

Cold Spring City Council September 8, 2014

The special meeting of the Cold Spring City Council was called to order by Councilman Adam Sandfoss at 7:30 pm. Councilman Lou Gerding stated that in keeping with Roberts Rules of Order, the legislative body needs to approve Adam Sandfoss acting as chair for this special meeting in place of Mayor Stoeber who was excused. All members of council were in favor.

Adam Sandfoss pointed out the exits from Council Chambers, per Fire Department Regulations. Roll call showed the following council members present – Lisa Cavanaugh, Lou Gerding, Dave Guidugli, Kathy Noel, and Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker.

Councilman Sandfoss stated that with this being a special council meeting we must keep within the agenda. The regular caucus meeting has been cancelled. We have one item on the agenda, which is the appointment of Christopher Vaught, former Cold Spring Planning and Zoning Chairman, to fill the remaining term of Councilman Rob Moore, who resigned because he moved out of the city a few weeks ago.

Dave Guidugli made a **motion to appoint Christopher Vaught to fill the vacancy left by Councilman Rob Moore**. Kathy Noel seconded the motion. Discussion followed.

Lisa Cavanaugh requested an explanation on why we only have one name to select from to fill this position. Brandon Voelker stated that the appointment of a councilmember is solely under the legislative body. Dave Guidugli stated that he is the one who suggested Christopher Vaught. He did a very good job acting as chairman of Planning and Zoning but he had to resign from that position because he would not be able to attend the scheduled meeting nights on Wednesdays due to his new position as youth minister. Dave Guidugli called the Mayor and put Christopher Vaught's name in and he didn't know if anyone else made suggestions. Kathy Noel stated that she also phoned the mayor with a possible suggestion, but when she heard about the suggestion of Mr. Vaught, she was satisfied with that since he knows city procedure.

Lisa Cavanaugh stated that she had a name that she wanted to put out there. She thinks that we should have a couple of names to pick from and then maybe have each person come before council, possibly through a special meeting, and express what their qualifications are and then let council decide. Adam Sandfoss stated that it doesn't happen very often where we have to fill a councilmember's spot. He thought that we would have a Caucus meeting in order to discuss possible candidates for this open council seat. He also thought of a name but the person that he was suggesting, former Councilman Stuart Oehrle, was not interested. That was his only suggestion. He wanted to make sure that the person nominated was aware of procedure and was not on the ballot in November, so it didn't appear that council was endorsing any candidate. He is sure that Christopher Vaught is extremely qualified, but he agrees that he wasn't aware of how this came about.

Adam Sandfoss questioned Attorney Voelker if we could discuss different names since we have to follow the written agenda. Brandon Voelker stated that we are limited to the call. His interpretation is that we gave the world notice of what we were discussing, so it is fair to say that world knows tonight that we are discussing filling Councilman Moore's seat, and you can decide whatever way you choose to proceed. If for some reason you did not want to appoint Mr. Vaught but proceed with someone else he doesn't think that we are violating the open meetings laws.

Adam Sandfoss questioned who Lisa Cavanaugh was considering. She stated that the most logical person would be Steve Trauth, since he comes to our meetings and is very knowledgeable on what is going on, understands the budget, knows the things that have been said, he is here and he would be a very good choice to fill this seat. At Councilman Sandfoss' question, Mr. Trauth stated that he would be willing to take this position.

Adam Sandfoss questioned Lou Gerding on his possible suggestions. Councilman Gerding stated that he had a lot of suggestions and asked a lot of people but they were not interested. Ron Barrow who was chairman for the Water District said that he might do it. Councilman Gerding stated that with his expertise as far as stormwater issues and his background on how organizations were run, he would be a good choice for council, and perhaps after fulfilling this vacant term, in January he would be very helpful with the stormwater committee. After some consideration however, Mr. Barrow decided to decline. Councilman Gerding also considered Steve Trauth.

Kathy Noel stated that she was happy with Christopher Vaught so she did not submit her other suggestion. Dave Guidugli said he first met Christopher when he went to school with his daughter years ago. Councilman Guidugli stated that he

watches our Planning and Zoning meetings which are on camera and Mr. Vaught ran a very good meeting. He called him up to ask if he would be interested and he said yes, so that is why he phoned the mayor and put his name in.

Councilman Sandfoss stated that our two main candidates, Mr. Vaught and Mr. Trauth are both great candidates. Mr. Trauth has great experience in the economic world and Mr. Vaught with Planning and Zoning. He would like to get this pinned down tonight because unfortunately the law states that we have to fill the seat within thirty days of the resignation, which would be this Thursday.

Lisa Cavanaugh verified that Christopher Vaught has been off of Planning and Zoning for one year or less, and questioned if he ever comes to council meetings. Adam Sandfoss stated that many on the ballot this year do not attend council meetings either. Brandon Voelker verified with the city clerk that the date of council acceptance of Rob Moore's resignation was August 25th, which is the actual date that the State would recognize as being the resignation date. The Kentucky League of Cities handbook states that the date is at such a time as the city actually accepts the resignation at the next meeting. Those are the rules, they apply though it has never been decided in court. The Kentucky Constitution says that the minute that you fail to meet residency you should be out of office. He reviewed a past case that he litigated regarding this issue, where the commissioner, due to certain circumstances did not want to accept the resignation of a board member who was moving out of the city. A Judge ruled that you have to accept the resignation. There are conflicting rules on both sides. Since Rob Moore is no longer a resident, he is no longer eligible to serve on council.

Adam Sandfoss stated that we are looking at two weeks until our next council meeting. Lisa Cavanaugh made a **motion that we table this and not make any decision tonight. Then at the next council meeting which is on camera we have both candidates come and speak before council and then we can vote.** That way the public can see who we are appointing. We could see the different qualifications for each person. That would be a good way of doing it because some, like her, didn't know anything about this appointment.

Brandon Voelker stated that we have the original motion and a second, and now we have a motion to table this issue, which takes precedence over the original motion and second.

Adam Sandfoss stated that we have a motion to table this until the council meeting on September 22, 2014, and asked if there was a second on the motion to table. Dave Guidugli verified that the motion to table overrides his motion up front. Brandon Voelker stated that this council has always followed Roberts Rules of Order which states the motion to table trumps the original motion, but it still requires an affirmative vote to table. If the motion to table is not seconded or voted for, then the original motion to accept the appointment is back on the table. **Motion to table failed due to lack of a second.**

Adam Sandfoss stated that the reason that he did not second the motion to table is because he would rather have someone at the meeting on September 22nd who has voting powers and he wants a full voting council for that meeting. Kathy Noel stated that she is not able to be present for the September 22nd meeting. Lisa Cavanaugh questioned why we cannot do anything else such as call a special meeting next week because she doesn't know anything about Christopher Vaught other than he was on Planning and Zoning. She would like to see him and hear him speak. She would also like to hear from Steve Trauth, She would hope that council would be willing to do this at a special meeting. Adam Sandfoss stated that he has no problem having a special meeting but for the time constraints. Also he will not be able to attend a special meeting next week. Kathy Noel verified that the time constraint for a special meeting was with a 24 hours notification. She also verified that Mr. Vaught was on Planning and Zoning for approximately three years. Dave Guidugli suggested that we should go ahead and take the roll call vote on the original motion. If it gets turned down, we could then schedule a special meeting.

There being no further discussion on **the motion and second to appoint Christopher Vaught, former Planning and Zoning Chairman to fill the remaining term of Rob Moore,** roll call vote showed three yeses and two noes – Lisa Cavanaugh and Adam Sandfoss. **Motion carried.**

Dave Guidugli made a motion to adjourn the special September 8, 2014 council meeting and Kathy Noel seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

Cold Spring City Council September 22, 2014

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. Mayor Stoeber welcomed our new appointee to council, Christopher Vaught, who fills the position left by Rob Moore. Christopher Vaught formerly served as Chairman on our Planning and Zoning Commission. For the record, Mayor Stoeber stated that Councilman Vaught was issued the Oath of Office prior to the start of this meeting and is able to conduct business this evening. Roll call showed the following council members present – Lisa Cavanaugh, Lou Gerding, Dave Guidugli, Adam Sandfoss and Christopher Vaught – excused was Kathy Noel. 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.

There were no additions or deletions to the meeting.

