

## Cold Spring City Council August 27, 2012

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, Dave Guidugli, Rob Moore, Kathy Noel, Stuart Oehrle and Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker.

Mayor Stoeber stated that he is very pleased with the full room at tonight's meeting, and he pointed out exits from Council Chambers, per Fire Department regulations.

Mayor Stoeber requested an adjustment be made under New Business on the agenda - Items 10 B. and 10 C. be moved ahead of the discussions / readings of the tax rate ordinance and easement conveyance.

The Movie in the Park, Cars 2, was scheduled for August 11<sup>th</sup>. It was the best attendance we have had, but unfortunately a lot of people were disappointed because within fifteen minutes of the movie, the rental projector failed and we were not able to continue the movie. We are very sorry that that happened.

On Saturday, September 15<sup>th</sup>, there is a Trunk Sale scheduled for our residents at the Carole Huber Ballfield in Municipal Park. The event is from 9 am to noon. This is the second time this year that the Park Board is holding this event, and it is a growing each time. There is limited availability, so if you would like to participate, please phone the city office to reserve a spot.

Saturday September 22<sup>nd</sup> is the city's Fitness Sampler. We have various health and wellness initiatives throughout the year, and the sampler is in our local parks where we provide free exercises of all different types. This year, at our Municipal Park at 9:30 am there will be kids fitness for ages 5 to 12, and at the same time in the back shelter there will be a Zumba class. At our Patriot Park in the Glenridge subdivision at 9:00 am there will be a Boot Camp, and at 10:15 there will be a senior fitness day. Please bring a mat for both of these classes. At 11:00 am at Friendship Park, there will be a High Intensity Interval Training for the fit at heart.

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

The July 23, 2012 regular council meeting minutes were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

**Municipal Order 12-04** was read, **re-appointing George Gore and Peter Hyde to the Code Enforcement Board, with terms to expire on August 24, 2016.** Lou Gerding made a motion to approve this re-appointment and Stuart Oehrle seconded the motion. Roll call voted showed six yeses and no noes. **Motion carried.** Mayor Stoeber thanked them for their service as founding fathers of the code enforcement board.

Mayor Stoeber stated one of the most exciting things about his job is to swear in a police officer, and tonight he gets to swear in two new recruits. They are wonderful young men. They have chosen us. It is a two way street. In order to become sworn officers they will go to school beginning September 10<sup>th</sup> for eighteen weeks, roughly four or five months. They live there, dorm there and it is an eight to ten hour per day training which is very intensive, and one that they need because of the skills required of the job. After completion of school they will have to go fourteen to sixteen weeks of riding with our more experienced officers, who have the skills to pass along to the necessary information to the new recruits. Once they are out on their own they are under the extremely watchful eyes of their partners and a very experienced police chief.

At this point, Mayor Stoeber invited John G. Adkisson and Eric C. Reiman to step forward and he issued official swearing in by reading the Oath of Office to both, as Police Officers of the City of Cold Spring. A round of applause ensued. Police Chief Ed Burk then presented their badges and stated that he knows that they will carry their shields with honor and dignity and congratulated them both. Chief Burk stated that Oath of Office for the State of Kentucky is very unique, and it is very vital that we do uphold the constitution in its original form.

There was a slight pause while photographs were taken.

As a technicality, **Municipal Order 12-05** was read, **appointing John G. Adkisson and Eric C. Reiman to the Cold Spring Police Department.** Rob Moore made a motion for approval and Kathy Noel seconded the motion. All were in favor. **Motion carried.**

**Ordinance 12-992** was read in summary form for the first time, to approve the real property, personal/tangible property, motor vehicle tax rates, and the 2013 waste collection fee for the fiscal year 2012-2013. Stuart Oehrle made a motion to **approve the real property tax rate at \$0.1640 per hundred, the personal/tangible property tax rate at \$0.1590 per hundred, the motor vehicle tax rate at \$0.169 per hundred for the fiscal year 2012-2013 and the 2013 waste collection fee at \$126.92 per unit.** Dave Guidugli seconded the motion. Roll call vote showed five yeses, and one no – Lou Gerding. Motion carried.

Mayor Stoeber stated that because of re-direction of water in the **Madonna Subdivision** we have an easement that is no longer needed for a particular piece of property and he is asking council's **authorization to convey this easement back to the adjoining property owners.** Rob Moore made a motion to approve this authorization, and Adam Sandfoss seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Resident Willis Hatton was present in the audience, and he stated he lives in a condo and the large size new trash container which was delivered will not fit in his garage with his car. They are not allowed to sit it out front. He is a single person and he does not have much trash. Mayor Stoeber stated that he does have the option of calling the city and requesting a 65 gallon container. Once they are available, Best Way will switch the large size out with the smaller size in the next two to three weeks. The total footprint is smaller.

Departmental reports were reviewed.

Adam Sandfoss stated that he saw Chief Burk directing traffic at Crossroads Boulevard today in the pouring rain and his efforts are appreciated.

Lou Gerding questioned when the new trash and recycling cans were going to be delivered. He stated that he is hearing from a lot of citizens about this issue and would like for them to be informed. Steve Taylor stated that they will be delivered this week. One truck will be delivering the trash containers, and the other truck will drop off the recycling. They may not be running in sync. Lou Gerding stated that the 65 gallon trash containers are not available yet and he questioned when will they be available. Mayor Stoeber stated that they should be available in two to three weeks, and that is when Best Way will make the transition. We are keeping a list of everyone who has requested these. Anyone new should call the city clerks office.

Resident Hatton verified that everyone will be receiving two cans. He questioned what he does if both of them don't fit in his garage. Mayor Stoeber stated that he can switch out to the smaller can by contacting the city.

Resident Ralph Doyle asked how Best Way will tell the difference between the 65 gallon trash container and the 65 gallon recycling container. Stuart Oehrle replied that the recycling container clearly states that it is for recycling. The 65 gallon trash container will likely be a different color.

Adam Sandfoss stated that we are approaching the anniversary of the September 11<sup>th</sup> attack, and he urges all residents and citizens to try to do something to remember that day whether it be a community service, giving blood, or show in some way a sense of community and pride in this great nation. He also stated that he recently visited the renovated Washington Park in Over the Rhine. The area is amazing, very nice with water fountains and outdoor concerts. It is great to see so many area neighborhoods and communities around us doing so well. He loves living in the Northern Kentucky area because there are so many amazing things to do and great spots to visit. It is all of the communities together that make this region what it is.

Mayor Stoeber stated that he is thrilled that we had two new recruits to swear in tonight. Also as everyone knows through the passing of Neil Armstrong, the President of the United States has asked that the flags around the United States be flown at half staff until dusk on the evening of his funeral. Ten thousand years from now, when people ask about names to remember from the past, Neil Armstrong will probably be the only name that is remembered. A great man has left.

Ralph Doyle was awarded the American flag and pole and a health gift.

Lou Gerding made a motion to adjourn the August 27, 2012 council meeting, and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**

**Cold Spring City Council  
Special Meeting  
August 6, 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 City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker. The purpose of this special meeting is for review of solid waste bids.

Mayor Stoeber pointed out the exits, per Fire Department regulations. Mayor Stoeber also explained that K.R.S. regulation protocol is that only agenda items can be followed, with no other discussions.

Mayor Stoeber opened discussions on the solid waste bids.

Brandon Voelker explained that in the month of June, council awarded a trash bid. When we went to finalize this, the city received a call from Rumpke advising that this was not advertised in the newspaper. Rumpke also advised that their contract was to expire by the end of June, which would give the city only four to five days for someone to pick up the trash in July. All of the trash companies were given the opportunity to provide bids/quotes, which were identical to what we ultimately advertised for. Because of technicalities and because we were facing a deadline of June 30<sup>th</sup>, we decided to err on the side of caution and to formally advertise in the newspaper of record, and once again communicated with each of the trash collectors in the area, of which there are only four. They were each advised that we were re-bidding and were asked to submit a three year quote. At that point, we received bids from Rumpke and Best Way. As a preliminary matter, Brandon Voelker stated that council must set aside the prior selection of Best Way, based on the fact that the project wasn't bid pursuant to K.R.S.

Dave Guidugli made a **motion to "set aside" the June 25, 2012 acceptance of Best Way as the city solid waste provider** and Stuart Oehrle seconded the motion. Stuart Oehrle verified that he would not have to recuse himself from this vote because he was not present at the June 25<sup>th</sup> meeting. Brandon Voelker stated the he would be able to vote, because in general he has been educated on the circumstances. Roll call vote showed six yeses and no noes. **Motion carried.**

Brandon Voelker stated that, because of the emergency situation of the June deadline which was presented earlier, the mayor, at counsel's advice, entered a month to month contract with Rumpke to continue the trash collection. Council should now ratify that contract. Stuart Oehrle made a **motion to ratify the month to month contract which the mayor entered into with Rumpke, nunc pro tunc, due to the emergency deadline situation, to keep the trash collection going in the city.** Kathy Noel seconded the motion. Stuart Oehrle verified that this was a calendar month to month contract. Brandon Voelker stated that we have to give fourteen days notice to cancel it. In the event that council picks a vendor tonight, he will provide notice that we are going to cancel that contract and then we will start a new contract with whomever council chooses.

Rob Moore questioned if by chance Rumpke wasn't awarded the bid, what will happen. Mayor Stoeber stated that regardless of who council chooses tonight, that interim contract will come to a conclusion on August 31<sup>st</sup> after our attorney gives Rumpke a fourteen day notice. Then whichever vendor council awards the bid to tonight will start September 1 under the revised three year contract. Rob Moore questioned if hypothetically Bestway is chosen what would happen if they are not ready by September 1, and Rumpke has been given the fourteen days notice. Mayor Stoeber stated that it would be safe to say that if Rumpke was not given the business this evening they will be done because they can cancel the contract also.

Brandon Voelker stated that they still have to complete this month. He stated that both of the vendors bid specs specify that the start day is September 1. Prior to tonight's meeting he received contracts from both Rumpke and Best Way and we do have a contract that is ready to be signed regardless. Obviously a contingency of awarding a contract is that Rumpke or Best Way will have to be able to start September 1. In their bids it specified that they would be able to do that.

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

Brandon Voelker stated that council has before them a bid compilation prepared by Administrative Office Steve Taylor, outlining the two bids by Rumpke and Best Way who were the only two vendors who chose to bid. Their contracts are identical in that there is now no increase in fuel if it goes up to ten dollars a gallon. The only thing that would ever increase either contract is if the governmental agency chose to tax the garbage more. That is not uncommon because it is something that was never known to anyone at the time the contract was entered into. That is the only grounds in which you would ever experience an increase in cost from Rumpke or Best Way.

Stuart Oehrle questioned the cost if more residents need more containers. Brandon Voelker stated that included in the bid specs was the discussion of what materials would be provided to the residents. Mayor Stoeber stated that council has basically all of the numerical and factual information, but the contract itself is many pages long, and Brandon Voelker is commenting on the legaleez.

Stuart Oehrle clarified that with Best Way they will deliver a trash and recycling bin to everyone, and if they need a second or third one there is no additional charge. That is the one difference that he can see. With Rumpke, if ten percent more residents need a container, then there is an additional charge of approximately \$6,500 overall to residents over the life of the contract, which he assumes would go to the City. Mayor Stoeber stated that is not the case. The residents would be billed directly for that. Individual residents would be charged \$12.00 per year, billed quarterly. Under the Rumpke bid if a second or third container is requested, it would be \$3.25 per quarter. Rob Moore verified that the city would not be the ones monitoring this.

Stuart Oehrle verified that with both bids, if someone from the city chooses not to use the containers either given to them or asked for, then their trash will still be picked up. Hopefully the residents will see this as easier, but there is always someone who will not want to change their container. Brandon Voelker stated that both vendors have advised Mr. Taylor that they will pickup whatever container the resident chooses to use. Stuart Oehrle stated some people may have a secondary container so on occasion this may happen. He verified that pickups will still be on Fridays, between 7 am to 4 pm. Steve Taylor stated that that is correct unless we give them a heat related early pickup. Mr. Oehrle verified that the customer service phone numbers will be available to the citizens. Mayor Stoeber stated with Best Way, it is designed for the residents to phone the vendor directly.

Kathy Noel verified that there will be no charge from either vendor for the pickup of large items. Steve Taylor stated that both vendors have stated that they will pick up the large items and there will not be an additional charge. The only things that they will not pickup are the type of items that they are currently forbidden to pickup, such as items containing refrigerants paint, diesel fuel, and things like that. Kathy Noel verified that if someone is cleaning up their garage or house and put out these items for trash a little each week, they are not going to come back and say that they will not charge for this week but will charge the following week. That is the rumor that is currently going around. Steve Taylor stated that the vendors have assured him that this will not happen.

Kathy Noel stated that normally the contracts run from July 1 thru June 30<sup>th</sup> of each year, and questioned if this contract will be different. Steve Taylor stated that it will start from September 1 to August 31<sup>st</sup>, which is not necessarily bad for us. Our contract will not expire with the fiscal year like everyone else and this may be an advantage to the city, however, if you want it to expire at the fiscal year, then we can make this a condition to whoever gets awarded this contract. Brandon Voelker stated that this does not affect the city's budget because we are just the collecting agency. Mayor Stoeber stated that this is much like the insurance industry, the bulk of which mostly renews at the same time. A lot of companies try to do this two or three months before or after, so that you can get direct interface and communication with the vendor that way. It is similar to what we will have here. Kathy Noel verified that the residents will be charged on their tax bill for twelve months. She doesn't want residents to say that you didn't start it right away, and why did we not receive a credit. Mayor Stoeber stated that we will do the math, and it will be eight months under one contractual price and four months under the other.

Mayor Stoeber stated that since we have set aside the previous motion to accept a solid waste bid, we are at the point where we need a motion to accept a bid. Brandon Voelker suggested that whatever motion is made, it should articulate on the waste bid summary sheet that was provided by Steve Taylor.

**Dave Guidugli made a motion based on the waste bid summary sheet provided by Mr. Taylor, to accept the bid of Best Way Disposal for the three year contract, due to the fact that if approximately twenty percent of our residents take the extra container, then the actual cost of three years would be more with Rumpke.** Stuart Oehrle seconded the motion. He clarified that the biggest comment that they have received from residents is that people just throw containers of plastics and garbage at the curb, and with Best Way they will all get a container. This way, everyone will get this option of having a container. Roll call vote showed six yeses and no noes. Motion carried.

Rob Moore made a motion to adjourn the August 6, 2012 special meeting, and Kathy Noel seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**