

Cold Spring City Council

March 23, 2009

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 present – Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, Janis Reiman and Sandy Ross. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Michael Vank and City Attorney Brandon Voelker.

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

On March 27th, 28th and 29th, Campbell County will hold their litter abatement clean-up program, from 8 am to 6 pm. Items may be taken to Penderly Park on Route 8, the Campbell County Police Station on US 27 in Alexandria, and the Campbell County Road Department on Racetrack Road. No liquids will be accepted at any location. You may contact Rita Seger at the city office who has information on how to dispose of various types of liquids.

The Cold Spring Easter Egg Hunt, sponsored by the Cold Spring Parks, Recreation and Tree Commission, will be held on Saturday, April 4th at 1:00 pm at our Municipal Park. This is for ages 1 through 9.

We will also have an Arbor Day Celebration, to be held on Saturday, April 11th at our Friendship Park, beginning at 11:00 am. There will be a raffle, and free seedlings will be given away.

The newsletter has been updated and sent out. Mayor Stoeber thanked the city clerk for the new update. The newsletter included a listing of all of the businesses of the city, and anytime you try to mention everybody, you can never quite do it. Huntington Bank was excluded from the list. Also, Rob Moore's businesses, Moore's Garage and AA Auto Sales were also excluded. They are valued businesses within the city and we apologize for that oversight. This list will be updated and included on the Cold Spring web page.

There will be a drawing for an American flag and pole for residents who stay until the end of this meeting.

The minutes of the February 23rd regular meeting were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

The minutes of the March 9th special meeting were reviewed by all. Stuart Oehrle made a motion for approval and Rob Moore seconded the motion. All were in favor, with the exception of Lou Gerding, who abstained. Motion carried.

John Chamberlin, with Van Gorder, Walker and Company, Inc., thanked the city for the opportunity of doing our audit. He gave a summary of our yearly financial auditors' presentation. He stated that the city has received from them a clean unqualified opinion. He reviewed the asset comparison which has increased from year to year. We have plenty of cash on hand for operating expenses, well over their three months recommendations. He presented a liabilities comparison, showing we had had a steady pay-off of debt. The City revenues exceed expenditures and has trended that way for the last four years. The expenditures go mostly to police and general government services. Capital outlay expenditures show the city is adhering to the strategic plan and street improvements. Each council member was provided with a copy of the financial statement which Mr. Chamberlin also briefly reviewed. The city had no non-compliance issues but there is one internal control due to the size of the city and duties that are not segregated appropriately. This has been discussed with the Finance Committee.

Mayor Stoeber mentioned that the city is financially in good shape and John Chamberlin has done an excellent job of summarizing quite a large body of work that was done throughout the entire year. A complete thorough analysis was done at the finance committee level. The financial statements are available for review at the city.

Mayor Stoeber stated that the City of Cold Spring provides policing services, for a fee, to the City of Crestview which does not have a police department. The City of Crestview is now shopping around for those fees through different police departments. They have approached our Attorney, Brandon Voelker and requested a waiver of the 90 day notification requirement on our contract. Brandon Voelker stated that the contract states that a 90 day written notice is required if either party intends to terminate, and any services rendered would be pro-rated at that point.

Lou Gerding does not see any advantage to the City waiving that 90 days. It will take us into the next budget if we hold them to the agreement. We should go ahead and enforce the interlocal agreement that was agreed upon between the cities. Cold Spring provides them with the use of our city parks and recreation for their children and adults, along with protection for children while they are in Cold Spring schools and for their families in the Cold Spring churches. We don't need to provide additional favors.

Stuart Oehrle agrees. He states that we have a contract. They apparently want immediate termination of the contract and to find something else on their own. Mr. Oehrle stated that we simply charge Crestview for the cost of our police officers to police their city. We are not making money on it, and in fact, for many years they were getting the better of the deal.

Brenda Helton stated that by holding them to the 90 day notification, it will fall within our budget year.

Sandy Ross questioned why they no longer want our policing services. She stated that the City of Cold Spring would not just stop policing without a 90 day notice and we should receive the same consideration.

Brandon Voelker stated that we are increasing the rate because our cost of policing has gone up. We made a proposal and they did not choose to make a counter proposal. He will just send a letter stating that Cold Spring is going to stick by the contract. There is no action that needs to be taken by this council, since it is already in the contract.

Mayor Stoeber verified with Brandon Voelker that we have not received a written notice of contract cancellation. At this particular time, we will continue to provide policing service until we receive that written notification and that they understand we will not waive that 90 days.

Brenda Helton stated that our contract is actually for five years from March 2006 and questioned if we are letting them out of it early. She also questioned if 90 days notice gives us enough time to notify the attorney general and get the paperwork taken care of.

Brandon Voelker stated that cancellation is provided for in the contract with the 90 day notice. We bill by the contract anniversary date, which is March 27th. We asked for an increase and they are seeking to terminate the contract in the middle of that negotiation. By March 27th we already have a set fee, and whatever that fee is continues on for 90 days. Brandon Voelker gave an explanation of the interlocal agreement. Notification to the attorney general should not be a problem.

Stuart Oehrle questioned if, once Crestview sends us written notification, we will let the 911 Call Center know so that our Cold Spring police don't get their calls. Mayor Stoeber replied that it would be an administrative function for us to actually notify the Dispatch service that by such and such a date then the primary calls would go elsewhere.

Department reports were submitted in writing. Stuart Oehrle questioned the recap of the budget, referring to occupational license and payroll tax revenues, and if the year to date budget was what we expected. It appears that we are down substantially. Michael Vank replied that it is an aberration. After the end of the month we received a very large check, primarily for payroll. That revenue comes in sporadically throughout the year.

Brenda Helton questioned the financial report on the Police Department which refers to Purdue Pharmaceutical Investigations. She questions why we budget an amount for that every year. Ed Burk stated that this has to do with a special grant that was written for the enforcement of pharmaceutical forgeries and that type of thing. It is there to cover if our officers work a special investigation or a prescription fraud. Purdue is the manufacturer of Oxycontin. Because several years ago Purdue received such negative publicity for the addictiveness of Oxycontin, they provided cities with huge grants to help stop that prescription fraud.

Ed Burk stated that he will be sending out a police survey on police services to residents and businesses within the city. They will be sent out randomly. The people who will be receiving a survey will first get a card notifying them that they will be getting a packet of information. Shortly thereafter they will be getting the survey to fill out and return with a self addressed stamped envelope. Two weeks after the first mailing we will send out another one, in case they forgot or misplaced the original survey. We are looking to use this as a baseline for a project the Police Department is going to be doing in the near future, and also to find out how the department is doing, what their perceptions are of policing within the city, if there is a service we can do or gear for, and what their concerns are in the city. There will be approximately 1,000 surveys sent out.

Mayor Stoeber stated that the survey will go out in about two months, probably some time in May. The number of surveys being sent out is a large number to get statistics, and will provide us with a good cross section.

Stuart Oehrle stated that he will place the newsletter on the city website, and also verified with Brenda Helton, Park Board liaison, that Yard of the Month should be activated for the submission forms.

Janis Reiman verified that house to house solicitors are required to get a permit, and they should stop in the city to get the proper paperwork. Rita Seger stated that even if they are a religious group, though they are not charged, they still need to stop by the city to let us know they are in the city and receive proper paperwork. Mayor Stoeber stated that there is a balance of freedom. Religious groups have the freedom to speak, however, you as a resident have the freedom to say you don't want to listen. Brandon Voelker stated that we do have a no knock list and stickers are provided to put on your door.

Lou Gerding asked Brandon Voelker if he has heard anything more from Mr. Chuke with the former Stables Restaurant. Brandon Voelker stated Mr. Chuke has purchased the property and has done some extensive remodeling. It will be renamed Guys and Dolls. There were questions because the SDA zone only allows entertainment on a certain amount of floor space and this is being addressed. Mr. Chuke hopes to open by summer.

Sandy Ross thanked the Public Works Department and the developer at Granite Spring. Signage for Buning Lane was up by March 1st, that identifies where Buning Lane continues. Also, thanks to Rita Seger for the newsletter which has much good information in it. Ms. Ross verified that the next newsletter will come out before the August 8th Cruise In event.

Brandon Voelker stated that we adopted the last version of the International Property Maintenance Code in 2005. There is now a 2009 version that has come out and if this body would like, he can prepare an ordinance to adopt this new version. There are some provisions and if there is something we do not want enacted we can pull it out. It is mainly the maintenance code which our code enforcement officer relies upon. This will be placed on the April Caucus for discussion and April Council for adoption.

Brenda Helton questioned if the trash ordinance requiring that trash be placed in an enclosed container would be covered under this new maintenance code. Brandon Voelker stated it does have a provision but is very general. With something like this, we would be better off preparing our own.

There were no residents present at the end of this meeting to be awarded the American flag and pole.

Stuart Oehrle made a motion to adjourn and Lou Gerding seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: