

Cold Spring City Council March 22, 2010

Mayor Stoeber announced that tonight's meeting would be presided over by Honorary Mayor Hadlee Trunick of Cline Elementary School, with Mayor Stoeber acting as assistant.

The regular meeting of the Cold Spring City Council was called to order by Honorary Mayor Hadlee Trunick. Pledge to the flag and prayer was led by the City Clerk. Roll call showed the following council members 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.

There were no additions or deletions to tonight's agenda.

Mayor Stoeber stated that we have Hadlee Trunick acting as Honorary Mayor of the day. She is from Cline Elementary School and this is the second year that the city has participated in this program. Mayor Stoeber stated that it is an honor to have Hadlee presiding, with her family present to offer their support.

Honorary Mayor Hadlee Trunick read the items of interest to the community. There will be an Easter Egg Hunt on Saturday, March 27th at 1 pm at the Municipal Park for ages 0 to 9. There will be free treat bags for all of the children and special prizes will be awarded to each age group. Arbor Day will be held at our Friendship Park on Saturday, April 17th, at 11 am. Free seedlings will be distributed, and grilled hot dogs and refreshments will be served. Campbell County will hold their spring litter abatement program on March 26th, 27th, and 28th, from 8 am to 6 pm. Items may be dropped off at Penderly Park on Route 8, the Campbell County Police Station in Alexandria, and the Campbell County Road Department on Race Track Road. No liquids will be accepted at any of these locations. 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 22, 2010 regular meeting were reviewed by all. Rob Moore made a motion for approval and Stuart Oehrle seconded the motion. Brenda Helton requested that one word be added and one word removed in these minutes. All were in favor of the minutes as corrected. Motion carried.

The minutes of the March 8, 2010 special meeting were reviewed by all. Stuart Oehrle made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

There were no scheduled or unscheduled guests present to offer comments to council.

Ordinance #10-961 was read for the second time, amending the Cold Spring curfew laws for minors. Lou Gerding read the amended changes which were made to this ordinance. **Stuart Oehrle made a motion to adopt this ordinance as read,** and Janis ~~Ross~~ Reiman seconded the motion. Janis Reiman verified that there are provisions to cover certain situations where the minors will be allowed out past those curfew times. Sandy Ross verified that the text which Mr. Gerding just read was the revised, current wording which differed from the document which she was provided. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance #10-962 was read in summary form for the second time, amending the Cold Spring Animal Control Ordinance. Rob Moore made a **motion to adopt this ordinance,** and Brenda Helton seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance #10-963 was read in summary form for the second time, changing the zone on a 0.33 acre parcel on Chapman Drive, from R-RE to R-1C. Lou Gerding made a **motion to adopt this ordinance** and Stuart Oehrle seconded the motion. Brenda Helton verified that we are clear on this zoning for less than five acres. Brandon Voelker stated that the rule is that it has to be over five acres unless it is adjacent to the zone you are seeking. Roll call vote showed six yeses and no noes. **Motion carried.**

Honorary Mayor Trunick stated that the next order of business is the **acceptance / dedication of Plaza Drive.** **Stuart Oehrle made a motion for approval,** and Janis Reiman seconded the motion. Discussion followed.

Councilman Lou Gerding stated that the curb at White Castle is cracked and has sunken in a little bit. Another concern is the curb at the storm sewer close to Margaritas on the south side of Plaza Drive which has buckled. It appears that the curb is

curved around the storm sewer. That manhole cover bolts down on top of that storm sewer, which is partially in the curb and sits about four to six inches above the grade of the curb. Mr. Gerding doesn't want to accept Plaza Drive until he receives an explanation from our inspector as to why the curb buckled, and if it is right to have something raised like that in the middle of a curb. If we accept Plaza Drive now, then work that should have been taken care of by the contractor would then have to be done by the city, out of taxpayer money.

Janis Reiman stated that it looks like they did replace a part of the curb since it looks newer. Lou Gerding stated that that area is the part that buckled. They did not correct the issue of what caused that to happen. Brenda Helton stated that it has already been replaced once so it is an issue that may happen again. Jan Reiman confirmed that we have heard nothing further about this issue from NKAPC.

Stuart Oehrle questioned the timing on the acceptance. If we do nothing, he questioned if the roads would be automatically accepted or if we need to take secondary action tonight stating that we are questioning the streets and need additional information before we can act further. Mayor Stoeber replied that if we do nothing, this will not go on a course of its own. Council will have input on what happens with the street. Brandon Voelker stated that automatic acceptance is only in the case that they comply with our regulations.

Mayor Stoeber clarified for council that a yes vote is for acceptance of the street, and a no vote is to just not pass this motion. Roll call vote showed no yeses and six noes. **Motion failed.**

Honorary Mayor Trunick questioned how council would like to proceed. Mayor Stoeber stated that the developer believes they have performed with due diligence. The onus is now on the city. He stated that this discussion should be placed on the April caucus agenda for the sole purpose of creating a course of action as to how to proceed. Stuart Oehrle verified with the mayor that we can stimulate feedback from appropriate sources before the caucus. Brenda Helton stated that if the engineer is in the city this week, this could be resolved by the next caucus.

Hadlee Trunick read **Resolution 10-02, supporting the Community Access Preservation Act, (CAP Act)**. Stuart Oehrle made a motion for approval, and Brenda Helton seconded the motion. Five council members were in favor, and one opposed – Lou Gerding. **Motion carried.**

Honorary Mayor Trunick announced that the next order of business was the **acceptance of the bid for reconstruction of Founders Court**. General discussion followed.

Mayor Stoeber stated that Founders Court is in sizable disrepair so he was issued the authority to get quotes for the replacement of the street. Council has received the results of the public bids. They must now select a construction company bid in order to replace that street.

Lou Gerding verified that the Finance Committee has reviewed and is satisfied with the bid results, and he questioned when the work would start. Michael Vank stated that the intent is that it be completed well before the end of this fiscal year.

Mr. Gerding stated that before we proceed, we need to make sure that public works takes a camera to take pictures of all of the driveways, downspouts where they enter the streets, mailboxes and so forth. We need to document this information, to protect us from false claims, as has happened in the past.

Rob Moore questioned if they figured in the cost of any aprons that have to be fixed or replaced. Stuart Oehrle stated that in the past some of the residents were notified that before we do the work, they would have to repair their driveways. Brandon Voelker stated that contractors bid on whatever is in the drawing specs, so we have to look at those documents. Mark Stoeber stated that they have included in their bids 1,500 square feet of aprons.

Rob Moore questioned if the bids include the entire cost of the project. The Finance Committee should have all of the figures to make sure we are within budget. Brandon Voelker stated that the only other expense would be for the engineering and geotech costs.

Mayor Stoeber stated that the most economical bid comes from a company who has done our streets for the last six years. What we have budgeted is significantly higher than that. We have not over-budgeted. It is a matter of timing. We budgeted at a time that was without the current economic challenges. There was a wide difference in the bids.

Stuart Oehrle stated that the lowest bid is a lot less than what they had budgeted. Brenda Helton verified that the rate of discrepancy between the high and low bids is typical. Janis Reiman stated we are taking the lower bid, not just because it is the lowest but because they have a history in the city and they have done good work for us in the past.

Rob Moore made a **motion to accept the bid for JPS Construction, for the reconstruction of Founders Court in the amount of \$135,187.50**. Sandy Ross seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

Mayor Stoeber stated that our honorary mayor has just done some very important things. The business items that she has just presided over have gone from safety, to spending city money for a street, and again to spending money to improve residents' lives. In addition she has seen to the business of amending the curfews and animal control ordinances to protect us in the future.

There were no follow up citizens comments.

Departmental reports were submitted in writing.

Michael Vank stated that our Public Works Department has been hard at work. They are 99% done with the project at the Crime Lab. Water was coming up through the cracks in the floor. It required a contractor to remove asbestos tiles to see where the cracks were, and installing a drainage system to move that water out through a sump pump. The floor tile is now being replaced.

The same environmental company also removed the asbestos tile in the hallway outside of the Community Room at our City Building, and on the second floor landing because the asbestos tile was crumbling. The Community Room has been completed through this level of activity. We spent about \$5,800 which included electrical work, the new ceiling, and the paint. Also, the flooring in the entrance hall will be completed this weekend. Our Public Works Department did the painting, wall repair and prep, and some light electrical work, but what had to be inspected was done by a contractor. After having priced out the drop ceiling, it was found to be more efficient to use a company to put that suspended ceiling in place.

Mr. Vank stated that our Public Works Department completed work on a catch basin on Buning Lane last week. It took them a little over two days. The cost of repairing it was \$887.00 which was significantly less than if we had subcontracted it out. He passed out pictures. Council agreed that they did a beautiful job.

The next focus for Public Works is the shelter at Friendship Park. They will have everything cleaned up for the Arbor Day festivities. They will also be working on potholes. With the changing seasons they are putting some equipment away and setting the mowers out and getting them ready to go. They also plan on cleaning out and improving the restrooms at Friendship Park.

Mr. Vank stated that he has not had many leads on a new code enforcement officer. Most of the cities have full time code enforcement officers so our search for a part time officer will continue. He has had some luck getting some signs and some vehicles being used as signs removed, and he will be meeting with our attorney this week to brush up and be a little more efficient in the code enforcement operation until we get a new officer.

Brandon Voelker stated that tonight we should approve a motion to appoint Michael Vank as our interim Code Enforcement Officer. Council agreed to include this item on the agenda.

Rob Moore made a **motion to appoint Michael Vank as our acting code enforcement officer**. Stuart Oehrle seconded the motion. Roll call vote showed six yeases and no noes. **Motion carried.**

Ed Burk stated that the neighborhood focus website, which is www.coldspringpd.org is up. We have it included on our city link. This website includes information on the neighborhood focus program, where the citizens can find out what sector they are in either by the map or street name. It provides a couple of ways that they can contact their officer. Also, Chief Burk stated that we have had a number of car break-ins in the Madonna area and he reminds citizens to lock their cars. Residents should take anything of value out of their cars, including their trunks, and put them in their homes, out of sight.

Stuart Oehrle stated that the city events calendar is now up on our website.

Mayor Stoeber presented an honorary mayor certificate with plaque to Hadlee Trunick and thanked her for conducting an excellent meeting. She had some really important business to conduct tonight and worked with a very respectful and good council. Honorary Mayor Hadlee Trunick received a round of applause for a job well done.

Tami Trunick's name was drawn as winner of the American flag and pole.

Honorary Mayor Trunick then requested a motion to enter into executive session. Lou Gerding made a motion to enter into executive session, per K.R.S. 61.810 – C. Litigation. Stuart Oehrle seconded the motion. All were in favor. Motion carried.

No action was taken during the executive session. Stuart Oehrle made a motion to come out of executive session, and Sandy Ross seconded the motion. All were in favor. Motion carried.

Stuart Oehrle made a motion to **repeal Resolution #10-01 regarding KLC** and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Sandy Ross made a motion to adjourn the March 22nd meeting, and Jan Reiman seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: