

CITY OF FORT MITCHELL, KY
CITY COUNCIL MEETING
January 4, 2010

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Mayor Holocher called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

PRESENT: Vicki Boerger, Mary Burns, Bill Reis, David Stoeckle Will Terwort, Christopher Wiest and Dennis Zahler **ABSENT:** David Schrand **Others Present:** Mayor Thomas Holocher, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, City Treasurer Amy Guenther, Fire Chief Scott McVey, Asst. Fire Chief Jansing, Capt. Bussman, and City Clerk Amy Able.

APPROVAL OF AGENDA AND MINUTES

Mr. Terwort asked to add Resolution 2010-01 to the agenda. **Mr. Schrand made a motion to approve the agenda as amended;** a second was offered by Mr. Reis. Motion carried by voice vote. **Mr. Schrand made a motion to approve the minutes** of the December 7, 2009 meeting as corrected (spelling of a name on page 1); a second was offered by Mrs. Boerger. The motion carried by voice vote.

CITIZENS NOT ON THE AGENDA

Mayor Holocher issued an invitation for anyone wishing to address Council for matters not on the agenda other than the billboard issue. Mayor Holocher noted Beechwood Superintendent Mr. Miller confirmed Mr. Dammert, Chairman of the School Board, wants to make a presentation to Council at the February 1, 2010 meeting.

MAYOR'S REPORT

Mr. Casey Flick of VonLehman presented the audit to Council and responded to questions. Mr. Flick reviewed a handout highlighting the audit. He noted there were no adjusting journal entries for audit entries, no difficulties or disagreements. Mr. Flick commented there was only one adjustment of a past journal entry noted for an amount of \$2,600. He pointed out assets are up and liabilities down which results in an increase to the total fund balance. The revenue budget versus actual figures for revenue are right on budget; the budget versus actual figures for expenses are right under budget. Mayor Holocher asked for any prediction on the economy. Mr. Flick said most experts say recovery is going to be slow but the worst is behind us; they have seen many for-profit businesses continuing to struggle. Mr. Wiest asked for confirmation that the recommendation is to have three to six months of operating expenses in reserve and it looks like we are over that amount. Mr. Flick responded this is very good, Fort Mitchell has a good reserve and not many cities are in that position which is a testament to Council and the Administration. Mayor Holocher said some funds have been deferred because a few road projects were not completed because of working to schedule around the utility companies who cannot always get their work completed in sync with our timelines.

Mayor Holocher stated he will attend a meeting this week in Frankfort at the Transportation Cabinet to discuss the transfer of land for the **Kroger expansion at Expressway Plaza**. The Secretary of Transportation will meet with representatives from Kroger and Town Center as well as Senator Westwood and Representative Webb-Edgington to hopefully bring the matter to resolution. Ms. Burns asked if the expansion project would begin soon thereafter. Mayor Holocher said we must hope for the agreement to be finalized in the next couple of weeks; otherwise Kroger may move their funds to another project. If the State is unwilling to sell the land at the price Kroger and Town Center are willing to pay, the delay to the project could be four or five years.

CITY ATTORNEY'S REPORT

Mr. Ziegler gave **second reading by title and summary of Ordinance 2009-08** approving a text amendment concerning parking. Mayor Holocher called for any questions. **Mr. Stoeckle made a motion to adopt Ordinance 2009-08, Mr. Zahler offered a second to the motion.** Upon hearing that there were no questions Mayor Holocher called for a roll call vote.

Mr. Stoeckle: Yes Mr. Reis: Yes

Mr. Zahler: Yes **Mr. Terwort: Yes**
Mrs. Boerger: Yes **Mr. Wiest: Yes**
Ms. Burns: Yes

Yes: 7 No: 0 Absent: 1 Motion carried.

Mayor Holocher noted Kroger has made an application for a variance which will be reviewed at a public hearing by the Board of Adjustment.

CITY ADMINISTRATOR'S REPORT No report, the CAO was not in attendance.

COMMENTS FROM COUNCIL

Mayor Holocher said engineer's drawings for the **sidewalk between Highland and Idaho** are being reviewed. A grant application for the **proposed sidewalk project on Orphanage Road** was denied. It will be possible to apply again. Mr. Reis asked about the outstanding question on right-of-way on Orphanage Road. Mr. Zerhusen stated the engineer detected there is sufficient room to install the sidewalk and a grass strip but the 4:1 slope of the embankment beyond the sidewalk would need to be addressed. Mr. Wiest recalled there were questions about assessing property owners. Mayor Holocher recalled the intent was to include residents on Jerry's Lane in any assessment. Ms. Burns asked about the expense of maintaining the sidewalk. Mayor Holocher stated historically the only sidewalks the City maintains are those along Dixie Highway. Mr. Stoeckle suggested reapplying for grant funding next year and keeping the project in the budget until results of the next grant process are known. Mr. Zahler agreed with Mr. Stoeckle.

Ms. Burns asked about a loud noise heard coming from the **railroad** tracks this weekend. Others noted the road being blocked and supplies unloaded. Its possible grading work or track replacement was being done. The railroad should notify the Fire Department anytime the road is going to be closed.

Mayor Holocher called for any report from the Fire Department. Chief McVey stated an annual report for the year 2009 will be provided to Council in advance of the next meeting.

Mayor Holocher called for any report from the Police Department; Capt. Bussman had nothing to report.

Mrs. Boerger noted **Wall of Honor nominations** will be accepted through Friday, April 23 at 4:00 p.m. Nominations from previous years will be reconsidered.

Mr. Zahler thanked Bob Reis for the plaque donated to the city with a history of the City. He also acknowledged Bert and Jim Huff who have offered a sponsorship for the Centennial Dinner. Mrs. Boerger added the **Centennial Dinner** will be on June 24 at the Fort Mitchell Country Club. The cost will be \$35 per person with seating limited to 225 people and reservations will be taken on a first-come, first-served basis.

Mr. Stoeckle asked for follow-up on the **expenses to repair Truck 10**. Chief McVey stated the cost was about \$9,000. Mr. Stoeckle asked the status of the **ambulance bids**. Chief McVey stated bids will be opened on January 15.

Mr. Stoeckle complimented Recreation Director Kim Stoll for the outstanding programs over Christmas break. He heard many favorable comments and the many programs were well received.

Mr. Reis noted he has reviewed a construction advisory stating there has been a slight price increase of ½ - 5% on certain goods (including rock base, sand, asphalt and concrete which are up

1 – 2%) with prices expected to climb in 2010 due to “Stimulus Package” projects and this information may be helpful for planning in the Public Works Department.

Mayor Holocher called for any Public Works or road report; Mr. Zerhusen had nothing to report.

Mr. Terwort called for discussion of **a proposed resolution regarding the Kentucky League of Cities** requesting that the KLC respond to the findings of a report by the State Auditor. Mr. Terwort said in addition to \$2,000 in annual dues the City pays over \$90,000 to the KLC in insurance premiums. He asked that the City withhold payment of dues until the KLC gives a report on how the findings will be addressed. He called for transparency within the KLC. Mr. Terwort asked if the City can break the current contract for insurance services and Mayor Holocher stated there would be a penalty if the contract is broken. Mr. Wiest added there is a concern about how tax dollars are spent by public agencies. Mrs. Boerger suggested someone from the KLC should respond to any questions about the audit. Mr. Zahler said it would be appropriate to allow time for the KLC to address the issues raised and at this time he does not favor a resolution which seems like punishment. He added the cost of their insurance services is not exorbitant and is probably competitive. Mr. Terwort said he wants to see the State Auditor’s recommendations implemented and agreed to having a representative of KLC come before Council. Mr. Wiest asked when dues are payable. Mayor Holocher replied they are paid in September. He added KLC provides valuable legal services, training and lobbying that would not be otherwise affordable for small cities. A representative from KLC will be asked to attend the March 1 meeting. Council should forward questions in advance to the CAO or City Clerk.

Mr. Wiest stated the **USA Hotel** continues to be a crime magnet and something needs to be done. He noted Mr. Terwort provided copies of on-line reviews by customers who describe deplorable conditions. Mayor Holocher and Capt. Bussman confirmed that, as previously reported, the Police Department has continuously addressed problems at the hotel. Capt. Bussman said calls have declined some in recent months, but some criminal problems continue or recur and the Police Department remains vigilant about addressing these issues. The Police Department has been in contact with other agencies such as the Better Business Bureau and the Health Department. Mr. Ziegler added NKAPC, acting for the City, has been involved; however there is some limit to what can be addressed under our nuisance ordinance (which addresses things like high grass and property maintenance on the outside of structures.) Mr. Ziegler said if the owners do enough to remain in compliance, little can be done. Any violations of criminal law continue to be addressed. Mayor Holocher had Chief McVey confirm that inspections for any fire code violations continue on a regular basis. Charging a business for excessive 9-1-1 calls has never been pursued for fear it may discourage calls for help. Mr. Ziegler will do further research on the matter.

Mr. Stoeckle asked Superintendent Miller about the upcoming presentation by the school board and asked if there is any new information or any change to what was previously presented. Mr. Miller stated Mr. Dammert intended to make a Power Point presentation.

ADJOURNMENT

There being no further business on the agenda, **Mr. Wiest made a motion to adjourn the meeting and Mr. Zahler offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 8:25 p.m.**

Respectfully submitted by:

Signed _____, 2009

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor