

Cold Spring City Council February 27, 2012

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, Dave Guidugli, Kathy Noel, and Rob Moore - excused were Stuart Oehrle and Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker.

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

Mayor Stoeber requested the removal of two items from the agenda, under New Business - Item A which is a map amendment ordinance and Item B which is a text amendment ordinance, until the next meeting when we have a full council for these readings.

Mayor Stoeber stated that he met with the principals and art teachers of our Cold Spring Schools and they have worked out a plan for our second annual City Art Show, which will be held on May 19, 2012 from noon until 4 pm. They will be adding more art work, and adding various performances every half hour. Last year it was very well attended and everyone is excited and looking forward to this year's event.

As part of the Health Initiative, Mayor Stoeber announced that one Monday a month he will walk the "Monday Mile" through various neighborhoods throughout the city, starting in Granite Spring on April 16th. We are in the process of putting in mile markers and walking paths throughout the Cold Spring subdivisions.

On April 21st, we will hold a Healthy Cooking Class for our residents. This was a very enjoyable and well attended event last year. Residents can register by calling the City at 441-9604, or e-mailing clerk@coldspringky.com. Last year's event was held in our Community Room, and if we get a large number of reservations it may move to a different venue.

This year we will hold the Health Expo on June 23rd. Mayor Stoeber stated that in 2011 it was held earlier in the year and we had torrential rains, so hopefully this year we will have better weather. St. Elizabeth's cardio and mammography vans will be here, and a number of booths will be set up.

The Fitness Sampler will be held on September 22nd. We had extremely hot weather last year for this event, and we hope that this year, by moving it later in the year we will see better weather and better participation.

Mayor Stoeber announced that Brain Injury Awareness Day is proclaimed for March 14, 2012.

There will be a drawing for an American flag and pole for a resident staying until the end of this meeting.

The minutes of the January 23, 2012 regular council meeting were reviewed by all. Lou Gerding made a motion for approval and Dave Guidugli seconded the motion. All were in favor with the exception of Kathy Noel, who abstained from the vote. Motion carried.

The Police Department submitted a list of various items to be declared as surplus inventory for disposal. Chief Burk explained that many of these items are old, non-functional and non-repairable. The hard drives have been removed from the computers / lap tops and destroyed. The aircards are first generation. Lou Gerding made a motion to approve these surplus items to be destroyed, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Mayor Stoeber stated that the city received a shut off notice from the Sanitation District #1, threatening to turn off the city public water for non-payment. Brandon Voelker stated that he spoke at length to Mr. Lovan of the Northern Kentucky Water District regarding this notice. The SD1 letter stated that the "records indicate that a portion of the balance is delinquent", but more importantly it refers to it as our "sanitation" account. K.R.S. says that they can only shut off water for lack of payment on sanitation charges, but not stormwater charges. As instructed by City Council, Steve Taylor has been very meticulous in paying for the sanitation portion of our bill in full, but has not been paying for the stormwater charges. This wording in the letter by SD1 is very misleading. Mr. Voelker advised Mr. Lovan of the Water District that we are in fact current with our payment of our sanitation fees. Mr. Lovan stated that the City is not on the shut off list, and he has flagged our account.

Mr. Voelker stated for those who are following this issue with the county, there is an issue with people who do not have sanitary service. They have lodged their own protest with the fact that their stormwater money is being diverted to sanitary. In a public meeting, Commission Painter says that he knows of someone who chooses not to pay stormwater because he doesn't have sanitary sewer. Mr. Voelker stated that the Water District is in fact occasionally turning off the water of people who are not paying the stormwater portion. In defense of the Water District, that happens because of SD1's misleading wording. As a follow up, Mr. Voelker will be sending a letter to our Fiscal Court advising them of our issue. The Fiscal Court is telling people that if they don't clarify to SD1 that they are not paying their bill because they don't have sanitary, then they are at risk of having their water turned off.

Dave Guidugli stated that it would be a good idea to forward copies of this correspondence to Representative Fischer since he is in the process of working on this issue. Brandon Voelker stated it would also be a good idea to send this to anybody that has any influence over SD1 or who appoints their Board.

Lou Gerding questioned what gives the Water District the power to turn off water for a sanitation issue. Brandon Voelker stated sanitary rates are tied to water consumption. A section of K.R.S. 220 allows this, but only for non-payment of sanitation charges, not stormwater charges.

Lou Gerding made a motion to **obtain a restraining order against Sanitation District #1 to make sure that they don't shut off our water.** Dave Guidugli seconded the motion. Kathy Noel questioned if the restraining order should be directed to the Sanitation District or the Northern Ky. Water District. Lou Gerding stated that the Sanitation District is the one who is forcing this issue.

Brandon Voelker stated that he prefers the restraining order be against the Sanitation District. Technically it is SD1 that is asking the Water District to do this. The Water District has always been very cooperative with the city and they don't want to be brought into this. Mayor Stoeber stated that the Water District has been very agreeable with us, and we have had very positive interactions with them regarding one of our streets. They shouldn't be an innocent bystander and hit by some shrapnel of SD1's action. Brandon Voelker stated that he will keep Ron Lovan of the Water District in the loop and let him know of our appreciation of his responsiveness and openness. It appears that the wording in the notice is a product of general accounts of SD1 and represents a very small portion of their user base. SD1 has brought the Water District into this by trying to force them to do something that they don't believe they should be doing.

Roll call vote to **obtain a restraining order against the Sanitation District 1** showed four yeses and no noes. **Motion carried.**

Departmental reports were reviewed.

Mayor Stoeber stated that with members of finance, we had a six month check in review in December and we will do a nine month check in review at the March finance meeting.

Mayor Stoeber noted that our property tax collections are going very well, with only 45 delinquencies remaining.

Lou Gerding questioned information council received regarding a Board of Adjustment public hearing for parking a boat. The Duke Energy logo appears on some of this correspondence, and he verified with Brandon Voelker that Duke Energy is not involved with this public hearing. The City Clerk stated that the applicant who owns the boat happens to work for Duke Energy and that is the only involvement.

Kathy Noel commented that she made a campaign promise that she will not accept a salary again this year. With the combination of both years, this is a savings to the city of over \$3,500. This is her way to give back to the community.

There were no further council, attorney, or mayor comments.

There was no winner of the American flag, pole, and health gift.

Lou Gerding made a motion to adjourn the February 27, 2012 council meeting, and Rob Moore seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: