

Cold Spring City Council November 25, 2013

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 – Lisa Cavanaugh, Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel, and Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, and Attorney Brandon Voelker,

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

Items of interest to the community were reviewed. Cold Spring celebrated Veterans Day with a ceremony at our Veterans Memorial in Municipal Park on Sunday, November 10th. It was a nice day and the veterans attending were pleased with the nice ceremony. Special thanks to Reverend Frazier of the First Baptist Church of Cold Spring who gave the invocation and the benediction. He also surprised us with a beautiful voice by singing “God Bless America”. We hope to have him back next year. The city offices will be closed for the Thanksgiving holidays on Thursday, November 28th and Friday, November 29th. There will be no change to trash pickup, which will be as scheduled on November 29th. Also, Light up Cold Spring will be held on Sunday, December 8th. Turn your outdoor lights on by 6 pm. Council will tour the city and select the winners and the runners up. The Parks and Recreation Commission will hold the annual Visit with Santa event on Saturday, December 14th, at the First Baptist Church of Cold Spring, 4410 Alexandria Pike. It will be from noon to 3 pm in their activity center. There will be free games, prizes, treat bags, and refreshments for the children. Bring your own camera to take pictures with Santa.

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 October 28, 2013 regular council meeting were reviewed by all. Lou Gerding made a motion for approval and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

There were no scheduled guests.

Unscheduled guests were invited to step forward.

Steve Trauth of Madonna Lane addressed Council. He stated that the mayor did a good informational write up of the stormwater issue in the city newsletter but since we have the camera here, it might be a good idea to have a quick summary of the stormwater plan which is listed on the agenda tonight. Being that we will be spending a quarter of a million dollars on stormwater, it would be advisable to keep the citizens abreast on what the next step is.

Mayor Stoeber stated that as of October 1st of this year, the city officially took over responsibility for stormwater cleanliness in the city of Cold Spring. Previously those duties were to be performed by the Sanitation District, however, we had disagreements on how and who would do what, and we have chosen to take this on ourselves. A part of that involved the costing and the responsibilities for maintaining clean stormwater. It is important to note that the EPA requirements in regard to the stormwater have to deal with quality of the water, not quantity of water. The EPA is concerned that the water is clean. A billion gallons of water is okay as far as the EPA is concerned, but if that billion gallons has one gallon of oil, gasoline, pesticide, or radiator fluid in that water then neither the EPA or is City of Cold Spring happy. It is our responsibility to keep that water clean. In order to maintain the EPA requirements we need to: 1.) Educate our residents that clean water is important. 2.) Create processes to get our residents involved hands on and understand what they can do to keep water clean. 3.) Pass rules and regulations in the near future that basically say this is how the water is going to stay clean and if you choose not to follow those rules there will be fines and penalties for not keeping the water clean. 4.) Have rules and regulations in place in regards to contractors, construction companies, and developers so that as they develop properties it has to be done under stormwater guidelines. 5.) Not only do developers have to build it correctly, they have to be monitored to make sure it stays correct. You can't just do it right and walk away from it. 6.) Keep things clean ourselves. We have a lot of property in this city and a maintenance building and vehicles that have a lot of chemicals in them. We must keep our own house clean, to lead by example.

Setting up a system doesn't go without cost and as of the last six or eight months, the city put together a subcommittee along with experts and they worked hard to develop that cost structure. In general the city estimates that it will cost about \$280,000 a year in order to maintain this program for the first couple of years. Once we get a few miles under our belt and our education programs are up to a certain level and as our experts educate us, the cost of running the program will go down, but we don't anticipate that for another three to four years. We are going to spend about \$280,000 a year and in order to offset that expenditure because that can't be afforded in our general operating budget, we passed a stormwater fee charge at \$4.50 per unit (ERU) which for a household/resident owner is \$4.50 per month, but for a business owner it is a mathematical formula which is

the number of units (ERU) times \$4.50. All told, that means that the city is going to collect around \$250,000. Council did not set the stormwater fee at the \$280,000 figure because at the year three and four our expenditures will go down and the \$250,000 should hold for several years. The deficit between the \$250,000 in receipts and the \$280,000 in expenditures is going to be obtained from the city's general fund on a temporary basis. An ordinance that was passed in setting the fees said that the moneys that came from the general fund must go back into the general fund when the stormwater fund has extra money in order to repay it. It is basically an internal financing system. At the highest level we are going to take in about \$250,000 each year for the next couple of years, and spending about \$280,000 for the next couple of years, and then as costs decrease, we repay the city for those advanced funds. Then we will look at and hopefully reduce the \$4.50 fee. EPA regulations could change the game as we move forward but in general we are looking forward to maintaining the city stormwater system in an efficient manner and reducing the fees. Call the city clerk if you need more information, or you can go to our website.

Steve Trauth stated that the big thing is to get out to the public a phone number of who and how to contact the city for notification and also have this posted on the website. Since you are asking the citizens about oil, gas, or fluids going down the drain, we need to have this posted right away to help the citizens when they see something like this happen. Mayor Stoeber stated that one of the next administrative steps is that there will be a specifically dedicated phone number and person for stormwater issues during regular city hours, who will be able to respond correctly. During off hours that phone number will then be transferred to someone on call to handle the emergency situations should there be a spill or a hazard. We intend to have that probably within the next month. If anyone has any issues in regards to stormwater now, call the regular city number, 441-9604 and it will be answered by either Rita or Teresa and you will get your issue resolved promptly. As soon as we have that specific person and dedicated line it will absolutely be part of the education.

Mayor Stoeber stated that our consultants are in communication with the state and the EPA, and knowledge and education is highly valued. If there is a spill or somebody is doing something wrong, this is how we can get immediate action and it is high on the priority list. Mr. Trauth added that the EPA will always want to know the quantity of the spill because they will want to come and investigate it. Mayor Stoeber stated it is a case of "an ounce of prevention is far better than a pound of cure".

There was no old business on the agenda.

Under new business, Mayor Stoeber stated that the first two items on the agenda involve approval of two stormwater issues. Council received a copy of a ratification of the agreement with Kentucky Transportation Cabinet and the Stormwater Quality Management Plan for the State Division of Water. Our expert, John Damico is present tonight to answer any questions regarding the plan. Kathy Noel made a **motion for approval of the ratification agreement under the Clean Water Act**, and Dave Guidugli seconded the motion. Lou Gerding requested that the citizens be updated on this agreement with the Kentucky Transportation Cabinet and their water quality that comes off of their roads, and also a breakdown of the Stormwater Quality Management Plan itself and the steps on how we plan on going about it.

Brandon Voelker stated that the agreement which council is being asked to ratify between the city and the Transportation Cabinet is because a lot of the roadways in the city are state roads, and by the agreement, we will handle the educational outreach and the components for the state and in exchange, they will provide us with the educational material that is needed. Our experts are meeting with Frankfort so that we can get the educational materials. Basically the state agrees that they are going to maintain their stormwater area and we agree that we are going to help them out by going to schools and do the educational outreach. We will include them in any type of civic involvement that is going on and that way, we aren't showing up at a school one day and the state showing up the next day. It is a matter of efficiency. Government entities are not exempt from the fees, and the state doesn't want their impervious surface area having excessive fees so they are going to maintain those themselves. John Damico stated that the educational kit is something that we can use at Park Board events so the kids can see how the stormwater works. Cold Spring will handle all of the educational controls and the state will provide the public information. It is a trade-off.

Mayor Stoeber stated that there is still a tremendous amount of logistical steps that need to occur, such as the GIS system and mapping where all of our sewer lids, culverts, streets and the like are located. We have to keep it current as the city develops, updating every new development and maintaining those things in good working order. We will have part of the fees that we collect being used for routine maintenance in much the same way as we do our street maintenance. With stormwater you have to inspect your manholes, culverts, drain lines, and make sure that they all work. In order to make that work we have to have an inventory system so all of that property is part of the regular maintenance. In addition, three ordinances will need to be passed.

Brandon Voelker stated that we have to do an illicit discharge ordinance, which makes it a civil offense to engage in illegal dumping of antifreeze, oil, or the like. We would have to take some enforcement measures which will not be just a slap on the wrist. There will be stiff penalties, clean-up costs, etcetera. The other ordinances have to do with pre construction and post construction. Right now much of this is handled through our current subdivision regulations, which refers developers to SD1.

This first year, Planning & Zoning will have to adopt changes to their subdivision regulations and council will adopt those as well. Beginning on page 37, the Stormwater Quality Management Plan can almost be viewed as a roadmap providing you with a five year plan of things that we are going to do. On October 1st we went on our own, became our own entity, and we were off of Sanitation District #1 as a co-permittee. But the state doesn't expect us from day one to have everything in place. They expect us to adopt a plan and they are going to audit us to see if we are doing everything we said we will do in that SWQMP. We should have the illicit discharge ordinance by January and shortly thereafter the pre and post construction ordinances as well. If the public ever asks you where this money is going and what has to be done with the city, the SWQMP will be online and you can just refer to it. It can basically be used as a checklist.

Mayor Stoeber wanted our stormwater expert John Damico to pass along a compliment to the state. Our consultants are in contact with them and the state has been very open and interactive with us. We are delivering this product three to four months earlier than necessary. Mayor Stoeber thanked the committee, our experts, and the state too because early on they gave us very clear guidance as to what their expectations were. The state has been very helpful to us and we understand our responsibility. We don't want to step outside of their rules, and they are being very helpful as far as what the rules are. Lou Gerding thanked Mayor Stoeber and Brandon Voelker for doing a very good job in explaining this before we voted on it, and he stated that being ahead of schedule is very important too. With our relationship with the state it shows them that we are very set on getting this done and getting it right.

Mayor Stoeber stated that we have a motion and a second for the **ratification agreement for the Clean Water Act between the City of Cold Spring and the Kentucky Transportation Cabinet.** There being no further discussion, roll call vote showed six yeses and no noes. **Motion carried.**

The next item is to **approve and authorize the mayor to submit the Cold Spring Stormwater Quality Management Plan to the Kentucky Division of Water.** Dave Guidugli made a **motion for approval** and Adam Sandfoss seconded the motion. Mayor Stoeber thanked John Damico for attending the meeting tonight to answer any questions. Mr. Damico pointed out in terms of the schedule that this is the original five year plan but there is an annual report that has to be submitted even for October, November, and December 2013 and it is due April 15th and every April 15th thereafter. The state is going to make sure that we are actually complying with the plan we put in place. There will be give and take from both the city and the state and it is important that everyone understands that it is a moving plan and every year it will need to be slightly updated. Mayor Stoeber stated that it is good to know too that the EPA and the state take it very seriously and we take it very seriously. There is a very good plan of checks and balances. Knowing the state is out there is a good thing and we don't view that as a hassle or a problem. It gives us the opportunity to step forward and say that we are doing things right. He thanked Mr. Damico for pointing this out. There being no further discussion, roll call vote showed six yeses and no noes. **Motion carried.**

The next item on the agenda was discussion of open records requests for council and board members, per Municipal Order #02-05. Rob Moore stated that there has been an overabundance of open records requests and he asked city attorney Brandon Voelker how this works and with the new tablets if there was any way to cut back on some of these redundant requests.

Brandon Voelker stated that in 2002 the ordinance was passed because Councilman Lou Gerding was being denied access to documents that were a part of items being discussed by council. This ordinance exempted council and board members from having to pay the associated ten cent fee. If the public comes in and asks for a document we charge ten cents per page. Obviously anybody can do an open records request. It is an issue as to whether or not the documents could be delivered free of charge or put in an electronic format as suggested by Councilman Moore or something along those lines.

Rob Moore stated that he does not mean to deter the request of public records, but we spent a lot of money this year on open records and many of these were the same request over and over again. He questioned if we could change this ordinance because he is sure that the office has been overwhelmed. We were getting open records requests on who requested open records. It is out of control and we need to somehow slow it down. He questioned what types of records are not considered open records. Kathy Noel questioned if this is costing the city in man hours.

Brandon Voelker explained that you are only allowed to charge ten cents per page. You are not allowed to bill for the time associated with staff for filling the request. If someone makes an open records request and it takes ten hours to fill it and it is only ten documents, the fee can only be \$1.00. The city has to incur the time as the cost of doing business. Some records such as preliminary notes and drafts do not become public documents until such a time that it becomes a final action of this body. Personnel records are always exempt. Disciplinary reports for a non-management person are typically not subject to disclosure. Anything having to do with a police investigation is not subject to disclosure, but once the case is over then it is a public document. If an entity asked for open records in order to get a free document to engage in advertising, then you can distinguish that. Ed Burk stated that attorneys cannot ask for open records requests on all of the accidents that occur to help their business. Mr. Voelker stated that Kentucky Revised Statutes has a laundry list with six or seven exemptions. Because of the e-mail open

records requests, we have contacted the state and in a month or so we will adopt a policy similar to state records retention is this regard.

Rob Moore stated that we had a request from a news agency with hundreds of pages copied and they were never picked up. He questioned if we can bill them for those pages. Mayor Stoeber stated that it was 1,000 pages. Mr. Voelker stated that we cannot bill them because they elected not to get the records. Lou Gerding questioned how many requests we normally receive. Mayor Stoeber stated that normally the city administration has eight to ten per year and on the police side it is normally five to seven per year. Usually if you make a policy decision or a code violation people file open records requests to see the actual law. When you get into planning and zoning issues, you have a tendency to get a lot of open records requests. In the last twelve months, combined between the city and the police department we have had forty open records requests.

Lou Gerding stated that we are having a problem this year that has never happened before. If you figure the employees time and material, he questioned the dollar amount attached to the open records this year, and if the person has to give a reason why they are asking for the request. Mayor Stoeber stated that in regards to just the council requests, it has been around \$4,000 to \$5,000 in material. The particular request from the news media which wasn't picked up was about \$900, and if he had to put a time to the other twenty requests it would be around \$3,000 to \$5,000 dollars. Open records requests are costing us probably \$8,000 to \$10,000 in addition to the time to gather it. The person requesting records doesn't have to give a reason but they have to say what they want.

Mayor Stoeber stated that the big increase is requests from council. We had only had two requests from council in the last ten years, but during these past twelve months we have had twenty requests from council. The media request was for anything regarding the health and wellness program. The council open records requests were mostly revolving around items relating to the health and wellness program, but some were also for the Art in the Park program and the Kentucky Symphony. Dave Guidugli stated that he has come to the city numerous times and has received answers right on the spot from staff. He has never had issues and never gave it a thought that he would have to go through an open records. Kathy Noel stated that we have discussions at caucus where we can get answers, so she never had an issue with open records.

Mayor Stoeber stated that there was a complaint made by council to the State Police and there was an outreach from them. Lou Gerding questioned if someone made false accusations to the State Police. Brandon Voelker stated that he was contacted by the Kentucky State Police after an allegation was made about unlawful expenditure of money which was not approved by council when in fact it was approved by council in the budget. There was also some concern about invoices, and documentation was forwarded to the Kentucky State Police. They closed the case within fifteen minutes and he received an e-mail confirmation stating that the investigation was over at that point and there was nothing to it. Mark Stoeber stated that the allegation was made by a councilmember and was quite unnerving to city staff. Lou Gerding stated that because of false accusations the taxpayers are eating \$5,000 to \$6,000 for requests from council.

Brandon Voelker stated that we only can charge for the pages, but council could repeal Municipal Order 02-05 and make themselves subject to the ten cents per page charge like everyone else. There is nothing that can stop someone from requesting a public record. Dave Guidugli stated that he sees no reason to change policy, but questioned if some of these duplicate requests can be turned down or do you have to keep producing the documents. Brandon Voelker stated that if they still want the documents you have to produce them. You should obviously advise them and question if they are sure they want them. Someone may phrase something one way and then may phrase it a different way so staff may question them and narrow down exactly what they are looking for.

Rob Moore stated that there is no way that someone should come to the city office every day and request open records and we have to keep giving them out. There has to be something that can say you've got it and that is it. Brandon Voelker stated that there is a provision that you can't just engage in disrupting the staff. It is a higher standard to make but if it gets to that point then counsel should be consulted and a determination could be made. That would be a fact or circumstance situation.

Lisa Cavanaugh stated that this issue is all revolving around her public records requests. When she filed for records there were questions about what she received. The first time she filed for records for health and wellness program she received a letter stating that they didn't exist, that everything was kept in a certain file or account. She was given a piece of paper with some numbers typed on it. Knowing there had to be records she filed again, but this time the records were produced. That is when she saw that the city was paying \$50 per hour for e-mailing, postings on facebook, posting recipes. Then she stated she questioned things and didn't get an answer. Months later she filed for the most recent things on the health and wellness issue and was given three invoices that clearly showed that the hours billed were different than the grand total. The items didn't add up. Something was missing from the invoices. The lines were broken so it appeared that the invoices were altered or covered up. She filed again since she was getting something that was obviously not right. This time she got the same bills but they were

all of the right things. She doesn't believe it was the person whose invoice it was and she doesn't understand why they did not match.

When Rob Moore questioned Ms. Cavanaugh she stated that the invoices were for Fit Life with Jessica, and she has no relationship with her except that she is the health and wellness adviser. Councilman Moore questioned how much money was budgeted for this and Ms. Cavanaugh stated that she did not know. He then asked the Mayor what the budget was for health and wellness. Mayor Stoeber stated that next year's budget is \$6,000. Rob Moore asked Ms. Cavanaugh if the invoices totaled to \$6000, since we have already approved these expenditures. Ms. Cavanaugh stated that it doesn't matter. The bills obviously had been altered and she doesn't understand why. Councilman Moore questioned if the bottom line showed the grand total and what the charges were for. Councilwoman Cavanaugh stated that the grand totals were not covered up, but the part that was covered up was the \$25 for posting recipes on the website, as shown when she received these same invoices on her second request. Lisa Cavanaugh stated the charges were \$50 for the development, implementation, and administration of the health and wellness program for the city of Cold Spring, and then it is her understanding that there is an additional \$25 an hour on top of that to post the recipes for the website. She questioned why she wasn't given the entire billing the first time. Then there wouldn't have been red flags that went up when seeing the differences.

Mayor Stoeber questioned if that is why she went to the State Auditor and the State Police as opposed to just asking the city. Ms. Cavanaugh stated that is what she was told to do. Rob Moore questioned if Brandon Voelker was advised of this issue. Mr. Voelker stated that after talking to the State Police, he contacted the city administrator to find out what happened. Early on there were requests for documents that didn't exist. The open records act requires that you give them a document, but it doesn't require that you compile stats and figures. Early on the administrator did compile sheets and prepared documents though these type requests are not provided for under the law. Traditionally as a city we have provided information such as this. To explain the white out area on the invoices, the request came in for one component but not for the other. So because the other component was not asked for, instead of photocopying the entire document, the part that was not asked for was taken out. When there is miscommunication on what exactly is requested, this is what ends up happening. Once the entire document was looked at, the numbers all added up. That explains why there was a difference on the invoices between the charges and the grand totals. It wasn't germane to the original request. Mr. Voelker has since advised staff that if the document is full of items that are not requested, even if only a small portion contains the subject of the request, the document must be provided in its entirety. You have records available even if they do not use them all. They can pick and choose what they want.

Mayor Stoeber explained with an example that the invoices had apples, oranges, and grapefruits on them and the open records request asked for only apples. In order to fulfill the request, the administrator gave only the information for apples. It was the oranges and grapefruits that were not shown on the invoices even though the totals were purposely left on the invoice in order to not hide anything but to just show the information on the apples on an invoice that also contained oranges and grapefruits.

Brandon Voelker confirmed with resident Steve Trauth that the city has always provided answers to his questions. Mr. Trauth stated that the city has to have transparency and as long as you are a public entity you have to have open records. He asked why Rob Moore was questioning this. Council Moore completely agrees that we must be transparent, but he explained that we have had the auditors look at this and they have dismissed it, and we have had the Kentucky Police look at it and they discharged it in 15 minutes. The media requested these same open records. This was approved in the city budget, and he wonders where else we can take this to put an end to it. These open records requests have become redundant. Brandon Voelker stated that we will always have to respond to open records requests, but if you want to make the same rules that are applied to citizens applied to council and the board members by charging this ten cent fee, council can do away with this ordinance.

Mayor Stoeber stated that in going back to the initial open records request, information that the city did not regularly have in that particular format was asked for. All of the expenses were put in one line item, and they were not in the format of the request. The city's legal initial response could have been and was that the information did not exist as asked for, however, in order to take the step as we have done for others, we took the information and put it in a format that the open records request asked for in order to be transparent. We took this extra step in order to provide information, even though it was not technically asked for. The city did not have to respond per the law. We could have just said no, that information is not available in the format that you want, but we didn't want to do that. Also too, the information that went to the State Police and to the auditor's office and to the news channel could have been answered in a very simple question to the city instead of going straight to the Kentucky State Police and have our administrative office wonder why in the world the Kentucky State Police is calling on a fraud investigation of misuse of funds.

Mayor Stoeber questioned Ms. Cavanaugh on why she went to the Kentucky State Police. Councilwoman Cavanaugh said she did what she was advised to do by the auditor's office and the Campbell County Attorney's office, because she received

documents that just did not add up and appeared to have been altered. Mayor Stoeber questioned why she would just assume that administration would provide her with fraudulent documents, when she could have just asked about them. He questioned if this administration over the last ten years provided anybody with fraudulent documents and questioned why she assumed that we would do so now. If something doesn't add up why would she assume that they are committing a crime.

Lisa Cavanaugh stated that there was a question about something that was not understood and that was it. She stated that if she felt like she could ask the city maybe it would be different, but she didn't feel like she could. Lou Gerding stated that because of false accusations by a council member we have wasted a lot of taxpayers' money. Dave Guidugli questioned if she really feels that she can't come to the city and talk about an issue. Councilwoman Cavanaugh stated that she did not. She has asked a lot of questions and the city is not used to that.

Mayor Stoeber reviewed the questions she asked about. In an agenda council comment section, she asked him if he paid \$25 an hour to put recipes on a website. He gave her his answer which was yes. She then asked him if he felt that it is a pertinent use of city assets. His answer to her was that it was approved in the budget and he was spending what council approved for him to do. One week later there was an article about him in the newspaper accusing him of misusing city assets when she didn't even ask for that to be on the agenda to be discussed. He questioned why she didn't ask for an agenda item, to get the full history of how the health and wellness program originated. She never asked that question because if she had she wouldn't have these further questions. Also, she would have understood that he sat down in front of the finance committee for an hour and a half and explained to them exactly how and why this program would go over four years, and that the finance committee approved this in two meetings and council approved it in three meetings. They all understood what the contract terms were. Councilwoman Cavanaugh stated she did not write the article and did not accuse anybody of anything, she just asked questions. She further stated that when she tried to ask questions at a council meeting about the budget, parliamentary procedure was used to cut her off so she couldn't ask additional questions.

Mayor Stoeber responded that because it was an open public meeting, she was given parliamentary procedure because she was provided that budget two months before this meeting was held. They were given two months prior to discuss it. At a public meeting council sat down and discussed the entire budget. Parliamentary procedure was exercised simply because council as a whole felt that they had already had plenty of time to review and discuss the information that was provided in previous meetings and that to discuss that information during an open voting meeting was not the proper time to do it. He stated that she had to have given the Kentucky State Police a reason that fraud was occurring in this city. Lisa Cavanaugh stated that because she is a new person she is learning things as she goes. She got elected to ask questions and that all she has done was question about fair, legitimate things about our city. She didn't accuse anyone of anything, but simply asked the Kentucky State Police a question. They did what they wanted to do with it. She gave them exactly what she had and she knew no more and no less. If she was wrong and they said it wasn't so, then that is the end of it. It was up to them to decide, and apparently they did.

Mayor Stoeber commented that she could have come to him or our auditors, but instead she went to the state to have them involved in something that didn't exist. He stated that her twenty open records requests have cost the city \$5,000, innumerable amount of time, an incredible amount of stress, and he questioned if that was all okay. He stated that 99% of the time a simple question would satisfy. Lou Gerding added that all of this was at a considerable cost to our taxpayers.

Mayor Stoeber stated that the issue at hand is to deal with open records requests Municipal Order 02-05. Dave Guidugli stated that he doesn't see any reason to change the ordinance but he doesn't see any need for someone to use open records when they can come to any finance meeting or any committee meeting which are open to the public and definitely to Councilwoman Cavanaugh. She could have asked any of her questions. Lisa Cavanaugh stated that she wished that she felt that she could have.

Lou Gerding stated that he would like to give this issue some thought, and may want to bring it back for discussion sometime in the future. Adam Sandfoss stated that we have to keep a level of transparency because every single one of us is paid by taxpayer money and this building is run by taxpayer money. If we can we need to find a way to compromise, so we can keep the transparency but not run up costs for such records. We have to make sure that people go through the hierarchy of things like first coming to the next finance meeting and ask the questions directly. This is not to deter them from an open records request but making sure that the right ones are being processed. We keep everyone informed and at the same time do things in a cost effective manner. Councilman Sandfoss agreed that this is something that we can come back to in the future.

Rob Moore wanted to make it clear that it is certainly not his intent that the city not be transparent. Kathy Noel stated that public record requests put the clerk under the gun because there is a three day window when records have to be produced. The tools that we have with the I-pads and other records can be utilized without putting staff to so much work. She agrees with Councilman Gerding that this should be looked at and possibly be brought back for future consideration.

The next item on the agenda is to **authorize the mayor to renew the Kentucky State Police lease**. This is the third time they have asked to renew their lease for an eight year period. Lou Gerding made a **motion for approval** and Rob Moore seconded the motion. All were in favor. **Motion carried.**

The next item is to **authorize the mayor to accept the Humana medical plan contract extension**. Humana has come to us and offered to extend our contract from the end of June to the end of December and basically lock in our rates. Rob Moore made a **motion for approval** and Kathy Noel seconded the motion. All were in favor. **Motion carried.**

Mayor Stoeber stated that the December council meeting falls on December 23rd, and because of the Christmas holidays he questioned if council wished to make a change to the meeting schedule and cancel the December 23rd council meeting and turn the December 9th caucus meeting into a special council meeting. Council agreed to this meeting change. Mayor Stoeber also reminded council that this would be the night that they would make the announcement for the winners and honorary mentions for the Light up Cold Spring contest.

As a follow-up citizen comment, Steve Trauth questioned if there was any cost adjustment or increase on the lease with the Kentucky State Police. Mayor Stoeber stated that they are paying market rate. We did a poll for what spaces were going for in Northern Kentucky and they are paying market rate. In fact they have been paying over market rate over the last years. They have been very good tenants. Dave Guidugli stated that the finance committee did look at this and discussed it as well.

Departmental reports were submitted in writing and reviewed.

Lou Gerding stated that the code enforcement report shows that the Salmon Pass apartments seem to be a multiple offender and he questioned Chief Burk on the issue. Chief Burk stated that they have been issued a number of citations and they have paid all of their fines. He continues to check this property daily. The new management company has made an agreement with one of the tenants who is overseeing the clean-up of the trash issue at the dumpster.

Lisa Cavanaugh wished all of the residents a Happy Thanksgiving. She has met many wonderful people, made new friends and appreciates the overwhelming support that she has received. It is a privilege to serve on city council and not something that she takes for granted. She reviewed the promises she made to her family and our citizens when she was elected. and she has kept her word, which means more to her than any campaign promise. She has asked honest, fair, legitimate questions that some of the residents wanted answers to about how their tax dollars are being spent. It is okay to disagree on issues and politics. Everyone is going to have their own opinion, but that doesn't make it about someone personally. Things have been said or done that have made her think about what is really important in life and how we treat others who may have different goals or opinions. It is okay to stand up for what you believe in, voice your opinion, and not to be unfair and hurtful at someone else's expense. She is fortunate to live in an awesome community full of wonderful people and will do her best to serve the residents of Cold Spring. She hopes everyone has a Merry Christmas with family and friends and a New Year filled with peace and happiness for the mind, body, and spirit.

Adam Sandfoss wished everyone a Happy Turkey Day. He would like to give a presentation to our council and residents regarding the heroin epidemic in the area. He is helping the Northern Kentucky Task Force in what they are doing so we can have more livable communities. The heroin epidemic is probably the biggest thing that has affected our community in a long time. Since our December meeting has been moved to a special meeting on December 9th, he requested that the presentation be placed on the January council meeting agenda.

Dave Guidugli requested an update from Mayor Stoeber regarding the noise issue at Frisch's. Mayor Stoeber stated that he spoke to Frisch's management and they have taken care of it. We have developed a system between the resident, the police chief, and himself for immediate notification if there is another noise issue, and there has been no feedback. This is a case where no news is good news.

Resident Laurie Moore was the winner of the American flag and pole.

Rob Moore made a motion to adjourn the November 25th meeting and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

**Cold Spring City Council
Special Meeting
November 30, 2011**

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. Members present were Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel, Stuart Oehrle and Adam Sandfoss. The purpose of this special meeting was to enter into executive session, per K.R.S. 61.810 – C - Litigation

Stuart Oehrle made a motion to enter into Executive Session per K.R.S. 61.810 – C – Litigation. Kathy Noel seconded the motion. All were in favor. Motion carried.

Board Members of Sanitation District #1 joined in this executive session. Present from SD1 were Chuck Heilman, Robert Rothert, Jay Weber, Greg Schrand, Robert Elliston, Dave Noran, Bob Schroder, and Jan Steinman.

Rob Moore made a motion to come out of executive session, and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

No action was taken as a result of this executive session.

Lou Gerding made a motion to adjourn the November 30, 2011 special meeting and Kathy Noel seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: