

**Cold Spring City Council  
Special Meeting  
October 8, 2009**

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. Mayor Stoeber stated that the variety of items on the agenda are dependent on how the meeting progresses based on various logistical issues within the meeting. Roll call vote showed that the council members present were Lou Gerding, Brenda Helton, Rob Moore, Janis Reiman, and Sandy Ross – excused was Stuart Oehrle. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Michael Vank, and City Attorney Brandon Voelker.

**Ordinance 09-959** was read in summary form for the second time, **setting the annual 2009/2010 waste collection fee at \$170.76 per unit.** Rob Moore made a motion to adopt this ordinance and Lou Gerding seconded the motion. Roll call vote showed five yeases and no noes. **Motion carried.**

**Ordinance 09-960** was read in summary form for the second time, **establishing the real property tax at .164 per hundred, the tangible property tax at .181 per hundred, and the motor vehicle tax at .169 per hundred for the fiscal year 2009/2010.** Mayor Stoeber stated that these real property and tangible property tax rates are at the compensating tax rate, and the motor vehicle tax is the current tax rate. Rob Moore made a motion to adopt this ordinance and Sandy Ross seconded the motion.

Mayor Stoeber stated that we had two different evenings of discussion on this topic and believes all of the discussions were relevant and in hand, and he stated that any continued discussion would have to be new or enhanced discussions.

Lou Gerding was not in agreement. He stated that because council member Janis Reiman was not present at the last meeting she should be brought up to date. Mayor Stoeber stated that the meeting should not be cumulative and council members have the responsibility to become educated and prepared. Janis Reiman stated that she would like a very brief summary. Mayor Stoeber requested that discussion be kept very tightly to the point.

Lou Gerding stated that at the September 28<sup>th</sup> meeting, he brought up that this compensating tax rate basically gives \$18 back to every residential family, but at the same time it lowers the tax rate. The other rate under discussion kept it at last year's rate of .169. By using this lower .164 tax rate, it takes over one million dollars in the next twenty years out of the Strategic Plan.

Brenda Helton stated that she is uncomfortable taking a vote at this time. We had gone through much discussion and it was advertised that we would have a public hearing, and now it almost seems that we are trying to do something underhanded by scheduling a meeting one half hour before the public hearing to take some action. She stated that she does not see the urgency and questions what difference the time would make to have the public hearing before any vote was taken.

There being no further discussion, Mayor Stoeber reviewed the motion on the floor for the second reading. Roll call vote showed three yeases and two noes – Lou Gerding and Brenda Helton. **Motion carried.**

Mayor Stoeber stated that because of this action, we are not required to conduct the public hearing, as advertised for 6:30 pm. We can continue with the hearing or cancel.

Rob Moore made a motion to cancel the public hearing. He sees no reason to have it now. Motion died for lack of second.

Mayor Stoeber called for **a motion to recess** until the stated time of the advertised 6:30 public hearing. Rob Moore made a motion to recess this special meeting and Sandy Ross seconded the motion. All were in favor. **Motion carried.**

After the public hearing was adjourned, at a motion from Rob Moore with a second by Sandy Ross, Mayor Stoeber called to **reconvene this special meeting.** All were in favor. **Motion carried.**

Brenda Helton stated that within the agenda it shows an additional tax rate ordinance was to be read, and asked how this would have to be followed.

Mayor Stoeber stated that, according to Roberts Rules of Order, we could not take an action on another similar action with an already approved motion on the floor. That motion would have to be rescinded and once that has occurred, then an additional motion could be made. By Robert Rules of Orders, someone within the prevailing party of three would have to put a

motion on the floor to rescind. If there was a vote to rescind then we could move forward. Robert Rules of Order makes the prevailing party the one to make that motion to rescind because otherwise, the party that didn't prevail could use that option to stall things.

He questioned if any of the three approving council members wished to rescind.

None of the three approving council members wished to rescind their decision.

Rob Moore made a motion to adjourn the special council meeting. Sandy Ross seconded the motion. Roll call vote showed ~~five~~ four yeses and one no – Lou Gerding. ~~All were in favor.~~ Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**

**Cold Spring City Council  
Public Hearing  
October 8, 2009**

A public hearing, as advertised, was called to order by Mayor Mark Stoeber for the purpose of hearing comments from the public regarding the institution of proposed tax rates for the City of Cold Spring, as advertised pursuant to KRS 132.027. Mayor Stoeber stated that the prior 6:00 pm special meeting has been recessed for the purpose of conducting this public hearing. At the special meeting, Council passed a legal ordinance setting the tax rates at the compensating tax rate. The law states that there is no requirement for a public hearing if the tax is set at the compensating tax rate, however, because of the timing of the progression and because council is very interested in public input, we are in fact conducting this public hearing, for public input at this time. The council members present at this public hearing remain the same as at the special meeting: Lou Gerding, Brenda Helton, Rob Moore, Janis Reiman, and Sandy Ross – excused was Stuart Oehrle.

Mayor Stoeber requested that the city clerk enter two items of correspondence into the public record of this meeting which were received regarding the budget and tax rates. This correspondence is from a resident of the city who requested that it be done so, and the records will also reflect that this same information has been distributed to city council.

Mayor Stoeber opened the floor up to public comments on the tax rates.

Bev Jacobs from the Sturbridge subdivision was present and questioned if property tax rates are guided by the comprehensive plan. Mayor Stoeber explained that the comprehensive plan is strictly for land use, restrictions, transportation, etc. It does not have anything to do with the property tax rates.

Nancy Lotz of Villagreen Drive was present and stated that she is very glad that we are lowering our taxes because of the amount of people who are out of work or only working part time, but she questioned if this will in any way affect our city snow removal.

Mayor Stoeber explained that the city's general budget anticipates a range for this, and unless there are extreme snow or ice occurrences that will put a strain on the budgeted amount, that should not be an issue at all. Because of the city's new growth in businesses, the amount budgeted will go up approximately \$60,000.

Mr. and Mrs. Craig Miller of 9 Founders Court were present at this time and requested clarification on the compensating tax rate ordinance that was just passed, and the over four percent compensating tax rate which was referred to in the public hearing advertisement. They also were under the assumption that the tax rate would be raised.

Mayor Stoeber explained K.R.S. requirements which allow the rate to be set at a calculation to guarantee the city the same amount of revenue as that which was received last year. If the growth of the city's base amount of taxable income goes up, then the tax rate goes down and that is called the compensating tax rate. Because of new growth in the city, that is why last year's tax rate of .169 has been lowered to the compensating rate of .164 per hundred. This lowered tax rate will save an average household approximately \$18.00. The city will still make the amount it made last year. On the flip side, Kentucky allows the cities to have a four percent increase over that compensating tax rate, because the state recognizes that all cities expenses do go up. Any form of rate increase above the compensating rate requires a public hearing to advise residents of the intent of raising taxes and allow their input. This year, that additional four percent actually comes up to .169, which is the current tax rate. Depending on how you look at it, if the city's tax rate had been set at .169, it would not have been an increase in taxes. As long as the tax rates are set within that four percent corridor, the voters could not go to the ballot and remove it. If a city desires to go over that allowable four percent over the compensating tax rate the voters could have it placed on the ballot and rescinded.

Mayor Stoeber reiterated that council in no manner had planned on raising what residents pay. The discussion has been to either keep it the same rate as last year which was at .169 per hundred, or to lower the rate to .164 per hundred.

Mr. and Mrs. Miller verified with the Mayor that next year, that tax rate may be raised, and questioned the new growth, and asked what our main expenses are that need to be covered.

Mayor Stoeber stated that Cold Spring has always been an expanding city. The strategic plan that was put in place in 2004 anticipated that around the year 2010 to 2011 the growth would level off. Once that happens, then the additional revenues would not be coming in and we have to anticipate for that. If businesses start closing and moving out and residential home values start dropping,

then the base taxable amount for the city would go down and the tax rates would have to go up. Mayor Stoeber stated that we did have an expansion of new business growth last year. He explained the sites of potential and eventual new developments within in the city, but he stated that eventually our growth will level out.

Our main expenses are police, public works, parks, public recreation, administrative services, permitting, building and those types of things. Long term expenses are street repair and replacement. We have sixty miles of streets and the cost to replace each mile is \$1 million dollars. Long term repair and replacement dwarfs the police department and public works department expenses. Five years ago we put together a thirty year street plan so that every four years we spend about \$1.5 million dollars to repair the streets. Long term we have \$60 million dollars for street repairs, and they do wear out every thirty to forty years.

Bev Jacobs questioned why the council vote was split three to two on the tax rate ordinance. Mayor Stoeber stated that we had many fabulous and heartfelt debates on the tax rate, which he summarized. Council debated on going with the .164 or the .169 rate. Council members looking for the .169 rate saw that the budget for our strategic plan called for the city to take the four percent every year so it could stay ahead and be on track with the plan. By taking the lower compensating rate of .164 now, over twenty years the cumulative loss to the plan would be over \$1 million dollars. Council members who voted for the .164 rate felt that the plan would be funded and expenses would be met, however they felt that now is the time to help the residents even if it is only an average of \$18 per household. Both sides had pure intent and the visions of all of our residents, but both felt it could occur in two different ways.

Nancy Lotz questioned if we have gone with the .169 rate, how much money would that have brought to the city. Mayor Stoeber stated that it would have brought in \$30,000 more per year. But as councilman Lou Gerding pointed out, it is \$30,000 now but when compounded, looking long term, it is over \$1 million dollars. That is where the debate was.

Lou Gerding thanked Mayor Stoeber for explaining the compensating tax rate calculations. He stated it was a shame that the camera was not here tonight because there was at least one individual sending out e-mails to people in the city with false information saying some people on council wanted to raise the tax rates. There never was any discussion on raising the tax rate.

Brenda Helton stated that as one of the council members who voted not to lower the rate, she felt that \$18 a year was not that great of a hardship. In looking at other cities around us when they replace streets, they assess tax payers so much per footage and frontage and that is a whole lot more than \$18 would be. It is important to maintain what we have. If we lose that funding down the line, other residents might have to be assessed if we can't keep the fund going.

Mayor Stoeber gave his compliments to this council. The discussion is really about the next twenty years and how tax rates affect the future of this city.

There were no other comments from the public.

Rob Moore made a motion to adjourn the October 8<sup>th</sup> public hearing and Sandy Ross seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**

## **Cold Spring City Council October 26, 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, Janis Reiman, and Sandy Ross, excused – Stuart Oehrle. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Michael Vank, and City Attorney Brandon Voelker.

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

James and Betty Wietholter of 9 Madonna Lane were named as recipients of the October Yard of the Month award. Cindy Wehry, member of the Parks, Recreation and Tree Commission, stated that this is the fourth year of this program, which runs from May through October. The Yard of the Month program will be starting up again in May of 2010. Ms. Wehry stated that at this time of year, she looks for yards with a fall theme, and Mr. and Mrs. Wietholter's beautiful yard was selected. She presented a plaque to Mr. and Mrs. Wietholter which showed a photograph of their home and yard. A Yard of the Month sign has been placed in their front yard.

Mayor Stoeber stated that a very special award will be presented tonight. Throughout previous years, the city has acknowledged Boy Scouts who have earned their highest award as Eagle Scouts, which is an achievement that requires quite a bit of involvement and duration. Tonight we are honoring six Girl Scouts who have achieved their highest honor, which is the Gold Award. Mayor Stoeber stated that they have worked closely together for thirteen years. Their hard work and achievements could not have been accomplished without the support of their parents. Mayor Stoeber then read a proclamation to six members of Girl Scout Troop 324 - Jenna Cavanaugh, Emily Hurtt, Kristen Grieffieth, Sarah West, Gabrielle Riffe, and Amanda Kinnett. Troop Leader Lisa Cavanaugh presented the Gold Award to each of the six Girl Scouts, who received a round of applause.

Lisa Cavanaugh, member of the Parks, Recreation and Tree Commission, gave an update on the Day in the Park event which was held on October 4<sup>th</sup>. She stated that 450 children registered for this event, and of that amount approximately 325 children were from Cold Spring. In addition, adults who attended filled out a survey and the feedback showed that they were very favorable of this and all of the city events. Ms. Cavanaugh thanked the girls of Girl Scout Troop 324 who have put in tremendous effort over the years in working for this and other city events. Ms. Cavanaugh thanked the Fire Department members for arranging the demonstrations held in back of the Park. She thanked the Cold Spring Police Department, Bob Nieves of the Cold Spring Office of the Kentucky Farm Bureau, Jalapeno's Mex Mex, Kona Ice, Northern Kentucky Water District, Ameristop, Walnut Hills Academy, the students of Campbell County High School and Villa Madonna Academy, and the girls from Beth West's Girl Scout Troop 124 and Diana Murray's girls of Girl Scout Troop 695 for their donations and their time. She also extended her thanks to our public works department for all of their hard work at the Day in the Park event.

Mayor Stoeber announced that Halloween will be celebrated from 6:00 pm to 7:30 pm on Saturday, October 31<sup>st</sup>.

Campbell County will hold their litter cleanup and abatement program on November 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, from 8:00 am to 6:00 pm at the Campbell County Police Station, Pendery Park, and the Campbell County Road Department.

The University of Kentucky invites residents to take part in a research study about exposure to radon in Northern Kentucky. Applications must be received by October 30<sup>th</sup>. Please phone the city office for more details.

Police Chief Ed Burk presented his quarterly report, which was about the new Neighborhood Focus program. This program is a partnership between the residents, businesses, and the police department, where they can work together to solve problems and prevent crime and social disorder within the city. Chief Burk explained many different ways that the officers will be involved in their assigned sectors, by trying to eliminate problems such as speeding, traffic, juvenile, and noise issues, disrepair of property, and alarm issues. The officers will also help with crime prevention services for businesses in their sectors by performing business checks, offering crime prevention tips for home and business properties, and also offering their services with vacation checks, block parties or parades, neighborhood watches and Homeowners Association meetings. We have eleven officers assigned to eleven sectors of the city. Our October newsletter contains a flyer with a map showing the different sectors along with a list of addresses showing which officers are assigned to these sectors. It also includes the telephone number and e-mail address of the officer in each sector so that the citizens can make direct contact. Because the officers work different shifts the citizens can leave a message either by phone or e-mail, and the officer will get back to them as soon as possible. Chief Burk explained that there will be a Police Department website which will contain a great deal of important information with graphic interfaces. He requests community action. If you have any issues, find out who your officer is and contact him. If there is an emergency call 911, or if not quite an emergency, call dispatch at 292-3622. He advises citizens that if you see anything suspicious or out of place, call the police department.

Mayor Stoeber thanked Chief Burk for his report and stated that he is very excited about this project and the outreach. The underlying premise of this program is that the neighborhood is yours. Become a part of your neighborhood and your community. The police are professionally trained experts who can handle issues that we are not trained to handle. They do not run our neighborhoods or our cities, but you do. When you need help, we have these well-trained professionals to call upon. Call your officers and just talk to them. Mayor Stoeber stated that this is a great start and more is yet to come.

Mayor Stoeber stated that part of the outreach of the city regarding community awareness is community participation and trying to engage our community in our decision making. Our Administrative Officer Michael Vank has the responsibility of finance and he has been working to make our city finances absolutely transparent. If you want to see where your money is going, just get on our website.

Administrative Officer Michael Vank gave a general overview of what to look for on our website. He passed out a packet of information to council members, which included a copy of the front page of the website, [www.coldspringky.com](http://www.coldspringky.com). Mr. Vank explained where to click on our website to get a view of the annual budget information for 2009-10, which shows revenues and each departments' expenditures. You can also click to see a budget report for each month. This is the same report that council receives each month. It is interesting to see how the figures change every month. The next page of this packet shows a graph which features our ten largest revenue items, and ten largest expense items, department by department.

Mr. Vank stated that our website also includes a block which shows details on our upcoming Board of Adjustment and Planning and Zoning Commission meetings. The city has new zoning hearing signs, which will alert our residents whenever any zoning issues come up in the city. Citizens can either phone the city building, or go to our website, [www.coldspringky.com](http://www.coldspringky.com), where they can obtain more information about the upcoming hearings. We currently have two signs in place, one at St. Joseph Church and the other at Kroger's on Martha Layne Collins Boulevard. The public hearings on these two zoning issues will go before our Board of Adjustment, on November 2<sup>nd</sup> at 7:00 pm. Mr. Vank welcomes any suggestions that may be helpful to include on our website. Thanks to Councilman Stuart Oehrle who designs and works on our website to get these features on the screen for us.

Mayor Stoeber thanked Mr. Vank and Mr. Oehrle for their hard work. He stated to the public that this is your community and your money. You have the right to know exactly what is going on and we intend to make that information available to you as easily as we can. This is a work in progress. Please make suggestions if you would like to see something else or see something different which will be of benefit to your community. We, as your elected officials, want to know that you are aware of what is going on in the city so that you can give us feedback on what is going well or what should be reconsidered.

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 regular September 28<sup>th</sup> meeting were reviewed by all. Rob Moore made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

The minutes of the October 8<sup>th</sup> special meeting were reviewed by all. Lou Gerding made a motion for approval and Janis Reiman seconded the motion. Lou Gerding requested a change to the adjournment roll call information on the last line. All were in favor of the minutes as corrected. Motion carried.

The minutes of the October 8<sup>th</sup> public hearing were reviewed by all. Lou Gerding made a motion for approval and Sandy Ross seconded the motion. All were in favor. Motion carried.

Departmental reports were reviewed.

Michael Vank stated that the finance expenses were running lower than budgeted. Payroll revenues are slightly off, but it maybe attributed to the fact that payroll is paid by the quarter and the companies don't get their numbers in until late July or August. We will be watching these closely to see if any trend develops.

Brenda Helton stated that, on the police report year to date from last year, it appears that crimes are down significantly. The police are doing a great job. Chief Burk stated that while crimes are down, they are doing more vacation checks. There were 900 vacation checks on October. Mayor Stoeber stated that for the vast majority of these, the officer is out of his vehicle looking at your property doors and taking extra steps while you are on vacation and spending a lot of time in your neighborhood.

Sandy Ross questioned the missing persons section on the police report, which showed that it was still open. Chief Burk stated that this issue is now closed but the timing wasn't in line with the report.

Lou Gerding questioned if there was a problem getting the lights for the Veteran's Memorial since some of them have been out for about five weeks. With the high vandalism week we are in, he suggests we get them replaced right away. Michael Vank stated that we were having problems getting those lights but we do have a new vendor. He will check and see that the lights are replaced.

Mayor Stoeber again congratulated the Parks, Recreation and Tree Commission on their successful events this year, and he thanked the Girl Scouts and the Yard of the Month recipients.

Brenda Helton commented on the new zoning hearing signs, which have been placed in front of St. Joseph Church and Kroger's on Martha Layne Collins Boulevard. People have been noticing them and she received calls from some residents before she even knew what the zoning hearings were about. She requested that e-mail notification be sent to council members before the signs go up so they can be better prepared to answer questions about them.

Rob Moore stated that he has received calls that construction work is being done in the Granite Spring subdivision before seven in the morning and finishing late at night. Police Chief Ed Burk stated that he has already had officers back there concerning this issue and they will keep an eye on this. Also, Mr. Moore stated that there have been issues reported about speeding in Springside by some school buses.

Sandy Ross complimented Michael Vank on the new zoning hearing signs. She stated that some residents who had phoned the office about these were asked what street they lived on and Ms. Ross questioned this. City Clerk Rita Seger stated that she was requested by Mr. Vank to get the general location of the callers, just so that the city could get an idea of what areas of the city showed interest or noticed the signage.

Lou Gerding stated that Plaza Drive has been resurfaced, but he would like to see documentation to see if this section was done correctly and taken all the way down. They may think it is completed now, but if you go back on Plaza Drive, the curb near White Castle is not in good shape and there is another spot farther down where the curb is messed up, probably because of a storm pipe that sits behind it. In his opinion, the curbs should have been repaired before the road was resurfaced. We need to put them on notice that we are not satisfied with what is going on and will not take that street over until council is satisfied.

Mayor Stoeber stated that those issues have been addressed and the Public Works Committee has been made aware of it. The city has not taken over the street yet and we will work on getting the documentation from Northern Kentucky Area Planning Commission. Mayor Stoeber requested that Administrative Officer Michael Vank have Scott Hiles from NKAPC attend the November caucus to discuss the Plaza Drive issue.

Michael Vank stated that Insight Communications will be taping Christmas greetings from various cities, of about fifteen to twenty second spots, around the Holidays. He would like to try to get someone from every department to be on camera to wish the viewers Seasons Greetings. The taping will be on Wednesday, November 11<sup>th</sup> at 2:30 at their studios. He would like to have a representative from the Police Department and any council member who may be able to attend.

Resident Betty Wietholter won the raffle for the American flag and pole.

Lou Gerding made a motion to enter into Executive Session, per K.R.S. 61.810 – C. Litigation. Janis Reiman seconded the motion. All were in favor. Motion carried.

Sandy Ross made a motion to come out of executive session and Brenda Helton seconded the motion. All were in favor. Motion carried. No action was taken as a result of the executive session.

Rob Moore made a motion to adjourn the regular October 26<sup>th</sup> council meeting and Janis Reiman seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**