedback to utilize these funds for upcoming road improvement projects, including the Sweet Harmony additional repairs. The hearing will be held September 14 at 1 p.m. at the Warren S. Moore City Building on Mt. Zion Road.

Office Administration Report

Hinkle had no report. She deferred the City Treasurer and City Audit Service requests to the legislative session for consideration.

City Attorney Report

Attorney Voss had no report.

Legislation: Ordinances/Municipal Orders/ Resolutions (prepared by Attorney Greg D. Voss)

Resolutions.

RESOLUTION NO. 2017-08--A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KEN-TUCKY TO EXECUTE THE CONTRACT BETWEEN LEN RIEGLER BLACKTOP, INC. AND THE CITY OF UNION, KENTUCKY FOR 2017 STREET REPAIRS FOR HARMONY ESTATES - SWEET HARMONY LANE. Commissioner Mefford moved to approve, Dulaney Seconded. **Motion approved 4-0.**

RESOLUTION NO. 2017-09--A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KEN-TUCKY TO EXECUTE THE CONTRACT BETWEEN VAN GORDER, WALKER & CO., INC. AND THE CITY OF UNION, KENTUCKY FOR ACCOUNTING AND AUDITING SERVICES. Commissioner Dulaney moved to approve, Ramage Seconded. **Motion approved 4-0.**

Municipal Orders

MUNICIPAL ORDER NO. 2017-26--A MUNICIPAL ORDER ACCEPTING THE TERMS OF THE TRUST PARTICIPATION AGREEMENT FOR THE KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES GENERAL INSURANCE TRUST AND AUTHORIZING THE MAYOR TO EXECUTE THE TRUST PARTICIPATION AGREEMENT. Commissioner Ramage moved to approve, Mefford Seconded. **Motion approved 4-0.**

MUNICIPAL ORDER NO. 2017-27--A MUNICIPAL ORDER ACCEPTING THE TERMS OF THE DECLARATION OF TRUST FOR THE KENTUCKY LEAGUE OF CITIES WORKERS' COMPENSATION TRUST AND AUTHORIZING THE MAYOR TO EXECUTE THE DECLARATION OF TRUST. Commissioner Mefford moved to approve, Ramage Seconded. **Motion approved 4-0.**

MUNICIPAL ORDER 2017-28--A MUNICIPAL ORDER APPOINTING DAVID BAKER AS CITY TREASURER FOR THE CITY OF UNION, KENTUCKY. Commissioner Miller moved to approve, Mefford Seconded. **Motion approved 4-0.**

Ordinances

ORDINANCE NO. 2017-11—AN ORDINANCE LEVYING AND FIXING THE TAX RATES OF THE CITY OF UNION, KENTUCKY, FOR THE 2017 CALENDAR YEAR; LEVYING SAID TAX UPON REAL AND TANGIBLE PROPERTY; FIXING THE DATE OF PAYMENT, DISCOUNT PAYMENT, DELIQUENCY AND INTEREST CHARGES; FIXING THE PURPOSE THEREFORE; AND SETTING FORTH THE PROCEDURE FOR THE COLLECTION OF TAXES. Commissioner Miller moved to approve, Dulaney Seconded. **Motion approved 4-0.**

ORDINANCE NO. 2017-12--AN ORDINANCE PURSUANT TO K.R.S. 83A.050 PRESCRIBING THAT ELECTIONS FOR THE CITY OFFICES OF THE CITY OF UNION, KENTUCKY SHALL BE NON-PARTISAN AS PROVIDED IN K.R.S. 83A.150 AND FURTHER PROVIDING THAT THE NON-PARTISAN PRIMARY ELECTION FOR THE NOMINATION OF CANDIDATES TO ELECTED CITY OFFICES BE ELIMINATED AS AUTHORIZED BY K.R.S. 83A.045(2)(b) AND AMENDING SECTION 31.20 OF THE CITY OF UNION CODE OF ORDINANCES First Reading.

Announcements:

The October meeting of the Commission will be Monday, October 2 at 7 PM.

The Kroger Preview will be September 14, and the commissioners available will meet at the building at 5:30 p.m. to attend as a group.

Adjournment

Motion to adjourn was made by Commissioner Mefford, and seconded by Commissioner Dulaney. **Motion approved 4-0.** Meeting adjourned at 9:20 p.m.

APPROVED:

ATTEST:

Larry Solomon, Mayor

Donna Wahoff, City Clerk