

Cold Spring City Council Special Meeting October 8, 2009

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. Mayor Stoeber stated that the variety of items on the agenda are dependent on how the meeting progresses based on various logistical issues within the meeting. Roll call vote showed that the council members present were Lou Gerding, Brenda Helton, Rob Moore, Janis Reiman, and Sandy Ross – excused was Stuart Oehrle. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Michael Vank, and City Attorney Brandon Voelker.

Ordinance 09-959 was read in summary form for the second time, **setting the annual 2009/2010 waste collection fee at \$170.76 per unit.** Rob Moore made a motion to adopt this ordinance and Lou Gerding seconded the motion. Roll call vote showed five yeases and no noes. **Motion carried.**

Ordinance 09-960 was read in summary form for the second time, **establishing the real property tax at .164 per hundred, the tangible property tax at .181 per hundred, and the motor vehicle tax at .169 per hundred for the fiscal year 2009/2010.** Mayor Stoeber stated that these real property and tangible property tax rates are at the compensating tax rate, and the motor vehicle tax is the current tax rate. Rob Moore made a motion to adopt this ordinance and Sandy Ross seconded the motion.

Mayor Stoeber stated that we had two different evenings of discussion on this topic and believes all of the discussions were relevant and in hand, and he stated that any continued discussion would have to be new or enhanced discussions.

Lou Gerding was not in agreement. He stated that because council member Janis Reiman was not present at the last meeting she should be brought up to date. Mayor Stoeber stated that the meeting should not be cumulative and council members have the responsibility to become educated and prepared. Janis Reiman stated that she would like a very brief summary. Mayor Stoeber requested that discussion be kept very tightly to the point.

Lou Gerding stated that at the September 28th meeting, he brought up that this compensating tax rate basically gives \$18 back to every residential family, but at the same time it lowers the tax rate. The other rate under discussion kept it at last year's rate of .169. By using this lower .164 tax rate, it takes over one million dollars in the next twenty years out of the Strategic Plan.

Brenda Helton stated that she is uncomfortable taking a vote at this time. We had gone through much discussion and it was advertised that we would have a public hearing, and now it almost seems that we are trying to do something underhanded by scheduling a meeting one half hour before the public hearing to take some action. She stated that she does not see the urgency and questions what difference the time would make to have the public hearing before any vote was taken.

There being no further discussion, Mayor Stoeber reviewed the motion on the floor for the second reading. Roll call vote showed three yeases and two noes – Lou Gerding and Brenda Helton. **Motion carried.**

Mayor Stoeber stated that because of this action, we are not required to conduct the public hearing, as advertised for 6:30 pm. We can continue with the hearing or cancel.

Rob Moore made a motion to cancel the public hearing. He sees no reason to have it now. Motion died for lack of second.

Mayor Stoeber called for **a motion to recess** until the stated time of the advertised 6:30 public hearing. Rob Moore made a motion to recess this special meeting and Sandy Ross seconded the motion. All were in favor. **Motion carried.**

After the public hearing was adjourned, at a motion from Rob Moore with a second by Sandy Ross, Mayor Stoeber called to **reconvene this special meeting.** All were in favor. **Motion carried.**

Brenda Helton stated that within the agenda it shows an additional tax rate ordinance was to be read, and asked how this would have to be followed.

Mayor Stoeber stated that, according to Roberts Rules of Order, we could not take an action on another similar action with an already approved motion on the floor. That motion would have to be rescinded and once that has occurred, then an additional motion could be made. By Robert Rules of Orders, someone within the prevailing party of three would have to put a

motion on the floor to rescind. If there was a vote to rescind then we could move forward. Robert Rules of Order makes the prevailing party the one to make that motion to rescind because otherwise, the party that didn't prevail could use that option to stall things.

He questioned if any of the three approving council members wished to rescind.

None of the three approving council members wished to rescind their decision.

Rob Moore made a motion to adjourn the special council meeting. Sandy Ross seconded the motion. Roll call vote showed five four yeses and one no – Lou Gerding. ~~All were in favor.~~ Motion carried.

Approved:

City Clerk:

Mayor: