

Cold Spring City Council

July 27, 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 Receptionist. Roll call showed the following council members present – Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, Janis Reiman and Sandy Ross. Also present were Police Chief Ed Burk, City Receptionist Teresa Knauer, City Administrative Officer Michael Vank, and City Attorney Brandon Voelker.

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

As a result of the Safety Committee meeting Mayor Stoeber requested an addition to the agenda, under New Business 10.B. for the first reading of an ordinance updating the Police Department Policy Manual which is part of Ed Burk's annual review and part of his accreditation process. Council member Brenda Helton asked if we had heard back from AT&T on the cell tower sublease issue. Brandon Voelker stated we have not received information from AT&T. Therefore, the AT&T agenda item under New Business – 10. A., for the AT&T cell tower sublease, was removed from the agenda.

Mayor Stoeber pointed out items of interest to the community:

David and Peggy Schweitzer of 17 Andrew Circle were named by the Park Board as recipients of the July Yard of the Month award. Cindy Wehry presented them with a photograph of their home and yard; and a Yard of the Month sign will be placed in their yard. Mayor Stoeber commented on the gorgeous yard and Janis Reiman stated she is privileged to live across the street and gets to look at it every day. A round of applause and congratulations were given to the Schweitzers.

Mayor Stoeber announced that on Tuesday, August 4, at 6:30 pm, National Night Out will be held at Friendship Park. It is sponsored by the Cold Spring Police Department and the Central Campbell County Fire Department. It is a wonderful event and gives everyone the opportunity to learn and see services that the Police and Fire Departments provide. More importantly, it gives everyone the opportunity to meet up close and talk with the people who serve the community.

On Saturday, August 8, the 11th annual Cold Spring Cruise-In / Concert will be held at Municipal Park. The Cruise-In begins at 4:00 pm with local restaurants selling food. The evening concert with Hot Wax begins at 8:00 pm. Parking cost is \$5.00 for the event. This is an affordable good time for all. We look forward to seeing everyone on Saturday, August 8th.

On Saturday, August 1st, St. Joseph's Church will have their third annual Blue Jay Run in concert with St. Joseph's annual festival. Both East Alexandria Pike and Dodsworth Lane will be closed from 9:00 am until approximately 9:40 am and we urge ~~or~~ our residents to be extra safe during that time period on Saturday. It's a run, it's a walk, and afterwards, if you have children they have a little mini-kids' fun run back on the church grounds. There is a lot of activity and it is a good, healthy time for all.

On Saturday, August 15th, the family of Carole Huber and Chicks & Chucks Inc., in cooperation with the City of Cold Spring, will hold the 1st annual Carole Huber Memorial Wiffle Ball Tournament at the Carole Huber Ballfield at Municipal Park. Teams of three to five players can sign up for \$75 with all proceeds donated to Chicks & Chucks, Inc., a non-profit organization battling and supporting breast cancer. For more information call the City Building.

Mayor Stoeber stated that while he is extremely proud of our workers within the City, an error was made and unfortunately, the City newsletter went out with many names not matching addresses. The data file went in transfer from the City to the outside service that we use to basically address, fold, and send out. The data file became corrupted. All of the addresses remained, but the names no longer matched the address. We did include "current resident" on the mailing and the Highland Heights postmaster delivered as many as they could. For those of you who may not have gotten theirs, we have extras in the office and we can make sure you get one. Call the city and we will make sure you get your newsletter as soon as possible. Stuart Oehrle says he will put it on the website by tomorrow morning.

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

Mayor Stoeber stated that school starts on August 10th. He pointed out that we should be very careful in school zones for the safety of children and watch out for the buses, which will be coming in and out. Watch your speed!

The minutes of the June 22nd regular meeting were reviewed by all. Stuart Oehrle made a motion for approval and Rob Moore seconded the motion. All were in favor and the Motion carried.

Police Chief Ed Burk gave his quarterly report. He stated that every quarter he gets the opportunity to talk to council and citizens about things going on in the City regarding the Police Department. One thing done recently was a survey on the satisfaction of the Police Department and the services they provide the City. We have approximately 3,500 addresses in the City. According to statistical information reviewed, 361 surveys were sent out randomly to residences and businesses in the City. We made sure at least one person on every street received the survey. A postcard was sent May 6th stating they would be getting a survey and two weeks later the surveys were sent. Of those 361 sent, 148 surveys were returned. That's 40.99% return where typically there is only a 25% response rate. Chief Burk went through the survey questions and shared responses received. Chief Burk wanted to do this survey now because they are getting ready to begin their Geofocus. Chief Burk stated that the outcome was very good and it will be hard to improve upon.

Rob Moore mentioned it seemed like the large percentage of those who responded did not report on criminal activity that they had seen. Chief Burk responded that one of the quandaries of most law enforcement is trying to get people to do things in the general public. Janis Reiman asked Chief Burk how police officers felt when they got these results. Chief Burk responded they will go through them more thoroughly at the first of the month when they begin their Geofocus, but quite a few of the officers were pleased. Mayor Stoeber thanked Ed Burk for his report.

Bev Jacobs of Sturbridge Drive addressed council. She questioned if there was a curfew during the week and the weekend and if it is the same for all age groups and in all neighborhoods. Ms. Jacobs also stated that she was told by someone from Alexandria that if they registered for a certain program on the internet she would get updates from the City. That had been two weeks ago and she has not gotten any emails about anything in Cold Spring or anywhere. Chief Burk advised her that the curfew is 11:00 pm during the week and on Fridays and Saturdays is 1:00 am. He stated that the age for the curfew is up to 16. The city update is the Citizens' Alert program. He told her that settings should be checked on how far out it goes to be sure it includes Cold Spring, and whether or not it's Cincinnati, Fort Thomas, Alexandria.

Ms. Jacobs questioned if Chief Burk's survey compared the crimes that were reported about with those also reported from other cities. She questioned if they reported house break-ins, car break-ins, harassments in neighborhoods or vandalisms. Mayor Stoeber clarified that the survey questions were basically asking residents either if they had been involved or what their perception was of crime. Ms. Jacobs stated that in her neighborhood break-ins have not been low. Obviously people in the Sturbridge neighborhood were not surveyed or if they were, they did not respond. She did not receive a survey. Ms. Jacobs told the Chief that people do not report crimes because when there have been crimes in her neighborhood, where a radio was stolen, night time ringing of doorbells, or something was taken, the people who reported these were told that with incidents like that, the police can't do anything if they don't see it themselves. Even if the resident saw the person who committed the crime, it doesn't make any difference. That is why people in her neighborhood don't bother to call the police and have them respond because the police aren't going to do anything anyway. Then they are then targeted as a trouble-maker of the street. Mayor Stoeber clarified that she was not saying she was being retaliated against or targeted by our police department. Ms. Jacobs said it is not the police, it is the juveniles on the street. The Chief asked Ms. Jacobs to speak to him and Detective Ratcliff at a later time. Mayor Stoeber stated he admired her energy and willingness to protect her own neighborhood and property and understands there are woods around the neighborhood where kids can run in and out of the neighborhood. She stated she is afraid to go on vacation because of these issues. She knows there is a vacation watch done by the Police Department but that makes it clear to anyone watching that they are not home with police parking in the driveway, getting out and walking around the property twice a day.

Ordinance 09-957 was read in summary for the first time updating the Police Department Policy Manual. This was a result of Safety Committee review of policy updates that the Chief has suggested out of need and also to remain in compliance with the accreditation process. **Janis Reiman made a motion to accept the updates pertaining to policy numbers 5, 11, 16, 26, 32, 36, 78, 84, 85, 86, 87, 88, 89, 90, 91 and 92.** Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Departmental reports were reviewed. Mayor Stoeber mentioned we had an extensive Police Department report and it was very good. He stated that Public Works will be busy with the Cruise-In / Concert. Mayor Stoeber thanked Cindy Wehry and the Parks Recreation and Tree Commission on their exciting time of the year with Yard of the Month awards. Mayor Stoeber commented on Animal Control as it is his understanding that Granite Spring is being swamped by the skunk problem. Janis Reiman stated that she called the Police Department with a noise issue. Officer Love found that the problem was not a dog. Madonna Estates should look out because there is a fox in the area.

Sandy Ross questioned correspondence regarding the Waiver of Health Care Benefit from the City and if it is an annual or once-and-for-all thing. Mayor Stoeber stated it was annual. She also asked about the status of the sign for Friendship Park. Mayor explained the Friendship Park sign will be going back up with better visibility. Ms. Ross also commended Public Works on their super job with the playgrounds and parks saying if people have not visited the parks this summer they should take

advantage of them because Public Works has really worked hard and done a nice job. She also wanted to mention the great color choice for the newsletter.

Stuart Oehrle requested that an electronic file of City newsletter to be placed on City website. Mr. Oehrle stated that he also has experienced ringing of doorbells in middle of night and he too is guilty of not having called the Police. He verified with Chief Burk that the police would have the ability to go after the suspect even if they run across the street to the county jurisdiction where they may reside. He verified that this is not the case with an animal running loose, which must be apprehended in the city limits.

Brenda Helton mentioned to Chris Mayhew of the Community Press that there was a story about nature hiking trails in your backyard and she thinks Cold Spring has some excellent hiking trails and were not part of the story. For everyone's information there are excellent hiking trails right here in Cold Spring. Stuart Oehrle added a thank you to Mr. Mayhew from his neighbors who are now once again receiving the Community Recorder.

Janis Reiman wanted to reiterate that even though you don't feel like it's going to have much response, please make phone calls to the Police Department when you are having doorbells rung at night or cars egged, because there may be other incidents happening and if there are other calls they help to reinforce the issue.

Brandon Voelker has a list regarding alarm drops and wants to let everyone know that the City has an ordinance that after doing so many alarm drops free that sometimes people do not fix their alarm system and it keeps being set off. A lot of times they refuse to pay the fine incurred after so many police responses. He passed around a copy of the existing ordinance for council's review. Brandon Voelker stated that the letter now states they must pay the fine or it will be referred to the City Attorney. He would like to have a first reading amending Ordinance 97-99 to make it a civil offense so it can be cited to the Code Enforcement Board. Then if they are found guilty of not paying, a lien can be placed on the property which will give the issue more teeth. One business in particular has received fee notices over the past year and has not paid them. When you receive a fine notice and refuse to pay, hopefully people will realize they will have a big fee for not paying and they will go ahead and pay the fine. Attorney Voelker stated that once the City puts a lien on the building, when that business moves, the City will be able to collect on those outstanding fines.

Mayor Stoeber suggested getting information to council and putting this on August Council Meeting for second reading or put this first reading on the August Caucus Meeting agenda. Sandy Ross asked for and received clarification on alarm drop fines. Attorney Voelker explained that some have an alarm in disrepair that they are refusing to have fixed so the fines add up and are not paid.

Mayor Mark Stoeber recapped all events going on in the City and congratulated Mr. & Mrs. Schweitzer on their Yard of the Month award.

There was no one in attendance for the flag drawing.

Stuart Oehrle made a **motion to enter into executive session per K.R.S. 61-810 C - litigation**. Lou Gerding seconded the motion. All were in favor. **Motion carried.**

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

Stuart Oehrle made a motion to adjourn the July 27th meeting and Janis Reiman seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

**Cold Spring City Council
Special Meeting
July 28, 2009**

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. Members present were Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, Janis Reiman and Sandy Ross. Also present were City Receptionist Teresa Knauer, Administrative Officer Michael Vank and Attorney Brandon Voelker.

The purpose of this special meeting is to hold continuing discussions regarding research conducted by Mayor Mark Stoeber and City Administrative Officer Michael Vank with regard to the Sanitation District #1 Storm Water Interlocal Agreement. Mayor Stoeber reviewed the discussions regarding the draft of permit regulations for the second five-year cycle for Phase II cities. With the research done, council talked about moving forward with discussions on the withdrawal from the Interlocal Agreement with the Sanitation District; however, even the discussion documents were not out yet. Mayor Stoeber stated that they waited for those and more importantly waited to find out the essential differences between the second permit cycle and the first permit cycle. Research was concluded and he feels comfortable with the requirements on the first permit cycle.

In this research, the City Administrative Officer and Mayor had discussions with a local expert on the topic, and determined that the main addition in the second cycle is a monitoring requirement of the third part of the six requirements within the EPA. It is illicit discharge and basically mapping the streams in the discharging areas. That is where the first five-year permit cycle stopped. Cold Spring is considered Phase II permittees because of our size. There was a Phase I group of permittees which is for basically larger cities. Phase I permittees had monitoring built in to their first 5-year cycle. Our Phase II permit cycle has added this monitoring. General discussion was if this in fact was something the City can do effectively, whether through in-house or technical compliance through out-sourcing. The general feeling is that when we generate our own overall Stormwater Plan to comply with all EPA requirements, we would have the monitoring plan within that plan to comply with the second permit. Then we can find a proper technical expert, an environmental firm, to apply and do this necessary testing.

Mayor Stoeber added that this has nothing to do with sanitary sewers or with plain drinking water, this is totally storm water. Mayor Stoeber and Mr. Vank are comfortable that the City can find this type of expertise which is readily available. The cost ramifications of collections vs. expenses were reviewed. It is estimated that the collection, monitoring, and sampling (you have to do both wet and dry sampling) can be completely done within the budgets we're looking at and still very importantly put aside monies for things will know we have to do on a future as issues arise, on a go-forward basis.

Discussion followed.

Rob Moore verified with Mayor Stoeber that the Sanitation District has already done some water samples and that they have mapped and did some pinpointing of discharge sites and have found no issues. Michael Vank explained that samples have to be taken four times per year with samples of water that go into our system and as they go out. Mayor Stoeber stated that we could find someone directly to do this for the city.

Sandy Ross questioned if our public works department could perform this testing under the guidance of someone skilled in this area. Mayor Stoeber stated that they probably would not be able to do this because this would be actual collection of a sample and taking it to a lab. Stuart Oehrle stated you have to be certified and make sure of the chain of custody to ensure that it is in fact the sample that was taken. Janis Reiman stated that it would be best that it would not be one of our employees.

Stuart Oehrle questioned how much money has been collected from of our city for storm water, and how much was spent in our city for storm water. Mayor Stoeber stated \$1.78 million has been collected since October 2003, and he can't speak for how much SD1 has spent in the city, however, they do have maps because they did ask us to approve maps which they provided, with Woolpert being the engineering firm, and they had done some sampling.

Mick Vank stated that Attorney Brandon Voelker did an open records request from SD1 and approximately \$80,000 was expended out of the \$1.78 million. Brandon Voelker stated that infrastructure work was performed around the Madonna storm water project. Stuart Oehrle verified that any kind of physical labor for repairs or maintenance falls upon the city anyway.

Mayor Stoeber related an instance that occurred where a pipe was clogged late at night. Our public works crew were unable to clear it and had the Sanitation District come in with their equipment to open it up, and then they sent the city a bill for the job. When they were questioned about the bill, they stated that they did not take over our storm water system.

Stuart Oehrle clarified that, as it is now or if we enter into the agreement, we will still be responsible for physical repairs and maintenance, in addition to all of the surface water, and the citizens will be taxed even more in the future, but the city will be using our tax dollars to provide the manpower to support this work. So in a way a citizen pays double tax, through SD1 and city

taxes because if it becomes a burden to the city we can't draw from the \$1.78 million pool of money to cover our expenses. We have to either draw from our city funds or increase the tax rate onto the citizens to cover that.

Brandon Voelker added that this city maintains streets in some of our condo complexes, and that pipe in the condo area would not be covered. We would still have to spend money.

Stuart Oehrle verified that the rate people paid for the storm water in 2003 was \$11.76 per quarter, and is now over \$13 per quarter. The agreement on rates is silent and they can pass whatever raise they want. It is part of the three executive judge oversight. Brenda Helton stated that once we agreed to this in 2003 we had no say, and the residents are taxed and fees raised.

Sandy Ross verified that in the inter-local agreement signed in 2003, we basically said they would be the ones handling all of the pipes in certain areas and all of these cities would join in and be funded. Now they have changed it and said they are not taking over all of the drainage, just certain pipes.

Stuart Oehrle said we are trying to make this more advantageous so that our residents do not get taxed twice. We want to ensure that the city can provide this service in a more uniform and advantageous manner. Mayor Stoeber stated that it is incumbent on this city to look at this, be focused and form a plan that is designed to deliver better local services. When we look at this benefit and cost reward and functionality we can provide an excellent service in compliance with the EPA regulations at a cost effective manner and deal with the issues locally. The major issue of SD1 is that the majority of Cold Spring storm water issue is surface water, and they will not deal with surface water in the city for fifteen years.

Sandy Ross understands when the first agreement was signed as a new initiative, everyone joined together for the good of all, which is very positive. In reading this now, our residents are contributing money and we have no access or control on where it is spent. SD1 will have all of this money and make the decision with their board of directors, and it is the older cities' pipes that need to be cleaned out and fixed up. We have no recourse unless something is set aside for certain localities. Brandon Voelker stated that the agreement doesn't give a baseline funding amount for any city. There is no mechanism in place that we are guaranteed any amount of money.

Rob Moore stated ~~in~~ that in 2003 SD1 made us promises for our citizens and questioned what SD1 has done. Brandon Voelker stated that they have applied for the permit for us, outlining the six goals of the regulations and they also did the mapping. They have done some projects, which were usually on a 50/50 cost share with the city. They still have a large amount of money. We cannot determine how much Sanitation District has spent in our city.

Rob Moore verified that all of the research maps, which our citizens have already paid for, should come to us. He also questioned if the permit had an expiration date. If it expired in five years, why are they still collecting the fees. Mayor Stoeber stated that during the time period from the agreement of 2003, the EPA and the State have been developing what the second agreement will look like. The 2003 agreement was obviously extended and lives on. The original contact with the city was that a second agreement would need to be signed. Then the decision was made by SD1 that the first agreement is still in existence.

Mayor Stoeber stated that this is the end of our research and we have heard that the second permitting cycle may have some nuance differences from the first permitting cycle. The reason for tonight's meeting is to get to the point of understanding that second cycle, and to make sure that our council is comfortable with this process. He will notify SD1 that the city intends this process to be of a defined and orderly transition.

Rob Moore stated that we will need people in place and questioned how we go about doing this. Mayor Stoeber stated that we have a logistical plan in place to contact the Kentucky Department of Water advising them of our intentions. We expect a full cooperative relationship with SD1 in order to make this transition seamless because they have an extreme interest in protecting the environment as we do. We will put out proper requests for proposals to find the experts that we need. We have a staffing concept in place to begin hiring processes as needed. We will first contact the Sanitation District to begin discussion of relationship change, and then we will know how quickly we need to execute all of the other steps that we have in place to go from there. General guidelines are in place.

Brenda Helton verified with Mayor Stoeber that the permitting process goes through EPA administered by the Department of Kentucky Flue Discharge Elimination so we would report to them just like the Sanitation District does, and we will be able to meet those same requirements.

Sandy Ross confirmed that we are beginning the process of withdrawal because, with the research and knowledge we have gather, we feel that we can handle everything and have some accountability to show for our residents. Ms. Ross questioned

if there was a possibility down the road that we would be mandated to create or build something to meet requirements. Mayor Stoeber stated that there is nothing without risk but the likelihood is very small. In prior discussions the EPA had some guidelines as to what they could impose, and he doesn't think they would come in with a very extensive building project such as a sewer plant. They could come in and say they expect us to pipe an area or require retention basins. That is in the realm of possibility.

Brandon Voelker stated that the major focus of storm water is different than sanitary. Storm water should be contained at the source where the purification should be. Mr. Voelker stated that if you building a parking lot you have to be able to control the water to prevent flooding. By using construction measures we can use green space surrounding parking lots to absorb the water, or use absorbing concrete. We can use green areas and use swales.

Brenda Helton questioned what percentage of storm water the Sanitation District would handle if we were to stay with them. Mr. Vank stated that the majority of our storm water is surface water, possibly only 10% is piped. Brenda Helton verified that they only propose to take over the piped areas.

Sandy Ross questioned if there were any ramifications from SD1 should be we continue down the path to withdraw and how that would effect our residents. Mayor Stoeber stated that there should be no effect.

Stuart Oehrle submitted an e-mail he received from Mr. Eger about frequently asked questions about the storm water infrastructure and cited examples of the consequences of not complying. A large portion follows on the maintenance falling upon the city.

Sandy Ross stated that, as we are leaning towards withdrawing, we should reassure our residents that we are good stewards and responsible for spending their money wisely. Based on what she has learned tonight we can do this.

Mayor Stoeber stated that we spend our residents dollars providing safe, secure street maintenance and we cannot take a step back. We owe our residents a lot. This is a responsible issue and it is incumbent upon us to make sure that we can look at our residents and say we research this big decision and do it.

Jan Reiman stated that in the past five years, our money was not spent wisely. We put in a lot of money in this and we should get something out of this. There is only one thing worse, and that is staying in this for five years and one day. She questioned why more residents aren't calling us if it is such a great matter of concern to them. She hopes to give our residents encouragement.

Mayor Stoeber complimented all of council for their hard work and energy, and their willingness to dig in and get things done.

Stuart Oehrle made a motion to adjourn the special council meeting. Sandy Ross seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: