

**Cold Spring City Council  
Special Meeting  
July 12, 2010**

The special meeting of the Cold Spring City Council, as advertised, was called to order by Mayor Mark Stoeber. The following council members were present: Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, 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.

Mayor Stoeber stated that normally the second Monday of the month is a caucus meeting, which is a general working meeting and no votes or actions are taken, just debates and ideas. The fourth ~~meeting~~ Monday of the month is a council meeting where we can take action. Due to a series of events the June 28<sup>th</sup> council meeting had to be cancelled, which left some business still to conduct. We advertised this meeting as a special council meeting. We are required to conduct only the business shown on the agenda per Kentucky Revised Statutes. Mayor Stoeber apologizes to audience members for any inconvenience this may cause.

The first order of business is a consideration of a city resident to fill a vacancy on a council seat left by Janis Reiman. Mayor Stoeber stated that Ms. Reiman worked hard with council over the last year and a half of her term, but she has recently married and unfortunately she is not able to fulfill the remaining six months of her two year term. The mayor has received her written resignation as required by law, and he commended her for her service to the community. That leaves us with a vacancy which by law we are allowed to fill, but if we do not fill the position within thirty days then it is filled by the governor of the state. A longstanding resident and familiar name in the community, Dave Guidugli, has stepped forward to be considered for filling that position. Stuart Oehrle made a **motion to approve the appointment of Dave Guidugli to fill the vacant seat on city council, and Rob Moore seconded the motion.**

Brenda Helton verified that the accepted date of Janis Reiman's resignation was June 25<sup>th</sup>. She stated that this vacancy should have probably been advertised or made known to the general public so that we would have had more time and consideration to fill this vacancy.

Lou Gerding stated that in the past we had to appoint someone mid-term who the council was not familiar with and that appointment was regretted. Council has worked well with and is very familiar with Dave Guidugli.

Stuart Oehrle stated that we also appointed Kathy Noel to fill a vacancy mid-term who the council was familiar with and that worked out well. With the election is coming up in November this will just fill the vacant position until the election is done in five months.

Sandy Ross commented that we do have another individual who is unknown to council but has come forward with interest in this vacancy, and he may bring a different demographic. We are only talking about a replacement for five months, and this is a great opportunity for this individual to learn and see if this is something for which he would like to campaign. Brenda Helton stated that she would like to see this gentleman remain involved with the city in any manner, since he has expressed an interest. Stuart Oehrle stated that it would be nice to include his name for any openings and he suggested our Planning & Zoning Commission.

Mayor Stoeber stated that the individual is Christopher Vaught, who is aware that tonight's meeting is a replacement night. It was nice of him to step forward via e-mail to express his interest. Mayor Stoeber stated that he would be happy to reach out to Mr. Vaught to see if he would be interested in stepping forward on our Planning and Zoning Commission, which is an excellent opportunity to learn how the city works and to go from there. Mayor Stoeber stated that the city went through a very important annexation of property in the quadrant of the city where Mr. Vaught lives, and his family was very important in helping and contributing with that annexation.

Roll call vote showed three yeses and two noes – Brenda Helton and Sandy Ross. Brandon Voelker verified that this is a majority of the legislative body and the **motion carried.**

The city clerk issued the Oath of Office to newly appointed council member Dave Guidugli. At this point, Mr. Guidugli joined council members as a participant in this meeting.

Mayor Stoeber stated that Dave Guidugli has twelve years experience as a council member, lived in the area his whole life, and been in the city for fifteen years. His family is very public-service oriented. The Mayor thanked him for his service.

The minutes of the May 24<sup>th</sup> Municipal Aid Road Fund meeting were reviewed by all. Brenda Helton made a motion for approval and Lou Gerding seconded the motion. All were in favor with the exception of Dave Guidugli, who was recused since he was not on council at the time of the meeting. Motion carried.

The minutes of the May 24<sup>th</sup> regular council meeting were reviewed by all. Rob Moore made a motion for approval and Lou Gerding seconded the motion. Sandy Ross questioned the wording on page 2 which stated "...the two abstentions are consider no votes". Mayor Stoeber suggested amending wording to state "...the two abstentions are not considered as votes." All were in favor of the minutes as amended with the exception of Dave Guidugli, who was recused since he was not on council at the time of the meeting. Motion carried.

The minutes of the June 14<sup>th</sup> special council meeting were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. All were in favor with the exception of Dave Guidugli who was recused since he was not on council at the time of the meeting. Motion carried.

Mayor Stoeber stated that the neighborhood focus report was next on the agenda. In order to create better community awareness and involvement, the Police Department and Chief Burk divided up the city into eleven general areas with an officer being assigned to each of those areas. Sergeant Messer and Lieutenant Hall are here tonight to talk about their designated community areas so that we can see where connections and bonds are building, and make us aware of activities going on in those sectors.

Sergeant Brian Messer first reported on Granite Spring, which is actually Detective Ratcliff's area. A street party was held in Granite Spring, and Sergeant Messer participated. It was a huge success not only for the Granite Spring Community but with the police and fire departments who were involved. Sergeant Messer commented on his designated area of Springside. There have been complaints about speeding in that area and they discussed placing the speed trailer there with enforcement. However, since we have portable speed bumps it was thought that we could use these to slow people down. The head of the condo association said she will bring it up at their next meeting to see if they have consensus to try the portable speed bumps or come back with the speed trailer with enforcement again. Sergeant Messer reported that the Sturbridge area has been quiet with very few complaints. A couple of neighbors took it upon themselves to clean out an area at the end of Villagegreen where some evergreens had been planted. They cut the old growth out and threw it onto the street. Some neighbors complained about this. Sergeant Messer stated that he contacted our Pubic Works Department and they went right out and cleaned it up. When questioned about curfew violations, he stated that he hasn't heard of any since he has been placed on second shift.

Lieutenant Wayne Hall's geo-focus areas are Glenridge and Shadow Lake. The only major incident going on is a canine running loose in Shadow Lake. With back and forth e-mails from the complainant and owner of the dog, they are pretty close to solving it and hopefully everyone is going to be happy. Lieutenant Hall reported that in Glenridge there is an individual that he can send an e-mail to and she sends it along to over thirty of their residents. They have their own notification system. Also the Police Department has Nixle and if we put anything out on that, then alerts can go out to e-mails and cell phones.

Rob Moore questioned how residents sign up for that notification system. Chief Ed Burk stated that the Cold Spring website includes a link to the police department website, [www.coldspringpd.org](http://www.coldspringpd.org) and it is updated every week or two. Mayor Stoeber stated that it has wonderful information, which includes profiles on the officers and contact information. The closer and better the relationships are between the residents and the police, the better it is for the entire community as a whole.

Ed Burk stated that Lieutenant Hall's neighborhood focus is the most successful area in the city at this time. He receives a lot of communication along with thanks and appreciation from his residents for what he does up there. He has attended the Shadow Lake Condo Association meetings. He is most active in his particular area and receives a lot of feedback. Mayor Stoeber added that Lieutenant Hall is the longest standing officer in the department, having served with the Cold Spring Police Department for eighteen years.

Mayor Stoeber stated that the next matter of business is the appointment of a new police officer. We feel very good to have a new recruit of his caliber, who has agreed to work for us and go through the rigors of becoming a police officer.

**Municipal Order 10-02** was read, **appointing Jacob T. Zink to the Cold Spring Police Department.** Lou Gerding made a motion for approval and Rob Moore seconded the motion. All were in favor. **Motion carried.**

New police officer Jacob T. Zink was issued the Oath of Office, and received a round of applause. Chief Burk stated that a person always remembers a first and last of his or her career and hopefully Officer Zink will be here longer than Lt. Hall.

Thanks and congratulations to Jacob Zink. Mayor Stoeber stated that Officer Zink has a supportive family, and he encourages them to visit the Richmond Police Academy in Kentucky. It is very updated, modern, and extremely impressive.

Michael Vank gave an update on Plaza Drive, which was the next topic on the agenda this evening. He stated that several months ago the city came to the conclusion that we demand that the developer complete a series of repairs or corrections to Plaza Drive before we would accept it as a dedicated road to the city. If the developer doesn't have interest in pursuing those corrections, perhaps we could use the cash bond that had been placed to ensure that the repairs to the road are done properly. Our engineering company, CDS did an estimate of the cost of producing those repairs, which is \$13,970.00. Since the bond that was placed was \$15,307.00, we can use that bond money to complete the repairs and enhancements that are needed.

Brenda Helton questioned if the developer was aware of the cost estimates made by our engineer. She stated that it would only be fair to contact him and say that we have taken upon ourselves to get estimates and if he is not willing to do the work then the city will do it with the bond money. Sandy Ross stated that she thought that we were going to assess and get the facts together and advise the developer that these repairs needed to be made by a specified date. If they are not done by the specified date then we would go ahead and make those corrections and the developers would forfeit that bond. This has gone on for a long time.

Mayor Stoeber agrees, but stated that the purpose of this discussion now is to get the facts before us and confirm what we want to do with this project. At a previous meeting it was decided that if in fact the estimate was underneath the level of the bond, we would do an either/or scenario. Council just needs to say what scenario we are going to follow.

Lou Gerding stated that since he was the one who brought attention to the flaws in that area, he would like a copy of the engineering report to go over the estimate and make sure it covers everything that was talked about. Mr. Gerding made a **motion to table the discussion until the report can be reviewed**. Sandy Ross seconded the motion. Roll call vote showed four yeses and two noes – Rob Moore and Stuart Oehrle. **Motion carried.**

Mayor Stoeber stated that this will be placed on the August caucus agenda.

Next on the agenda was approval of the bids for the Glenridge / Ridgepointe Road Project. Michael Vank reported that since we now have funds available for the completion of the 2010/2011 road project, we had two separate bids placed, one for the reconstruction of twelve concrete streets or portions thereof, and the other for portions of two streets to be re-blacktopped. Because these would likely be done by different companies and because the concrete streets take more time for the specifications to be written and bids created, we elected to go ahead and bid the two blacktop streets so we could start them as early as possible. The low bid on the blacktop was \$83,119.00, approximately 25% less than the estimated cost. We can either accept that bid and begin the construction work, or we can wait until the concrete bids are opened. If the concrete bids come in unexpectedly high, then we might not want to do these two asphalt streets now. Mr. Vank stated that nothing from the engineers indicate that we should expect higher than anticipated concrete bids. It is much more likely that the concrete work would come in below our estimated cost, but this is something to consider.

Dave Guidugli questioned if there was a time frame on accepting this bid and if we do wait for the concrete bids to come in, would this blacktop bid still be acceptable. Also, Mr. Guidugli stated that he is not familiar with the low bidder, Bluegrass Paving. He questioned if our engineering firm has ever worked with them before and if they were happy with their work. He also questioned if we have a one year warranty and if that is part of the bid. Stuart Oehrle stated that he is familiar with four of the five blacktop companies that have submitted their bids, but has no familiarity with Bluegrass Paving either.

Michael Vank stated that the low bid on the blacktop is good for thirty days, which would bring the acceptable date for acceptance to July 23<sup>rd</sup>, which is before the July 26<sup>th</sup> council meeting. He stated that all of our jobs usually have a least a one year warranty. There is a possibility that these numbers will not be in effect if we do not act on it tonight.

Brandon Voelker stated that our engineers do make a recommendation on the contractors, and they take everything into consideration, which then gives you the recourse to look at your engineer if for some reason they were negligent in the selection of the contractor. Brenda Helton verified that the low bidder, Bluegrass Paving is the bidder recommended by our engineer.

Mayor Stoeber stated as a point of administration that Bluegrass Paving is the low bidder and they are recommended by the engineer so the preponderance of information that this city and council would have to generate to not take that bid would be quite a bit from that standpoint.

Stuart Oehrle stated that we do have some control here. The engineers are going to manage, inspect, make sure that the undercoat is laid properly and the roads will be inspected before the laying of the final coat.

Stuart Oehrle made a **motion to accept the bid of Bluegrass Paving**. Rob Moore seconded the motion. At a suggestion from the Mayor, Stuart Oehrle **amended the motion to accept the bid from Bluegrass Paving, based on the recommendation of our engineering firm, and the associated documentation**. Rob Moore seconded the motion. Roll call vote on the motion as amended showed six yeses and no noes. **Motion carried.**

Dave Guidugli made a **motion to table the resolution endorsing the Cable Board Interlocal Agreement** which was the next item on the agenda. Brenda Helton seconded the motion. Mr. Guidugli stated that there is another city that has made a recommended change. Instead of having to come back to pass another resolution, the Cable Board would like to hold off until they review the new proposal. The Cable Board will have a regular meeting at the end of the month and decide if adjustments should be made. Roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.** This will be tabled to the August 9<sup>th</sup> caucus meeting.

**Ordinance 10-968 amending the Cold Spring Personnel Policy** was read in summary form for the first time. Mayor Stoeber verified that everyone on council had a copy. He stated that he received great feedback with questions from Brenda Helton, and he replied on the issues addressed. Brenda Helton made a **motion for approval**, and Stuart Oehrle seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

At this point, Mayor Stoeber stated that a temporary recess was needed in order to conduct a meeting of the Municipal Properties Corporation. Stuart Oehrle made a motion to temporarily recess this meeting and Rob Moore seconded the motion. All were in favor. **Motion carried.**

Stuart Oehrle, as president of the Municipal Properties Corporation, called the **special meeting of the Municipal Properties Corporation** to order. He called for a motion to **authorize the president to execute the deed transferring all properties owned to the city of Cold Spring**. Lou Gerding made a motion for approval and Sandy Ross seconded the motion. Rob Moore stated that this is due to the auditors' recommendations. Brandon Voelker stated that in the past, the city could not hold a debt for an extended period of time so they created the Municipal Properties Corporation so that we could borrow money that exceed terms of office. The auditors recommended that instead of maintaining two separate books, we should close it down and transfer everything back to the city.

As a member of the Municipal Properties Corporation, Mayor Mark Stoeber is also given a vote. Roll call vote showed seven yeses and no noes. **Motion carried.**

The next item was a motion to **authorize the president to transfer all cash and/or other accounts to the City of Cold Spring**. Rob Moore made a motion for approval and Brenda Helton seconded the motion. Roll call vote showed seven yeses and no noes. **Motion carried.**

Sandy Ross made a motion to **approve a Resolution to dissolve the Municipal Properties Corporation**. Lou Gerding seconded the motion. Roll call vote showed seven yeses and no noes. **Motion carried.**

Brenda Helton made a motion to adjourn the final meeting of the Municipal Properties Corporation. Sandy Ross seconded the motion. All were in favor. **Motion carried.**

Stuart Oehrle made a motion to call the July 12<sup>th</sup> special council meeting back to order. Dave Guidugli seconded the motion. All were in favor. **Motion carried.**

**Ordinance 10-969 dissolving the Municipal Properties Corporation** was read in summary form for the first time. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Stuart Oehrle made a motion to enter into Executive Session, per K.R.S. 61.810 C. – Litigation. Rob Moore seconded the motion. All were in favor. **Motion carried.**

Lou Gerding made a motion to come out of executive session, and Dave Guidugli seconded the motion. All were in favor. **Motion carried.** No action was taken as a result of this executive session.

Stuart Oehrle made a motion to adjourn the July 12<sup>th</sup> special council meeting, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**