

## **Cold Spring City Council June 22, 2009**

The regular meeting of the Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag and prayer was led by the City Clerk. Roll call showed the following council members present – Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, Janis Reiman and Sandy Ross. Also present were Police Chief Ed Burk, City Clerk Rita Seger, and City Attorney Brandon Voelker.

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

Councilman Rob Moore requested one deletion to the agenda, under New Business – item 10. D., for the AT&T cell tower sublease, since the requested information has not yet been received.

Mayor Stoeber stated that the Cold Spring Night at Florence Freedom will be held on Friday, June 26<sup>th</sup> at 7:05 pm. Tickets are still available and may be purchased at the City Building at a discount price of \$8.00 each.

Jim and Vivian Turton of 501 Shadow Ridge Drive were named by the Park Board as recipients of the June Yard of the Month award. They were unable to attend tonight's meeting, but they will receive a plaque with a photograph of their home and yard, and a Yard of the Month sign will be placed in their yard. Mayor Stoeber thanked them for their hard work and beautiful yard.

Mayor Stoeber announced that Nickolas Vukich and Joshua Kramer, of St. Joseph Boy Scout Troop #86, have been found worthy of the rank of Eagle Scout. A ceremony recognizing their achievements was held on May 31, 2009 at St. Joseph Memorial Hall and a number of dignitaries were present. Mayor Stoeber read proclamations to Eagle Scouts Vukich and Kramer, acknowledging their achievements. He stated that there is a lot of hard work involved in order to reach this rank, which they couldn't have achieved without the support of their families. Mayor Stoeber stated these achievements put Nickolas Vukich and Joshua Kramer well on the way to becoming a valuable and supportive part of their community. A round of applause and congratulations were given to Eagle Scouts Nickolas Vukich and Joshua Kramer.

Mayor Stoeber delivered his budget message, as required by Kentucky Revised Statutes. He reviewed the goals, important features, reason for proposed changes, and fiscal policy changes for the fiscal year 2009-2010. While revenues are essentially flat due to the overall malaise of the economy, the city is still showing vibrant, strong signs of holding strong residential appeal. Through the diligent efforts of our departmental heads, expenditures remain in line with revenues. The city will still provide quality services for our citizens. Through strong investment in police services, the city will continue to be safe and secure. The city will still provide a recreational program to make the city a more attractive place to live. Thanks to all involved in this budget, especially council members and new administrative officer Michael Vank, for their hard work and dedication to our city.

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

The minutes of the April 27<sup>th</sup> regular meeting were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. Brenda Helton requested one spelling correction. All were in favor of the minutes as corrected. Motion carried.

The minutes of the May 18<sup>th</sup> M.A.R.F. public hearing were reviewed by all. Rob Moore made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

The minutes of the May 18<sup>th</sup> special meeting were reviewed by all. Lou Gerding made a motion for approval and Sandy Ross seconded the motion. All were in favor. Motion carried. Sandy Ross requested that a copy of these minutes be sent to our honorary mayor for that evening, Madalyn Brann.

**Ordinance 09-955 was read in summary form for the second time amending the budget for the fiscal year 2008-2009.** Stuart Oehrle made a motion to adopt this ordinance. Brenda Helton seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

**Ordinance 09-956 was read in summary form for the second time, adopting the budget for the fiscal year 2009-2010.** Rob Moore made a motion to adopt this ordinance. Stuart Oehrle seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber requested a motion to allow himself and the city's counsel to begin discussions **with Sanitation District #1 surrounding the city's potential withdrawal from the storm water interlocal agreement**. Rob Moore made a **motion to allow the mayor and city counsel to enter into these discussions** and Sandy Ross seconded the motion.

Lou Gerding verified with Mayor Stoeber that with this motion, it is just giving him permission for discussions, and not to enter into any type of agreement with the Sanitation District. Mayor Stoeber stated that whenever council has given him the authority to carry on discussions he will gather the information, but no decisions will be made without reporting back to council and giving them a full understanding and having their approval for any decisions to be made.

Stuart Oehrle questioned the time frame for this agreement. Mayor Stoeber stated we are in the middle of the necessary time frame to begin these discussions. The Sanitation District has come forward and said the existing interlocal agreement is sufficient and a second interlocal agreement is not needed. He believes the application for this phase of the storm water permit is within the month. However, the application of the permit is independent of our action.

Stuart Oehrle verified that we can pull out even if the Sanitation District has already applied for the permit. Mayor Stoeber stated that if they have already applied and the application has been accepted, our responsibility should we withdraw, is predominantly to carry out the duties of the application and we would not have to re-apply. If we were to withdraw before the Sanitation District applied, then we would have to both apply and support the program. We must be diligent and responsible, and have everything in line if we decide to withdraw.

Stuart Oehrle stated that he tried to get information on the website on how the Sanitation District governs this and what is the oversight and the authority, and the checks and balances. Brandon Voelker stated that you can't get this information online. The general makeup of Sanitation District #1 is that there are four board members from Kenton County, and two members each from Boone and Campbell Counties, overseen by three judge executives. The Sanitation District is an independent body. The three judge executives have to approve the budget each year.

Stuart Oehrle stated that right now the cities that contribute have no say on where the money goes, and would like further discussion at caucus. Mayor Stoeber stated that, dependent on the size of the discussions, it may not be the July caucus.

Sandy Ross verified that in the city of Cold Spring we have separate sanitation drains and separate storm water drains, and no combined systems at all. She questioned how old our storm water drains and pipes were, and she verified that the Sanitation District's one primary focus is on the drainage pipes and that the storm water runoff is the city's responsibility anyway. Mayor Stoeber stated the drains and pipes are 41 years old at the most, but more are significantly younger than that.

Stuart Oehrle wished to clarify for the public that this issue is separate from sanitation bills. We are not looking at becoming our own sanitation entity. This is looking at storm water only and surface water runoff. The city turned over the sanitation sewers ten years ago, and they are still under Sanitation District #1 which is a separate cost. What we are looking at does not affect that issue whatsoever.

Lou Gerding stated that at the time SD#1 took over the sewers they examined and looked at each sanitary sewer. They came up with a cost of what the city would have to pay to have the sewers upgraded to their standards prior to coming in. We paid to have the lines fixed prior to having them take over. They had a public meeting and they said they were going to have rate increases so that they could come up with enough money to separate the sanitary sewers from the storm sewers in the older cities. At that time we felt we could no longer run our own sanitary sewer system and we gave them that control. They emphasized that they were going to take care of the problems immediately and they would have a plan to take care of that storm water in a short period of time. It still has not taken place, yet we have had rate increases in our sanitary over the years.

Brandon Voelker stated that there was legislation that told the cities and counties that by September 1, 2004 you either had to adopt an ordinance stating you were going to do it on your own or else, as a matter of law, the system would be transferred to Sanitation District #1. As a subsection it says that they would identify the cost to bring the system up to standards. We have paid a significant amount of money over a ten year period to upgrade our lines, with this year being the last year. Mr. Voelker stated that we have no authority over the sanitary sewer system.

Stuart Oehrle stated that there should be checks and balances, showing where the money is and where it will go. In the city, we have to account for every dime, and if we are going to come to the citizens and tell them to pay all of this money we should be able to tell them how it will be spent. Mr. Oehrle stated that we need to investigate this issue and what the impact will be. There will still be a heavy burden on the city, whether we go into this or not.

Mayor Stoeber stated that SD#1 is a self governing body, an agency created by an act of law that does not have elected officials and the city (government authority) is the only one allowed to tax its residents. The city, through KRS, had the choice of maintaining its own sanitation system and collecting taxes, or changing or transferring that authority to a non-governmental and non-elected body, the Sanitation District. It runs its own business, develops its own budgets, priorities, expenditure plans, needs, and their own need for raises and increases. They self tax through us, with the oversight being with the appointed governing body, but no one in the entire organization is an elected official. The checks and balances is that the Sanitation District reports to its board of directors. If in fact the three executive judges feel that that governing body is not acting in a way that represents all three counties, then that is where the authority of replacement comes, but the individual citizen has no impact on Sanitation District #1 other than choosing to vote a judge executive in or out. That is the only impact.

Lou Gerding stated that when the city turned the sanitation lines over to the Sanitation District, there was a public meeting and the representative from the county said that the Sanitation District had a plan to raise the rates and get everybody into the district so that they could separate the storm water and sanitation lines, which still has not happened. The funding was supposed to come out of the sanitation costs, not storm. Storm was supposed to be just for storm. We were told that they were going to take over all storm water including the creeks, gullies, etc. and not just the pipes. Now it is a shock to find out that they are only going to take care of the pipes, and the city has to take care of everything else. That would mean charging the citizens in our city twice for the storm water, which is not what we were told at the time of the interlocal agreement.

Sandy Ross stated that she has a copy and has read the interlocal agreement. She questioned what SD#1 has done since we signed it, other than the surcharge, and if there has been communication, pamphlets, guidance, training or anything for the cities to comply with the drainage and all of the things listed on page 2. Brandon Voelker stated that they did apply for the city's permit, and as part of that, they have to do education and all of the things outlined. They have mapped and identified the pipe, swales, culverts, ditches, etc. The total amount collected is about \$50 to \$70 million aggregate for the entire time.

Mayor Stoeber stated that we have a very accountable group with an obligation to examine and see if that money is being spent to the highest and best use for our residents and that is exactly what we are doing. This is not the end but the beginning.

Roll call vote showed six yeses and no noes. **Motion carried.**

A contract between the Kentucky Transportation Cabinet and incorporated area of Cold Spring for 2009 and 2010 was reviewed. Brandon Voelker stated that in order to get the M.A.R.F. money you have to enter into a resolution and agreement outlining expenditure of the money. Michael Vank was able to extend the deadline to the end of the month. Rob Moore made a motion to **approve this contract with resolution for the M.A.R.F. funding** and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber stated that, with council approval, one more item needs to be added to the agenda. Ken Sharp, of the Cold Spring Planning & Zoning Commission has requested resignation because he feels that at this time he cannot provide his time and service as he has in the past. Former councilman Dave Guidugli has agreed to step forward for consideration to that appointment. Rob Moore made a **motion to approve Municipal Order #09-04, appointing Dave Guidugli to the Cold Spring Planning and Zoning Commission**, to fill a vacancy left by Ken Sharp, with his term to expire on January 31, 2013. Stuart Oehrle seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.** Lou Gerding thanked Dave Guidugli for stepping up and volunteering for this P & Z appointment.

Departmental reports were reviewed. Mayor Stoeber thanked all who worked on this budget process, including the department heads, the finance committee, and council as a whole.

Ed Burk thanked all of the citizens in Cold Spring who returned the citizens survey. To date we have received over 40% back. Thanks for letting us know how we are doing, where we need to improve and what we need to do to improve. If you still have a survey sitting around, please send it in. Chief Burk stated that this seems to be the season for car break-ins. He reminds everyone of several safeguards to prevent this crime of opportunity and push it out of the city. Don't be an easy target. Roll your car windows up and lock your doors. Anything of value should be placed out of sight, including all of the hardware that goes with it. People won't go to the trouble of breaking into a locked car if they don't see anything there. Turn on your outside lights. If you see any suspicious activity call Campbell County Dispatch immediately at 292-3622, or if it is an emergency call 911. Don't wait and call an hour later because the culprits may be gone.

Stuart Oehrle referred to page 2 of the code enforcement board, and the retaining wall leaning against the light posts on Queensway Court. He verified that these light posts belong to the HOA. He doesn't want the city to be responsible.

Sandy Ross referred to page 5 of the code enforcement report and the questioned the issue of wildflowers on the property on Winters Lane, and along the mailbox.

There was no animal control report for this month.

Sandy Ross wished good luck not only to the Eagle Scouts but to all graduates from kindergarten through college as they go on to future learning paths or careers. Also, Ms. Ross stated that the Campbell County Public Library Cold Spring Branch is a wonderful resource, and urges our residents to take the opportunity to participate in their wonderful adult programs. Ms. Ross questioned if we could perhaps put a coupon in the newsletter for our residents who attend the Cruise In, so that they can obtain free parking. This will be placed on the Caucus agenda for July.

Lou Gerding stated that we need to get rid of the "Jimmy" which is still sitting at Friendship Park. Mayor Stoeber stated that this vehicle has already been declared surplus property, but we have not yet had a bid on it. This will be checked into, and steps will be taken to dispose of it.

Stuart Oehrle questioned the status of a section of sidewalk on Glenridge Drive. It has been buckled for a year and a half, since one of the utilities did some work up there. No one knew who the contractors were. The buckling has become worse. There is orange paint around it, but nothing else has been done. Lou Gerding stated that there is a section of sidewalk missing on Crossroads Boulevard back by the school, which should be replaced. Public works will be consulted on what the status is on these sections of sidewalk.

Mayor Stoeber commented that one of the things promised during the state of the city speech is that we are going to post a summary of our city budget by department and major line item, and we are going to track monthly expenses by each department. We are also going to post on the website a list of every check that the city writes (except for payroll checks). He hopes to have this started sometime in July. From an accountability standpoint, at any given time a resident can go on our website and see every dollar we spend. It would be made as a secure file so it cannot be altered.

Frank Kramer of Weaver Lane was awarded the American flag and pole.

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

Stuart Oehrle 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.

Lou Gerding made a motion to adjourn the June 22<sup>nd</sup> meeting and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**