

Cold Spring City Council January 28, 2013

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 – Lisa Cavanaugh, Lou Gerding, Dave Guidugli, Rob Moore, 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.

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

Mayor Stoeber stated that we have just gone through an election cycle, and Kentucky Revised Statutes requires that council members be sworn into office before the first of the year. Council members received their technical swearing in a couple of weeks ago in December, so all is legal. Tonight we will hold a ceremonial swearing in before the residents and the cable board cameras. City Clerk Rita Seger requested that council members raise their right hands and repeat the Oath of Office. A round of applause followed.

The mayor's annual State of the City address was next on the agenda as required by Kentucky Revised Statute. Due to our new technology advancement this slide presentation will be seen on our closed circuit television screen. There is a similar TV screen like this one, with audio, located in our Community Room. In the event that a topic has energized enough people to attend a council meeting, our fire code regulations may not allow a large crowd in our council chambers or lobby area. Now, spill over crowds can still participate by way of utilizing our closed circuit television system in our Community Room so that we will not have to move to another physical site.

Mayor Stoeber commenced his presentation with charts showing an overview of some of the key items that we look at that are essential in order to run, manage, and monitor the city. The first item is the city's overall revenue stream. If you look at the trend, it is basically moving forward and up and the growth is two to three percent a year. Even with the recession, from the city's standpoint we have transitioned quite well. One of our major revenues is real estate tax revenue, which has held very strong over the past several years and continues to do so. Because of the recession many cities have experienced large dips in real estate revenues. How our residents value our community is what keeps the real estate revenues so strong. Payroll tax is again a recession area item. Some communities have been hurt very significantly in the payroll tax area from the standpoint of having business closures. When stores or businesses close or downsize, payroll taxes automatically go down. In general, our payroll tax revenue does not show the typical signs that you would see in a recessionary situation. Regarding the insurance tax revenue, if you look at the trend there was a dip in 2011, and it is at best flat at the \$700,000 level. This is not so much recessionary but for the fact that in 2006, 2007, and 2008 there was significant focus on geo-assignment of the house and as you can see our real estate revenues and our payroll tax revenues were viewed as a city that people wished to be associated with, so some people may have given their addresses as Cold Spring addresses when they were actually not located in our city. Until that geo-assignment was done to the address, it was likely that Cold Spring was getting insurance tax revenue from a bigger pool than what we are getting now. Starting around 2008 and 2009, we are now getting revenue only from residents within our city boundaries.

Over the last ten years our real estate tax rate has gone from \$2.25 to \$1.64 per thousand, which may possibly be the lowest tax rate of a population of our size and perhaps the third lowest tax rate in the tri-state area. If you look at our total revenues and how our real estate contributes to that, another significant piece of the city's stability is that a lot of cities have a tremendous ratio of their real estate revenue support their overall revenue. Cold Spring does not. Only about twenty-five percent of our revenue is from real estate.

In regards to our waste collection fees, looking at the charts you can see that as a result of recent bidding our current waste collection is lower than seven years ago. Through previous three year contracts with a prior provider, you can see where the contract went up, and when renegotiated it went up again. There was no competition in the area. That is how capitalism works. We are very glad to see Best Way making a forage into Northern Kentucky and as a result we hope that more cities competitively bid and take a good look at refuse services from the standpoint of providing relief not only to us, but in general the Northern Kentucky area.

For this upcoming year we are to the point where our strategic plan actually called for our revenues to decrease or to flatten out in 2009 and 2010. Fortunately for us our revenues are still moving up. Although it is only two to three percent it is better moving up than down, but that doesn't mean that we still don't have to be very tight. We will continue to be watchful on the expense side, yet focus on services and continuously improve on them. We have had some continuing improvements to the city. We have new tax software in order to be more user friendly and more efficient. We have a new phone service to enhance

customer services and again to be more efficient. We have a completely revamped website that provides a lot more communication than what we had in the past. Mayor Stoeber encourages everyone to go to coldspringky.gov, but you can still go to coldspringky.com and that will refer you to the updated website. We are continuing to do renovations on major parts of the building. Also every year the police department advances more and more into community service / community policing integration. In closing, Mayor Stoeber stated that the city is very healthy and we are very fortunate. As long as we keep our eyes on the ball with the reserves that we have created and the expense structure that we have designed, the city will be very strong for quite some time.

There will be a drawing for an American flag and pole for a resident staying until the end of this meeting.

The minutes of the November 26, 2012 regular council meeting were reviewed by all. Lou Gerding made a motion for approval and Rob Moore seconded the motion. All were in favor. Motion carried.

The minutes of the December 10, 2012 special council meeting were reviewed by all. Adam Sandfoss made a motion for approval and Dave Guidugli seconded the motion. All were in favor. Motion carried.

The minutes of the December 17, 2012 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 earlier we had talked about Best Way and the value that it has brought to our residents economically and in other ways as well. Katie Raverty of Best Way Disposal addressed council, to give them an overview and pulse of how the collection service was going in the city since they were awarded the bid for waste service in September. While we did have a rocky start with transitioning due to the automated system, it does bring great benefits to the area, first by the cost savings and also with keeping the city clean and effective. They are always looking for opportunities to grow and improve their collection service. Seventy to eighty percent of Cold Spring residents are using the Best Way containers which is a very good participation rate considering this is a new technology for them. The condominium residents were especially unhappy with the Best Way containers but they did have the option of using their own containers if they wished. Ms. Raverty has noticed in driving through those areas that many of those using the containers are filling them to the brim. It has been a slow transition to the carts, but many now realize that they do want them. Best Way dedicates Mondays of each week to deliver or pickup carts, or to pick up any missed trash pickups from Friday. They pride themselves on service. Their quarterly report shows how much garbage they are hauling out and who is participating. Because of the holidays this report reflects high participation rates but numbers will decrease a little bit with the next report because the usage isn't there. They would like to work with the city to do a spring cleaning event at the city building, for either a day or a week where people can drop off their items. This is an opportunity for them to be a partner with the city.

Dave Guidugli said he sees many residents who have their cans right next to each other and/or have their cans turned in the wrong direction, and he questioned if Best Way trucks can pick them up like that or do the drivers have to get out and move them. He really likes the automated system that they have and really wants this to work. Councilman Guidugli stated that he welcomes the opportunity to have more competitive bidding for waste pickup in the area.

Ms. Raverty said they do have to get out of the truck to maneuver misplaced cans. They would like to start educating residents by perhaps leaving them kind notes explaining how they need to place the cans which would help them be more efficient. Ms. Raverty's associate addressed council and said they have service tags which they have not used yet because they are still working with our residents to make this transition as easy as possible. He would like to have council take a look at them after he has a few made up, to see if council would agree to allow them to place these on containers to instruct the residents of proper placement. The tags are approximately 6" square orange tags, with bullet points that can be checked off such as cans too close together, turned the wrong direction, etc. that the driver could leave with the customers. It is more of an education. Many residents don't like this, but Best Way is trying to make their service more efficient and can only do so by informing the residents.

Mayor Stoeber stated that we will be glad to look at the tag and suggested that we could incorporate it into our newsletter along with an explanation about these tags. This would help increase Best Way's automated system and decrease possible damage. Dave Guidugli verified that styrofoam or packing material would be accepted as recycling, and if they also accept plastic grocery bags in recycling. If they can come up with some guidelines for the recyclables, that would be helpful. The Best Way associate stated that different recycling areas allow for different types of recyclables, and he will check into the styrofoam, but he believes that it is acceptable in the recycling bins. As far as the plastic bags, they will accept them, but they are so light that many times it is hard to keep them contained in their trucks. Residents should place these bags in bundles to help with this problem. Katie Raverty said if there is a benefit in bagging your trash so it doesn't blow away in the wind. That is

another issue that might be of import in our newsletter.

Adam Sandfoss suggested that perhaps at our next big event Best Way could set up a booth or bring in one of their automated trucks for demonstration so residents can get first hand idea of how this works and give them an opportunity to address their concerns. Katie Raverty stated it would be very helpful to explain to the residents so they understand the benefits of working together. She thanked council for this opportunity to speak.

Mayor Stoeber stated that the next item on the agenda was seating arrangements for council members. Councilman Lou Gerding stated that he requested this agenda item in response to a memo from Mayor Stoeber dated December 19, 2012 regarding the consideration of a change in seating arrangements for council members. There was also an e-mail sent to council members on January 12th regarding these seating arrangements. Mr. Gerding recommends that council come up with some type of format for council to go by regarding the selection of the seating arrangements, keeping in mind that we first need to take into consideration someone who has a disability or needs to sit in a certain seat to make it easier for them to get in and out. Dave Guidugli made a **motion to keep the seating as it is tonight for the rest of the term and for Attorney Brandon Voelker to draw up an ordinance for any future council that the newly elected council would determine the seating arrangement after the elections.** He requested that this be an item of discussion at caucus, to be voted upon at the February council meeting. Kathy Noel seconded the motion. All were in favor. **Motion carried.**

Mayor Stoeber stated that the second item of new business is appointment to sub-committees. Dave Guidugli made a **motion to approve the sub-committee appointments as recommended by the Mayor in his December 19, 2012 memo to council,** and Adam Sandfoss seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber stated that we have received bids for the East Alexandria Pike storm sewer improvements project. He explained that we had originally thought that the bids would be in the \$12,000 range, however as we were headed into the project we received some advice from our engineers CDS that there was a chance that the project would go upwards to \$19,000 or so, and because K.R.S. requires bidding for all projects that are \$20,000 or more, to be comfortable and safe this project it was put out for bid. Council has received the bids and we are looking to review them and accept a bid. Dave Guidugli made a **motion to accept the lowest bid which was from Straight Edge Construction** and Kathy Noel seconded the motion. Dave Guidugli stated that he has not heard of Straight Edge Construction and questioned Steve Taylor about them. Mr. Taylor stated that CDS did a background check on them, and they have recommended that we go ahead and accept their bid. We have also done an informal search on them and have heard good things about them from surrounding communities. Mayor Stoeber stated that the range of bids were from \$14,500 to \$27,000. There being no further discussion, roll call vote showed six yeses and no noes. **Motion carried.**

Municipal Order 13-01 was read, reappointing Peter Glenn, Christopher Vaught and Vince Sticklen to the Cold Spring Planning and Zoning Commission, with terms to expire on January 31, 2017. Mayor Stoeber stated that this is a four year term that is quite a commitment particularly with Planning and Zoning. While we are in a lull right now, Planning and Zoning can get quite lively, and he thanks Mr. Glenn, Mr. Vaught, and Mr. Sticklen for stepping forward. Rob Moore made a **motion to approve Municipal Order 13-01** and Lou Gerding seconded the motion. All were in favor. **Motion carried.**

Ordinance 12-993 was read in summary form for the second time, updating the Police Department Police and Policy Procedure manual. Mayor Stoeber stated that the Police Department reviews and updates their policies and procedures every year or two, to make sure we are current and also as part of our accreditation process which happens every five years and is scheduled for 2014. Lou Gerding made a **motion to adopt this ordinance** and Kathy Noel seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Departmental reports were reviewed.

Lou Gerding stated that there was an article in the newspaper about firearms being allowed to come into council chambers starting January 1st, and he asked Chief Burk if he could give an update on what people and/or council could bring in. Many years ago we did have a citizen who came in and threatened to shoot council members.

Chief Burk stated that as long as the firearms are not concealed, they are allowed to bring them in. Those that are concealed may not be brought into council meetings. Mayor Stoeber verified that we do not have a "no firearms" sticker on our front door. Brandon Voelker stated that there should be a distinction of "no concealed carry" sticker. Mayor Stoeber stated that from a technicality standpoint according to Kentucky law, if you do not have a "no concealed carry" notice then you are allowed to bring in a concealed weapon. The law does not really apply to us since we do not have a "no concealed carry" posted. This law forces those people to bring their weapons out and disclose them.

Mayor Stoeber suggested that we discuss placing “no concealed carry” stickers on the city building and all the public buildings that are part of the city. Rob Moore stated that he would not want to consider it. He wants to have the right to be able to defend himself. Mayor Stoeber stated that if someone were to come in with a concealed weapon, you wouldn’t know it. This way, as an open weapon we could all see it. Right now anybody out there could have a concealed weapon.

Dave Guidugli stated that his problem with this is if it will really make someone coming in with a concealed weapon to show his weapon. That little sticker probably won’t stop them. Mayor Stoeber stated that there are issues on both sides of the fence. He thoroughly agrees that if somebody is hell-bent on coming in and doing whatever they want to do, we probably cannot stop them, even if we had metal detectors. We will put it on the caucus agenda, and if it is something we realize we don’t want to do that is fine.

Lou Gerding stated that the city has finally patched the potholes on Paul Circle and thanked Steve Taylor for seeing that this was done.

Kathy Noel questioned Steve Taylor on the public works report about the installation of a grill and questioned if it was permanently placed. Steve Taylor stated that it is permanently installed because the other one rusted out and this is just a replacement.

Mayor Stoeber stated that out of approximately 3,000 tax bills sent out, we only have 89 tax bills that are delinquent, which is only two percent outstanding. This is phenomenal. Rita Seger stated that the delinquent notices have been sent out and we are getting responses from them.

Lisa Cavanaugh thanked the residents of the city who elected her as one of the choices for city council. She is overwhelmed and very humble that enough people believed in her to vote for her. This is something that she takes seriously. It is very much a privilege and an honor and she will do her best to serve the residents of our community in any way she can.

Lou Gerding verified with Brandon Voelker that we closed on the real estate transaction as agreed upon at the December 17, 2012 special council meeting. He requested that we place discussion of this on caucus agenda, now that the citizens have a vested interest in this property. Council should be advised on what is going on up there. We stand for our citizens and we should be working with staff on where and what we want to do with this property

Adam Sandfoss advised everyone that we are seeing a huge influx of flu patients in the area and it is very rampant, and people are getting very sick from it. Please get your flu shots.

Resident Brenda Helton was the winner of the American flag, pole, and health gift.

Rob Moore made a motion to adjourn the January 28, 2013 council meeting, and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: