

Cold Spring City Council September 28, 2009

The regular meeting of the Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag and prayer was led by the City Clerk. Roll call showed the following council members present – Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, and Sandy Ross, excused – Janis Reiman. Also present were Police Chief Ed Burk, City Clerk Rita Seger, and City Attorney Brandon Voelker.

Mayor Stoeber pointed out exits from Council Chambers, per Fire Department regulations.

Lou Gerding requested that Item F under New Business – discussions regarding rules, regulations and mandates, be removed and placed on the November caucus agenda. Council agreed to pull this off of the agenda.

Jerry and Barbara Heider, of 406 Millrace Drive were named by the Parks, Recreation and Tree Commission as recipients of the September Yard of the Month award. Mr. and Mrs. Heider were unable to attend this council meeting, however, Mayor Stoeber presented a plaque to their daughter, Katie Lavelly, which showed a photograph of their home and yard. A Yard of the Month sign has also been placed in their yard. Mayor Stoeber stated that Ms. Lavelly was the one who did the planting in the Heider's yard. She received a round of applause. Thanks to Cindy Wehry and the Parks, Recreation and Tree Commission for this wonderful program.

There were two members of Girl Scout Troop 257 present, and since they had to leave early, Mayor Stoeber gave approval for them to speak at this point. Megan and Demi Michaels addressed council and stated that they were earning their highest achievement award, by focusing on educating the public on the importance of recycling. Recycling will save a lot of space in our landfills and will also save years of environmental harm. There are a plethora of things that citizens can do. They urge all citizens to use incandescent light bulbs and buy bottles and other objects made from recycled material. Save your recyclable material. If necessary the girl scouts will pick up your recycled goods to make the process as easy as possible. They plan on setting up recycling containers at our Day in the Park event, to collect aluminum cans, plastics, and paper. The girl scouts also plan to work with our local businesses and encourage their recycling efforts. Please make a conscious effort to save our world, one piece of trash at a time. Mayor Stoeber thanked them for their efforts and wished them good luck in this important cause.

Mayor Stoeber stated the city has been working on transparency and public disclosure of expenditures and revenues in the city and, thanks to Administrative Officer Michael Vank and City Councilman Stuart Oehrle, the public can now view our entire budget, line item by line item, department by department, on the Cold Spring website at www.coldspringky.com. Mayor Stoeber gave a brief overview on how this works, and stated that at our next Council meeting in October, Administrative Officer Michael Vank will explain in more depth about how to access this information.

The Cold Spring annual Fishing Derby took place on Saturday, September 5th at the Guys N' Dolls lake. Two hundred and five children were registered for this outstanding event. Police Chief Ed Burk stated that everyone had a great time, and prizes were awarded to all. Thanks to Officer Les Caudill for organizing this event.

Mayor Stoeber stated that Day in the Park will be held this Sunday, October 4, from noon until 4:00 pm at Municipal Park. Air Care will be landing in our back field at Municipal Park as one of the demonstrations.

Halloween will be celebrated in Cold Spring on Saturday, October 31st, from 6:00 pm to 7:30 pm. This will give some daylight hours for the younger children, and some darker hours for the older children to enjoy.

Campbell County will hold their annual litter clean up and abatement program on November 6th, 7th, and 8th from 8 am to 6 pm. Collection spots are at the Campbell County Police Station, Pendery Park, and the Campbell County Road Department. If you have any questions on what can be taken to those sites, please contact the city office. No liquids of any type will be accepted at any of these locations.

There will be a drawing for an American flag and pole for residents who stay until the end of this meeting.

The minutes of the August 24th regular meeting were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. Brendon Helton stated that on page one, paragraph three, Item E should be listed as Item F. All were in favor of the minutes as corrected. Motion carried.

Ordinance 09-958 was read in summary form for the second time, amending the Cold Spring Code of Ordinances regarding security alarms. Lou Gerding made a motion to adopt this ordinance, and Stuart Oehrle seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Municipal Order 09-07 was read, re-appointing Paul Bogen as facilitator to Parks Recreation and Tree Commission, with his term to expire July 17, 2013. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. All were in favor. **Motion carried.** Thanks to Paul Bogen for his continued service with the city.

Municipal Order 09-08 was read, appointing new members William Hagedorn and Steven Reder to the Cold Spring Board of Adjustment, terms to expire December 31, 2012. Stuart Oehrle made a motion for approval and Brenda Helton seconded the motion. A roll call vote was called because these are new appointees. Vote showed five yeses and no noes. **Motion carried.**

Ordinance 09-959, was read in summary form for the first time, setting the annual 2009/2010 waste collection fee at \$170.76 per unit. Stuart Oehrle made a motion for approval, and Rob Moore seconded the motion. Stuart Oehrle verified that this is the rate set by Rumpke's current contract. Mayor Stoeber stated that Administrative Officer Michael Vank did a great job negotiating the terms of the contract with Rumpke. Roll call vote showed five yeses and no noes. **Motion carried.**

Ordinance 09-960 was read in summary form for the first time, establishing the real property, tangible property and motor vehicle tax rates for the fiscal year 2009/2010. Mayor Stoeber clarified the rules and regulations governing how tax rates can be established. If the city chooses to adopt a tax rate over the state regulated compensating rate, then a public hearing must be conducted for public input. For this particular motion to be effective within the state regulations, the tax rates that were established have to be at or below the compensating tax rate that was provided to the city. The compensating rate is .164 per hundred for real and .181 per hundred for tangible property taxes.

Lou Gerding made a motion to table this ordinance until the scheduled public hearing on October 8, and Brenda Helton seconded the motion. Discussion followed.

Mayor Stoeber stated that in order to have any sort of adjustment relating to a vote that is on the agenda, then a two thirds majority is required. We would have to have four votes to accept the table. Discussion followed.

Lou Gerding stated that, at the September 14th caucus meeting, council had a very lengthy discussion on the tax rate. The majority of mayor and city council members agreed to schedule a public hearing to receive input from the citizens. Since that caucus meeting, council member Sandy Ross entered into public record a message that could be interpreted as inferring that council had not been honest in that discussion. With that in mind, Mr. Gerding proposes that we table this and go ahead with the public hearing and let the public hear the discussion and set the record straight. He requested that anyone who was present at the September 14th caucus meeting come forward during the follow up this evening and state if they thought there was anything dishonest that had occurred during that discussion. Councilman Gerding referred to three statements from Councilwoman Ross' correspondence about honesty relating to that September 14th caucus meeting. He stated that at the caucus meeting all cards were put out on the table and everyone was honest.

Sandy Ross stated that she did not mean to imply that there was anything dishonest and that implication is not true. She stated that she has attended just about every finance committee meeting and referenced the 2009/2010 budget.

At this point, Lou Gerding called the point of order, stating that the discussion is not the budget, but rather the motion to table the establishment of the tax rate until the public hearing. Mayor Stoeber granted the point of order.

Sandy Ross stated that she just wants our citizens to know that we don't have to stay with the same tax rate, but we can get the same money by lowering the tax rate. She thought it could be put on the agenda tonight and vote for it and give our residents a break. She questioned why we should go through all these meetings and public hearings. We can give our residents a break and just stick with the compensating tax rate of .164. Councilwoman Ross stated that when she received all of the documents that the city administrative officer provided, it seemed that it was a lot of effort to go over the compensating tax rate for not that much money. Her intent was to save some time, give the residents a break and make it simple by having a first reading tonight.

Brenda Helton stated that after the lengthy discussion of September 14th she thought that they were in agreement that, because there was such a difference of opinion among council regarding the tax rate, we should have a public hearing and receive some more public input.

Mayor Stoeber clarified with Lou Gerding that the whole point of his motion to table is to have a public hearing so that there is not a shadow of a doubt that there was not honesty. That is the crux of what the tabling is about.

There was no additional discussion. Mayor Stoeber clarified the motion to table until the public hearing, and again clarified that by Roberts Rules of Order a two thirds majority vote was required. An answer yes is a vote to agree to table, and an answer no would be to essentially continue with the agenda tonight.

Roll call vote showed two yeses and three noes – Rob Moore, Stuart Oehrle, and Sandy Ross. **Motion failed.**

Stuart Oehrle made a motion to approve **Ordinance 06-960, establishing a tax rate at the compensating tax rate of \$1.64 per thousand on real property, \$1.81 on tangible property, and \$1.69 on motor vehicle tax for the 2009/2010 fiscal year.** Rob Moore seconded the motion. Brandon Voelker verified that this a valid motion. Discussion followed.

Lou Gerding stated that in June of 2004 council came up with the strategic plan and projections were made on income and expenses and how to fund our police department, public safety, and street repairs over the next twenty years. This will be going into the sixth year and we are on target for those projections. With the proposed compensating tax rate on the floor, it puts a negative of 3% in projections of revenues that must be generated. If you multiply it out over the next 20 years, if this tax rate is approved, then our projected loss will be \$1,103,971 from the strategic plan budget. Sometime in the future, unless we raise other taxes, street repairs are not going to be able to be paid for by the city and there will have to be assessments, or we will have to give up our public safety. We are looking at only a small savings of approximately \$18 per average household this year with this proposed tax rate. Looking at the effects of this in the long term strategic plan, if we just keep the tax rate the same as it was last year, we will have that extra money in the plan in the next twenty years. Councilman Gerding gave a brief explanation on how he calculated these figures.

Rob Moore verified that our strategic plan was calculated out fifteen years and we are in our sixth year. He stated that we gave the responsibility of coming up with the numbers to break even on the plan with our finance committee and administrative officer. They gave us all the information that they had and the strategic plan was funded as it should have been. If it isn't going to be funded then that is new information that we didn't have before. He questioned if it is still on track.

Mark Stoeber stated that the budget was passed for full funding of the strategic plan, and as of two months into the new fiscal year, we are on track for the full funds.

Sandy Ross stated that it is to everyone's credit that we have a strategic plan, but sometimes you have to reconsider on certain occasions, and this year is a very unique. People are calling these times the great recession. There are layoffs and foreclosures. Maybe it is only a \$18 savings, but if the residents turn around and spend that money in the city, it could turn around the economy that way. We are good stewards and we can take a little less because of the overall economic situation and give our residents a little break. Next year we may have to go to a different direction.

Brenda Helton stated that everyone she has spoken to have expressed surprise that the rates have not gone up. No one minds what they paid last year. If you drop the rate now, then next year we may have to raise it by more than four percent. It seems easier now to hold the status quo to keep it steady. Then it ensures that we won't have to raise the rates by five, six or seven percent next year when things are tight.

Mark Stoeber thanked council and stated that these are emotional and strategic issues. All council members have expressed their opinions and summaries of caucus discussions. He questioned if anyone on council feels that there is any new information that hasn't been heard before. He gave compliments to all council members on the great debate at the caucus meeting and this evening. There are some impassioned reasons for their opinions. They all care about the future, which is uncertain and each feels their vote is the right thing for the future. Mayor Stoeber reviewed the motion and called for a vote.

Roll call vote showed three yeses and two noes – Lou Gerding and Brenda Helton. **Motion carried.**

Discussion followed regarding a date for the second hearing of the tax rate ordinance. Brandon Voelker stated that if the compensating rate is accepted, it still requires two readings of that ordinance. He stated that the second reading should be held before the public hearing takes place, in case the results of the vote necessitates that we continue to hold the public hearing.

The October 12th caucus meeting has been cancelled due to lack of quorum on that date. A special meeting date for the second reading will be set either on Wednesday, September 30th at 6:00 pm if council member Janis Reiman will be back in town, or if not, then we will have the alternate date of Thursday, October 8th at 6:00 pm before the public hearing.

Dave Guidugli of 533 Darlas Drive was present and addressed council. In response to Lou Gerding's comments, Mr. Guidugli concurred that at the last meeting, he was under the impression that there would be a public hearing. If people really care about the tax rate, then they will show up, and if they don't, they are leaving it up to this council. Once you give up that four percent it is gone for good. Mr. Guidugli stated that he believes in the plan and we need that four percent to keep that plan in place.

Departmental reports were reviewed.

Mayor Stoeber stated that since Mr. Vank is out of town, if council has any questions on the finance report, please relay them to the city clerk and she will have Mr. Vank answer them upon his return.

Brenda Helton complimented Chief Burk on the new graphs on the Police Department report. It makes things easier to find.

Police Chief Ed Burk mentioned that last Thursday they had success in catching some burglars that were out and about in the area. Officer Chris Ratcliff stopped a vehicle matching a description they were looking for on the AA Highway. He noticed TV sets in the vehicle and called for backup. These individuals were responsible for three burglaries that day out in the county. He made the arrests. Shortly after that another break-in occurred in Alexandria, and Officer Ratcliff was the second one on that scene. They had talked to a couple of these burglars. They had picked this day weather-wise for a specific reason. Not as many people are out walking their dogs or walking or jogging up and down the street. They are not as conspicuous and that is why they do it on bad days. Chief Burk stated that we seldom catch someone in the house doing the burglary, but they are usually caught going to or coming from the house. That is the highest probability. We need your help. If you see something, call us immediately and let us know if something is out of place.

Mayor Stoeber stated that many times criminals select the houses by knocking on the front door. If there is no activity, then they assume no one is there and they go to the back door which is where the vast majority of burglaries occur. You should protect that area. Door bells being rung and knocking at doors at night should be taken seriously. It may not just be kids playing a prank. Call it in.

Brenda Helton stated that she is very happy that public works has started the street sealing, and the grids are looking very nice. Councilwoman Helton stated that she is also happy to see that the permits for the cell tower were obtained.

There was no animal control report for this month.

Stuart Oehrle suggest that we get a business to contribute to the purchase of some small refrigerator magnets to send to our residents in our mailers, stating that if something looks out of place, call dispatch and include their phone number on it. Chief Burk will check on design and wording. Dave Guidugli will provide the city clerk with a phone number of a printer who can make these up. Councilman Oehrle stated that if it works then it is worth the cost.

Sandy Ross verified with Mayor Stoeber that the sign at Friendship Park will be put in soon.

Resident Katie Lavelly was awarded the American Flag and Pole.

Rob Moore made a motion to adjourn the September 28th council meeting and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: