

Cold Spring City Council June 25, 2012

The regular meeting of the Cold Spring City Council was called to order 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, Rob Moore, Kathy Noel, and Adam Sandfoss – excused was Stuart Oehrle. 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.

Councilman Lou Gerding requested one addition to the agenda, under Old Business, Resolution 12-02 regarding the PNC Lease Agreement which council passed on May 29, 2012.

Mayor Stoeber related items of interest to the community.

The city's Health and Wellness Expo was held on Saturday, June 23rd. It was a beautiful day and a very nice event. Thanks to all of the vendors who participated, and thanks to the residents who came, especially those who took advantage of St. Elizabeth's cardio van. On the same day, June 23rd, at dusk, the city's Parks, Recreation, and Tree Commission held a "Movie in the Park. The featured show was Happy Feet 2. It was a wonderful evening. The Park Board will hold another family movie, Zookeeper, beginning at dusk on Saturday, July 21st at Municipal Park

There will be a drawing for an American flag and a health gift at the end of the meeting.

The May 29th, 2012 M.A.R.F. public hearing meeting minutes were reviewed by all. Rob Moore made a motion for approval, and Kathy Noel seconded the motion. All were in favor. Motion carried.

The May 29th, 2012 special council meeting minutes were reviewed by all. Lou Gerding made a motion for approval and Kathy Noel seconded the motion. All were in favor. Motion carried.

The June 11th, 2012 special council meeting minutes were reviewed by all. Lou Gerding made a motion for approval and Rob Moore seconded the motion. All were in favor. Motion carried.

The next item on the agenda was to gather public input on whether or not the city should contribute to the proposed fireman's monument. The city was asked if it wanted to contribute to the monument and during this past caucus meeting, council suggested that we have public input to see how our residents feel about this. We intended to have Ray Dishman of the Central Campbell County Fire Department talk tonight, but unfortunately he could not be here. Mayor Stoeber opened the floor for public comments, and asked that each resident limit their talk within a five minute period per person.

Resident Mr. Charles Wietholter asked for an explanation on what this is about, and what amount of money they are asking for. Mayor Stoeber gave a brief review of the history of the Fire Department. He stated that as you are looking at the Fire Department to the left at the corner of Chapman Lane, there is a landscape area. In that general area, without disturbing the landscaping, the Fire Department plans to build a recognition monument for all of the people / volunteers who have served in the Fire Department. They have saved and are looking to contribute \$40,000 to the monument, which would cover the essentials, but benches and other items to make it pedestrian friendly are outside of this base amount. That is why they are asking the cities of Crestview, Cold Spring, and Highland Heights if they wish make contributions which would allow them to add additional amenities. The Fire Department did not ask for a specific amount of money from the city.

Resident Steve Trauth addressed council. He verified that at the last caucus meeting the discussion was for a \$5,000 donation. Mayor Stoeber replied that the Fire Department did not ask us for an amount, but \$5,000 is what Highland Heights is considering as a donation and we are looking to match it. Mr. Trauth stated that he is glad that the Fire Department is putting up a monument, but he is against one tax entity asking for money from another tax entity. He reviewed the support that his company has given in the past to the Fire Department, and he related that when the city of Crestview Hills raised money for their memorial they went out and asked the public for support. They did not do it with tax dollars but with individuals' dollars. When Newport built their memorial, they didn't use tax dollars but individuals' dollars. He would like our Fire Department to go out into the community and raise their money in the same way. We shouldn't spend taxpayers' money at this time.

Mayor Stoeber thanked all for their input, and this subject will be dealt with later on the agenda.

Lou Gerding stated that council passed Resolution 12-02 on May 29th, regarding the PNC Master Equipment Lease Agreement, which referred to attachments that were not there. Councilman Gerding passed out three pages to council summarizing the missing attachments and asked council to read them over. He would like to do another resolution or amend the original resolution to add validity to the original resolution which was passed without the proper documents. This new or amended resolution will certify that council did actually receive and review these documents. Councilman Gerding added that he does believe that the master lease agreement is a great agreement and it seems to cover everything.

Mayor Stoeber verified that Councilman Gerding's request is to have the resolution changed just to reflect that the information was presented to council. Mayor Stoeber questioned if we would need to rescind the original resolution, or move to a resolution amending this resolution, or amend the original 12-02 resolution. Brandon Voelker recommended that the city just amend or ratify Resolution 12-02 "nunc pro tunc", which is how the courts rule on contracts after the fact, and he suggested wording for the motion for the resolution amendment should council decide to do so.

Mayor Stoeber questioned if council would like to leave Resolution 12-02 as it stands, or amend the resolution in the manner suggested by our counsel. Lou Gerding stated that this document was not seen previously and that right now it is not a legal contract.

Rob Moore made a **motion to amend / ratify Resolution 12-02, "nunc pro tunc" to recognize that council has received and reviewed all of the applicable attachments referred to in Resolution 12-02.** Dave Guidugli seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Mayor Stoeber stated that we have an opening on our Planning and Zoning Commission, and a resident has stepped forward to apply. **Municipal Order 12-01 was read, appointing Peter Glenn to the Planning and Zoning Commission to fill a vacancy, with his term to expire on January 31, 2013.** Rob Moore made a motion for approval, and Lou Gerding seconded the motion. Rob Moore stated that Mr. Glenn will be a great asset to our P & Z Board. Roll call vote showed five yeses and no noes. **Motion carried.**

Mayor Stoeber stated that our three year contract with Rumpke for waste disposal is coming to a close. Bids were accepted for disposal and recycling. Council received a brief overview / summary of the participants in the bidding process. This was presented to the finance committee for review / summary of the bids, and finance has found the bids numerically correct and the specifications have been met. We have the Rumpke bid and the Bestway bid which is substantially lower than Rumpke.

Steve Taylor stated that we are talking about a very large logistics change-out for the city and major changes for the residents concerned. It will not be an easy change out, and we will probably get complaints at least during the first quarter. It is not just a matter of dollar and cents.

Mayor Stoeber said there will be major changes as far as how the business is done. Bestway utilizes a one person "automated" truck. They promote and encourage the use of their 96 gallon rollers, which our residents would now have to deal with. It raises some movement issues for the residents and sometimes storage issues. Those who use bags or garbage cans regardless of the size will now be requested and encouraged to transition to rollers. Bestway also uses a 65 gallon roller bin for recycling. The truck drives by, picks up the roller with its automatic arm, dumps the contents into the truck and moves on. Right now, Rumpke works with a two person truck and when they stop, the worker gets out, manually grabs the can and dumps the contents in their truck. Our residents use their own garbage container, and Rumpke provides the small red container bids for recycling. If we transition to Bestway Disposal, there is a significant savings to the residents over a three year period but there will be process changes. From a cost standpoint, this is a pure pass-through, meaning whatever we are billed for passes through to the residents, however this would be a savings to the residents on an incremental basis every month. If council wishes to accept a bid at this time we would need a motion, or if council wishes we could ask for public input.

Adam Sandfoss questioned if they were working anywhere in Northern Kentucky at this time. Steve Taylor stated that they have been awarded a contract for one of the city's in Northern Kentucky but won't start until July 1st. They have been a long time company in Michigan and Indiana. Councilman Sandfoss questioned if we have any information on how well they have been received in those two states. Mayor Stoeber stated the city doesn't have anything but Bestway may have those reports. Rob Moore verified that our contract is up July 1st. Mayor Stoeber stated that Rumpke has agreed to move through the process.

Dave Guidugli stated that the finance committee has looked at the numbers and the savings are very hard to pass up. It will be a big change but from everything he has seen from Bestway, they are willing to bend over backwards to make this go as smoothly as possible. Lou Gerding stated that the finance committee looked not only at the numbers, but there was much discussion on how they pick up the product, if their trucks would be okay on the streets and if everyone needs a big container, or

if they could get a short container, or receive extra containers. Dave Guidugli stated that they submitted seven questions to Bestway and they came back with what he considers to be very good answers to those concerns. Kathy Noel questioned what concerns were addressed, and questioned if they would take grass clippings.

Mayor Stoeber stated that logistically we have some of the residents who bring garbage to the curb either in garbage cans, bags or the like. It may not seem like a significant item, but if you consider the elderly or people who are small garbage users you are now dealing with a different type of mechanic. Bestway responded that with the efficiencies that they gather from a single person truck, they are going to encourage the use of the rollers as much as they can. If by chance a bag or regular garbage can is out there, they will get out of their trucks and pick it up, however residents will receive a notification that they would like for them to use the rollers. That is their business motto. We do have a lot of street parking. The trucks are designed to drive next to a garbage can, reach down and pick it up, but what do you do when you have parking down the street. Bestway stated they will accommodate and move the roller out to the truck and dump the contents in, but they would kindly send a reminder to the customer that for efficiency the street should be cleared. There was a variety of concerns which Bestway addressed. They will take grass clippings but they should be in the container. These trucks are properly axled to not put too much weight on one particular block of the street.

Mr. Gerding stated that right now you can put large items out for Rumpke to pickup, but now if you have an extra large item out for disposal, you will have to call. Mayor Stoeber stated the resident would call Bestway directly. Sometime during the day they would triangulate and pick up the large items.

Adam Sandfoss verified that they will give the residents these rollers at no charge. They no longer have to buy their own. That is a good plus. Mayor Stoeber stated some of our residents recycle a large amount regularly, and with the large containers, they do not have to carry out two or three recycling bins. It is the same way with the garbage. You can fit a larger amount of garbage in one 96 gallon container. There are conveniences to the rollers also. There will be bumps and bruises but Bestway will be accommodating and we will communicate with the residents. Mayor Stoeber stated before the rollers even get here, there is an education process. We also have a newsletter write up about it, and Bestway will provide flyers.

Adam Sandfoss questioned if the residents in the audience had any opinions on this topic. Resident Steve Trauth stated that he went through this in another city, with trucks with side arm loaders. He went through some of the pros and cons they found with this other city. There was a large savings of dollars, however the changeover was bumpy because the residents didn't like the large containers. The biggest complaints were the elderly who could not handle the 96 gallon containers. Another major issue is keeping the garbage cans out of sight because of their large size. It took six months to work through the issues.

Katie Raverty of Bestway stated they use the 96 gallon roller for waste and the 65 gallon roller for recycling, but if you have a resident who cannot handle the 96 gallon, just have them call in and Bestway can give them a 65 gallon container. If there happens to be a resident who needs another one, they can just call Bestway who will offer one additional container at no charge. Mayor Stoeber stated that we are not talking about a couple of dollars. It is an approximate savings of \$5.00 per month per household per year. Looking at it another way, your stormwater bill is nearly that amount per month and this would allow you to offset that bill. It will be disruptive a lot of different ways, but the pricing difference locked in for three years is so significant (\$60 per resident per year for three years), and by multiplying that the numbers get pretty large. Every dollar is important. Mayor Stoeber stated that the average residential property tax is \$200 per year without waste included. If this is a \$180 savings over three years, it pays for almost one year of their property taxes.

Billing will still come through on the city tax bill. The only time the customer will be involved in direct interaction is if they want a different size tub or they have a large item pickup they would make those arrangements. Everything else stays the same. Kathy Noel verified that Bestway will actually drop the containers off directly to the customer with flyers on what they can put in the recyclables and other applicable information.

Dave Guidugli verified with Bestway that the lids fit tightly on the containers so that the raccoons don't get into them. Ms. Raverty stated that the lids fit very well, and are also just slightly heavy enough to keep raccoons out. The containers are all brand new. If the containers break for some reason, they will send someone to replace it. They want to make it as easy as possible for our residents. Rob Moore verified that the lids are hinged. Mayor Stoeber questioned if they are lockable. Bestway stated that they can be fitted with a lock or bungee, which the residents would have to remove before the containers are picked up. Bestway provided handouts to council with information explaining everything about Bestway, including recommendations. It shows the savings to the city. Contact information is also included.

Steve Taylor stated that the city does not contract for dumpsters, and dumpster service is not included in this contract. Crestview Hills is going through this transition period right now. Ms. Raverty stated that the biggest thing is educating the consumer of this process and giving the benefits on why this process is better. The roads are cleared efficiently and faster. It is

safer. The containers offer more privacy for items that the consumer may not wish others to view or forgot to shred. With their trucks and their processes it can benefit the community, but overall they will see the transition is a benefit in a year from now. The average year of their trucks are 2007. They have a camera system in the back and have their trucks computerized with a touch screen so if they miss houses they are able to monitor that. They are leading in technology. Councilwoman Noel stated it looks like it is safer for their drivers as well. Ms. Raverty stated that their drivers can stay in the vehicles and are able to swiftly get the garbage and work longer because most of their careers are not determined by picking up heavy garbage cans all day.

Rob Moore made a motion to **accept the bid from Bestway Disposal for solid waste and recycling disposal**. Kathy Noel seconded the motion. Adam Sandfoss verified that this was to be implemented by August 1st and asked if this is enough time to educate our citizens on this change. Ms. Raverty gave an example of how they have handled Crestview Hills notifications. They developed a flyer and it was sent out a week before the carts were delivered. If they send it out too soon, then residents forget about it. Our July newsletter can let our residents know this flyer is being sent to them. They will make sure that they have enough containers for all of the residents. Lou Gerding stated that we sometimes hear from residents that some residents get their trash for free. We don't know this is for sure, but with the containers they give out, they will have the residents addresses so that is going to prevent this from happening. Roll call vote showed five yeses and no noes. **Motion carried.**

Based on the public input earlier in the agenda, and the fire department is looking for a response on a possible donation to the Fire Department monument. Mayor Stoeber asked council for their wishes. Kathy Noel stated that \$5,000 is what we would like to match with Highland Heights. She has not accepted a salary, which is an approximate \$2,000 savings to the city each year. Last year this money was earmarked as a donation toward the Police Department flagpole and light. This year, if it hasn't been earmarked already, she would like to see that \$2,000 put toward this donation for the Fire Department memorial. Dave Guidugli verified that Crestview has not done anything on this yet, and we don't know if Highland Heights has actually moved on a \$5,000 commitment.

Lou Gerding stated that personally he thinks the Fire Department, especially those who have volunteered and work for no pay and all of the families involved should be thanked. The idea for this monument is great, but in his opinion transferring money from one tax district to another tax district is not his job on council to make. He did not get elected to make the decision to give away taxpayers money. They are already supporting the tax districts which at times get money from the federal, state, and county governments and their local tax districts. Our citizens are already indirectly paying four different tax districts that are sending money back to the Fire Department, which is taking \$40,000 from those taxes to build this monument. They should go out and ask for donations or hold fundraisers such as festivals like they have done in the past. If the fire department asked for donations from people in the city or do a mailing, people would donate. He questioned where the city donation money would come from out of the budget when just last month our administrator said our surplus is covered, and the mayor said that 99.9 percent of our surplus is covered. We don't have this money to spend. He thanks our Fire Department for their service. They do a wonderful job. This is just not his decision to make.

Adam Sandfoss stated that he understands Mr. Gerding's comments, but we have a great city and you don't just measure a city based on road conditions or economic situations or education available. You also measure things that are not measurable by number but are based on pride, history, and respect. There are also monuments for presidents, veterans and important historical people. We should look at this and find a compromise. It is something that will make this city greater, by remembering the history of this city and remembering where our Fire Department has come from and how much they have done. Let's look to see if there is an option.

Rob Moore verified that the city of Cold Spring does not pay any tax dollars to the Fire Department. He has gone to the Fire Department Boards before, and it is almost a smack in the face on what NKU pays them each year for all of the runs they have. He will defend our donation to the end. Mayor Stoeber stated that we must have a motion to either defer or make a donation and if so, to give a number attached to it.

Rob Moore made a motion to **donate \$5,000 towards the Central Campbell County Fire Department Memorial**, and Kathy Noel seconded the motion. Lou Gerding stated that nine months ago the safety committee had a meeting saying that we needed street lights at the request of a subdivision resident. The safety committee made a decision that street lights should be 200 feet apart in the city and that it is an unsafe situation not to have these street lights, but we can't afford to have them at this time. It is not in the budget. Before we give the taxpayers' money away to a different tax entity we should be taking care of our safety concerns first. Last month council gave \$4,000 of equipment to another tax entity and with this donation that is \$9,000 that could have been put towards one or two street lights.

Roll call vote showed four yeses and one no – Lou Gerding. **Motion carried.**

Departmental reports were reviewed.

Kathy Noel wished to make a personal comment. She thanked everyone who prayed for her son while he was deployed to Iraq. He is now with his family in Virginia and she appreciates everyone's support. Mayor Stoeber thanked her for her son's service in Iraq.

Dave Guidugli stated that he spoke to the Kentucky Transportation Cabinet and they did say we are still going to get more signage on Pooles Creek and it should be up within the next two or three weeks. The new high friction surface is still under debate and may not happen, probably because our accident count is down. Mayor Stoeber said that LaFarge is doing a great job of cooperating.

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

Charles Wietholter was awarded the American flag and pole.

Lou Gerding made a motion to enter into executive session per KRS 61.810 – C. for litigation. Dave Guidugli seconded the motion. All were in favor. Motion carried.

Adam Sandfoss made a motion to come out of executive session, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

No action was taken in executive session.

Dave Guidugli made a motion to adjourn the June 25, 2012 council meeting, and Rob Moore seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

**Cold Spring City Council
Special Meeting
June 11, 2012**

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. Roll call showed the following council members present - Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel, Stuart Oehrle and Adam Sandfoss. Also present were Police Chief Edward Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor and City Attorney Brandon Voelker. The purpose of this special meeting was to have second readings on three ordinances.

Ordinance 12-989 was read in summary form for the second time, enacting and adopting a supplement to the code of ordinances of the city of Cold Spring. Stuart Oehrle made a motion to adopt this ordinance and Kathy Noel seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance 12-990 was read in summary form for the second time, adopting the amended budget for the fiscal year July 1, 2011 through June 30, 2012. Stuart Oehrle made a motion to adopt this ordinance, and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance 12-991 was read in summary form for the second time, adopting the annual budget and pay plan for the fiscal year July 1, 2012 through June 30, 2013. Kathy Noel made a motion to adopt this ordinance, and Stuart Oehrle seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Rob Moore made a motion to adjourn the June 11, 2012 special meeting and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: