

Cold Spring City Council Special Meeting August 14, 2017

The special meeting of the Cold Spring City Council was called to order by Mayor Angelo Penque. Roll call showed the following council members present – Chris Ampfer, Lisa Cavanaugh, Lou Gerding, Brenda Helton, Michael Ruscher, and Adam Sandfoss. Also present were Administrative Officer Stephen Taylor, City Attorney Brandon Voelker, City Clerk Robin Sweeney, Interim Police Chief Andy Hyett and Ronnie Hitch, Public Works.

Mayor Penque gave the exit instructions, per Fire Department regulations.

The June 12, 2017 special meeting minutes were reviewed by all. Lou Gerding made a motion to approve. Brenda Helton requested that minutes reflect when we came out of executive session. Michael Ruscher seconded the motion. All in favor (with changes per Brenda Helton) **Motion carried.**

The next item on the agenda is to **amend the agreement with GLS Investments per the timeline attached in the packet.** Lou Gerding stated that he would like to see the actual agreement before council takes any action. Brandon Voelker stated that there was never an agreement drafted. He stated the November 9, 2015 minutes that were in the council packets should outline what the agreement was. Mr. Gerding said they need to sit down and figure out, from scratch, what was agreed upon, what wasn't agreed upon, and what changes need to be made. He asked who is going to pay for the water line? He wants to see an agreement that says city council approved to move that water line. Lou Gerding said the city was never supposed to pay for that, the city was going to pay for relocation of the electric and gas, not the water. Chris Ampfer asked if this dates back to before the November 9, 2015 meeting, Lou Gerding said that it does. There was discussion about the November 2015 and May 2016 meeting minutes, the options that were given to council, the Sullender house, the new Matinee, and the water and electric. There was some discussion about the cost of the demolition of the Sullender house and why the city decided to tear down the house rather than build a wall. Lou Gerding thinks there was a conflict of interest in the whole project because the engineer was working for the city and the developer. There was discussion about the cost of how much moving the utilities is. Mr. Gerding stated that we are referring to an agreement that never existed; council never saw a signed agreement in regards to this whole project. Brandon Voelker stated there was never an official agreement because there were changes made when they decided to buy the Sullender house. Mr. Gerding said we need to figure out if they owe us, or if we owe them. Brandon Voelker said that an argument can be made that we owe them. Lou Gerding said he doesn't want Mr. Voelker speaking for them because he believes that there is also a conflict of interest with Mr. Voelker and Andy Smith. Brandon Voelker stated that is incorrect. Brenda Helton said if there are no formal agreements or anything in writing then council does not need to take any action tonight to amend an agreement that doesn't exist. She also confirmed that we have an agreement with Silverwood Apartments that was mentioned in the November 2015 minutes. Brandon Voelker said that is correct, we have an agreement and they transferred the property to us. Chris Ampfer asked when we are transferring the property to Andy Smith. Mr. Voelker said that is what this agreement is needed for. He also stated that the agreement could not have been put in writing because we didn't know where the road was going to go at the time, in November 2015. He said we had concept plans. Lou Gerding stated that it was not a concept plan. Brandon Voelker said that what was voted on at the November 9, 2015 meeting is what the agreement was. The land we have from the old Matinee that will be abandoned was going to be given to Andy Smith in exchange for the land of where the new Matinee is, and he was going to pay for the compaction of the dirt that was going to be there. That is what council approved on November 9, 2015. Mr. Voelker added that the May 3, 2016 meeting was when council voted for Option 1 which included work on East Alexandria Pike and the purchase of the Sullender property. Mr. Voelker went over the outlines of Option 1. Chris Ampfer asked if a spreadsheet can be put together that shows all of the costs. Mr. Voelker stated that was provided in the June 12, 2017 meeting minutes. Chris Ampfer stated that he thinks a spreadsheet with all of the costs would help everyone to understand. Michael Ruscher added that this all happened before he was on council and he thinks that would help him understand to make a decision. Adam Sandfoss said that some clarification in regards to the water would be helpful because it wasn't discussed individually. He also said they are not in an ideal situation because there is not a written agreement; so, we have no record stating exactly what was happening. **Mayor Penque suggested that we table this until the next meeting.** Michael Ruscher made a motion to approve. Adam Sandfoss seconded the motion. All in favor. **Motion carried.** Brandon Voelker suggested that the engineer come before council to explain it. Lou Gerding stated that the engineer has a conflict of interest. Mr. Voelker said we should get someone to come in and explain the bids for council because he didn't put the bids together. Mayor Penque thinks it would be a good idea to have the engineer explain to himself and council so everyone fully understands. Lou Gerding said he disagrees because the engineer has a conflict of interest; he thinks that council needs to sit down with a spreadsheet to see exactly what was verbally agreed upon, and then what changed from the verbal agreement. Mr. Voelker said the baseline comes from the November 8, 2015 meeting minutes. Chris Ampfer said we should have had a written agreement rather than verbal. Brandon Voelker said it wouldn't have done any good because the city changed things. Lou Gerding said with an agreement we can follow the money from one step to the other.

Brandon Voelker said there has not been any money exchanged yet between parties. The only money spent was for the purchase of the Sullender property, and the city saved money because we didn't compact or move the utility.

Michael Ruscher made a motion to adjourn the August 14, 2017 special council meeting at 7:59pm. Lou Gerding seconded the motion. All were in favor. **Motion carried.**

Approved: 8/28/17

City Clerk: /s/ Robin Sweeney

Mayor: /s/ D. Angelo Penque