Mayor Stoeber stated that Trunk Sale was held on Saturday, September 6th. The City Clerk reported that the Trunk Sale was moved from the Carole Huber Municipal Ballfield to the front parking lot at the City Building due to the threat of rain. They had a very good turnout and everyone was very pleased. The Movie in the Park, *Planes*, was held on Saturday, September 20th. Dave Guidugli reported that it was a wonderful evening. Approximately 50 people attended. There will be a Day in the Park on Sunday, October 5th at Municipal Park from 1 pm to 4 pm. This is a family event and very popular. If you need more information please phone the city clerk's office. On Sunday, October 19th in our Community Room there will be a city-sponsored Healthy Cooking Class. It begins at 2 pm. If you are a city resident and would like to reserve a spot, please call 441-9604. Campbell County Cleanup will be held on October 24th, 25th and 26th. The hours on Friday and Saturday are from 8 am to 5 pm and on Sunday from 8 am to 4 pm. Trash and debris will be accepted at Penderly Park and the Campbell County Police Station. The Campbell County Transportation Center will accept trash, debris, scrap metal, appliances, four to six tires, batteries, electronics, and propane tanks with valves removed. No liquids will be accepted at this event. There will be a Household Hazardous Waste Event on Saturday, November 1st at the UC Health Stadium (known as the Florence Freedom Center), from 9 am to 2 pm. They will accept electronics, waste, oil, corrosive/flammables, bulbs, batteries, paint, ink/toner cartridges, antifreeze and pesticides. You must visit www.nkyhhw.org to print and complete a registration form prior to attending the event. There will be a drawing for an American flag at the end of the meeting for those in attendance.

The minutes of the August 25, 2014 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.

The minutes of the September 8, 2014 special council meeting were reviewed by all. Lou Gerding made a motion for approval and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Mayor Stoeber stated that the next agenda item is the Buy Cold Spring program.

Garrick Straub of State Farm Insurance addressed council and he thanked them for allowing him this time. He came before council a couple of years ago and it was incredibly helpful. His office is located around the corner at the Ken Perry building. He started his business in Cold Spring in 2007. Please feel free to call him and ask any health insurance questions. State Farm writes their individual policies thru Insure Intel and they have helped a lot of people. If you have any questions about how this whole system works call him, bring in your plan and they will be happy to take it apart and look at it for you. October is Health Insurance Awareness Month so even if your policy is not through them, and he will be happy to go over everything and answer questions. He introduced the newest member to their staff, Debbie Snodgrass who drives all of the way from Ashland to work four days a week. She is a licensed and she wants to be an agent one day. He also brought his son, Freddie, so he can just get the whole experience of city government. He thanked council for their time.

Mayor Stoeber thanked him for coming up. He appreciates them for being in our city. We had two other businesses on the agenda that unfortunately had to reschedule, but they will be back for our October meeting.

As an unscheduled guest, Charles Wietholter addressed council. He lives at 1 Madonna Lane and he represents Geiman Brothers and wanted to mention that they appreciate what the city has done to the lot at the end of Madonna, which the Geiman Family donated to the city. He questioned if the bench that was proposed to be placed there is still in the program, along with a plaque of some nature with the names of all of the Geiman Brothers. Mayor Stoeber stated that both are in progress, and it was

easier to get the park set up first before we proceeded with the others. Mr. Weitholter stated that he has appreciated what the city has done.

Under old business was the acceptance of the updated Occupational License/Payroll Tax Administration Interlocal Agreement with Campbell County. At a prior meeting we had Judge Pendery, Commissioner Rehtin, and Mr. Elberfeld of Campbell County attend and answer our questions. It was a well-rounded discussion and the outcome was to get some clarification from the county. The Judge recently provided a letter to the city, which council has received, so we are to the point of initiating the discussion and the possible consideration of accepting the interlocal agreement. Lou Gerding stated that he read the letter and it satisfies his concerns, but wants to make sure we attach Judge Pendery's letter to the interlocal agreement and that it becomes a part of the meeting minutes.

Mayor Stoeber questioned Attorney Voelker about official incorporation of the document into the contract. Brandon Voelker stated that the rule in contracts is called Four Corners. The only thing that the court can do is look at the four corners of a document. He did follow up with the county and explained it to them, but when he called the county attorney's office, Mr. Franzen did not respond back. The concern that we had is that while this outlines the understanding on why it is not referenced or put into the agreement, Robert Horine of the County stated that their concern was that they would have to go back and get the other cities to agree to that as well. When questioned if they could just do a separate agreement with the City of Cold Spring, they were not inclined to do that. He can't tell us that this letter is enforceable if it is not part of the agreement. If you sign a contract with someone the courts only look at what is in black and white on the contract and are not allowed to look at anything else. He has to assume that Judge Pendery will honor what is in the letter that he sent but he would be remiss as an attorney if he had not told you that unless something is part of the agreement, that it is enforceable.

Dave Guidugli stated that he would like to hold off on this until Attorney Voelker has a chance to talk to Mr. Franzen to see if he is willing to do a separate agreement. He would really like to hear what Mr. Franzen has to say. Brandon Voelker stated that the only other option would be to authorize the mayor to sign the interlocal agreement with the condition that this be made as an exhibit to the agreement. At that point it falls into County's court because you basically say that we didn't get a response, we are fine with the agreement as long as this letter is a part of it. He has no doubt that they would honor the agreement. Mr. Voelker stated that he believes that it is just a matter that the other cities have already adopted this, and it is a matter of going back to each of them and saying are you okay with this letter. Why not just do a separate agreement with Cold Spring. There is no requirement that they all be uniform.

Adam Sandfoss stated that he likes what Brandon Voelker is saying, and it covers our end as far as the agreement goes. It is a good idea that makes sense.

Dave Guidugli made a **motion to authorize the mayor to sign the agreement, but only if the letter from Judge Pendery is incorporated by reference.** Roll call vote showed five yeses and no noes. **Motion carried.**

Ordinance 14-1010 was read in summary form for the second time, adopting the fiscal year 2014/2015 real property tax rate of \$0.164 per hundred, tangible property tax rate of \$0.198 per hundred, motor vehicle tax of \$0.169 per hundred, and waste fee of \$132.00 per year. Dave Guidugli made a motion to adopt Ordinance 14-1010 and Lou Gerding seconded the motion. Roll call vote showed five yeses and no noes – **Motion carried.**

The date and time for **Trick or Treat in 2014** was discussed. This year, October 31st, Halloween, falls on a Friday, and historically we have done October 31st from 6 to 7:30 pm. Lou Gerding **motion to approve the date of Friday October 31st from 6 to 7:30 pm for 2014,** and Adam Sandfoss seconded the motion. All were in favor. **Motion carried.** Mayor Stoeber strongly recommends that with this being on a weeknight, we be aware that it starts a 6 and with a lot of people coming home from work and with the time change it will be getting dark around that time. Be extra careful on Halloween night and look out for our children on the street.

There were no follow-up citizens' comments.

Department reports were submitted in writing.

Council comments followed.

Lisa Cavanaugh stated that she has been throughout the city with a flyer saying that local elections are important because the people that you elect make the decisions that affect your daily lives. Here in Cold Spring we are going to be electing a new mayor and council and she encourages everyone to talk to the candidates, get to know people, ask questions, be aware of your local government, and please vote responsibly based on people, issues and facts and not politics, parties or opinions.

Christopher Vaught introduced himself and stated that he was born and raised in Cold Spring, went to Campbell County High School and the University of Kentucky, and became a Juvenile Probation Officer in Campbell County for two years after he graduated and went on to Frankfort doing some HR work. He commuted all the time from Cold Spring. It was an honor to serve on Planning and Zoning as chairman, and he thanks council and the mayor for thinking of him for this position. He had to step down from Planning and Zoning because he became a youth pastor at a Church in Florence and he was no longer available to attend the Wednesday night P&Z meetings. He gladly steps up to the plate now, and thanks council for this opportunity.

Lou Gerding stated that there is a blue van with flat tires parked on a property up the street, and he questioned if we have the authority to remove it. Chief Burk stated that he is familiar with it, and he has orange stickered it and will see about getting it removed after 72 hours. It is on private property.

Adam Sandfoss stated that it is flu season and he urges everyone to go out and get your flu shots. They are available everywhere. Also please teach your kids how to wash their hands. That is the easiest way to prevent the transmission of disease and right now we have a pretty big respiratory illness affecting children and making its way throughout the country.

Dave Guidugli thanked Christopher Vaught for stepping up and he welcomes him to council.

The winner of the attendance raffle for the American flag and pole was resident Michelle Penque.

Lou Gerding made a motion to adjourn the September 22, 2014 council meeting and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: