

CITY OF FORT MITCHELL, KY
CITY COUNCIL MEETING
March 1, 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 Schrand, David Stoeckle Will Terwort, Christopher Wiest and Dennis Zahler **Others Present:** Mayor Thomas Holocher, Police Chief/City Administrator Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, Asst. Fire Chief Jansing, Sgt. Loos, and City Clerk Amy Able.

APPROVAL OF AGENDA AND MINUTES

Mayor Holocher noted the addition of a resolution in support of House Bill 504 regarding the Clean Water Act to the agenda. Mr. Terwort asked two resolutions be added to the agenda regarding the Centennial and the Kentucky League of Cities (KLC). **Mr. Reis made a motion to approve the agenda as amended;** a second was offered by Mr. Schrand. Motion carried by voice vote. **Mr. Stoeckle made a motion to approve the minutes** of the February 1, 2010 meeting; a second was offered by Mr. Zahler. 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.

Mr. Jim Kiger of Gettysburg Drive stated he filed for a records release from the **KLC** requesting information from 1994 on relating to prior and current members of Council and staff. He received information from 2006 – 2009 showing allocations for several trips to fifteen places for national conferences attended by Mayor Holocher who served on the Board during those years. The expense amounts totaled \$15,000. He said the KLC is not rapidly changing their practices and he urged Council to withhold membership dues until there are changes to record keeping and spending so all cities get a fair share.

MAYOR'S REPORT

Mayor Holocher reviewed items discussed by the Kenton County Mayors Group. Cities will soon begin receiving the portion formerly placed in escrow when the **county wide occupational fee** was increased from \$175 to \$225. Final documents signed by all cities have now been filed in Frankfort and distribution of the escrowed portion (\$25 per license) will soon begin.

Mayor Holocher explained the proposed **resolution supporting HB 504** which addresses requirements for wet weather discharge from sanitation sewers where affordability of addressing these issues was not considered. Mr. Wiest added the requirements can be spending up to an amount equivalent to 5% of the median income for the community which is an outrageous limit. He said he supports the resolution. Mr. Terwort agreed with addressing the unfunded mandate and suggested creating a board to oversee rate increases by the Sanitation District or having this authorized by the entire fiscal court. Mayor Holocher stated that Mr. Eger has explained by going to the public service commission to get rate increases there would be additional costs and they are eligible for a better bond rating by not going through the fiscal court. Mr. Zahler disagreed with those claims. Mayor Holocher said there is a cost in going to the public service commission but it is funded by the people who do rate cases. Mr. Wiest noted Mr. Eger has also stated because of the consent decree SD1 has one of the best annual plans submitted to the EPA but Mr. Wiest noted this is always cooperative and there is never a push back, he suggests asking the government for a delay on the upgrade requirements as Cincinnati is doing. Mr. Stoeckle agreed the rate increases seem considerable but we must also look at how low they were and ask if that amount was correct. Mr. Zahler added we are being charged more for our waste than for our water, the cost used to be half as much and in most cities the waste water rates are considerably lower than the water rates.

Mayor Holocher noted there was a discussion about private streets at the Mayors Group meeting. In Taylor Mill and Crestview Hills there have been concerns with condo associations wanting cities to take over streets that often do not meet the **subdivision regulations**. NKAPC has been working on subdivision regulations and the recommendations are going to a small group of cities for review before being sent to all cities.

There will be a **Northern Kentucky Forum** regarding current events and public policy presented by Scripps Howard, Vision 2015 and Legacy on April 24 from 9 – 12:30 at Dixie Heights High School.

The Mayor noted receiving many compliments for the Public Works Department on the recent snow removal.

The Mayor expressed sympathy to the Hehman family on the loss of Paul Hehman, father of Asst. Fire Chief John Hehman and former council members Jude Hehman and the late Matt Hehman.

CITY ATTORNEY'S REPORT

Mr. Ziegler read **Resolution 2010-2 supporting House Bill 504**. Mayor Holocher called for any questions. **Mr. Wiest made a motion to adopt Resolution 2010-2, Mr. Stoeckle offered a second to the motion.** Upon hearing that there were no questions Mayor Holocher called for a vote; **the motion carried by voice vote.**

Mr. Ziegler read **Resolution 2010-3 on the history of Fort Mitchell on the occasion of the City Centennial**. **Mr. Terwort made a motion to adopt Resolution 2010-3, Mrs. Boerger offered a second to the motion.** Mr. Terwort expressed gratitude to Senator Westwood and Representative Webb-Edgington for passing similar resolutions in Frankfort and noted the Fiscal Court offered a proclamation for the occasion. Upon hearing that there were no questions Mayor Holocher called for a vote; **the motion carried by voice vote.**

Mr. Ziegler read **Resolution 2010-4 regarding reform at the KLC**. The matter was discussed at length. Ms. Burns asked about the legality of requesting repayment of funds used as compensation to buy back years in the retirement system. Mr. Wiest advised this is permissible through the contract, because it was done without executive board approval and there was a provision in the audit addressing such loans being forbidden. There discussion of how this question has been addressed by the KLC. Mr. Wiest noted the amount in question is \$400,000 in taxpayer money. Mr. Terwort expressed concerns for undocumented credit card expenses and there being no clear business purpose for \$68,000 in expenses. Mr. Wiest stated he reviewed the audit and the KLC response. He said one of the most cited issues in the audit is a lack of enforcement and oversight. Mr. Wiest said he feels more action by member cities is warranted. Mr. Terwort added the City spends \$90,000 on insurance policies through KLCIS and the organization had no procurement policy. Mr. Wiest noted other cities have saved \$30,000 by switching their insurance. Chief Hensley stated other cities in a three year rate agreement with KLCIS who are happy with service as we are have said they plan to go out to bid at the end of the agreement just as we do. Mr. Zahler said in commercial insurance there is the ability to discount, it is called concessions and done all the time on the commercial side. Mr. Reis expressed concerns that it seems KLC is not acting in response to the audit. Chief Hensley stated he is not defending the actions of the KLC and while thorough answers have not been offered to each finding, KLC has said they are still analyzing the report. The City does receive a lot of services for our \$2,165 dues such as policy review and revision, training for newly elected officials, some legislative work including work on HB117. The KLC also helped work on Court Based Revenue in 2007 which has resulted in \$107,000 of fees being recovered. They assist with certification as drug free workplace, score cards and site assessments which reduce premiums and improve safety. Chief Hensley said he agrees there are a lot of questions but we get a lot in return for our dues and if we have to go elsewhere for those services we will pay a lot more. Mr. Terwort asked if KLC advises cities on government policies why had they adopted none. Mr. Wiest said he questions the KLC's ability to lobby effectively given their credibility issues. Ms. Burns asked why there was only one change on the KLC Board and what about CFO accountability. Mr. Terwort stated there should be a change in the executive board and executive staff. Ms. Burns asked how these things were addressed on tax returns. Mr. Reis said after hearing about the KLC question and answer session for local members he has more questions and doesn't believe they proved they are making a concerted effort. Mayor Holocher responded to some of the concerns noted. He stated the credit cards have been frozen, the finance committee comprised of the executive board meets once a month to go through all expenditures and checking for documentation. Once a quarter an auditing firm reviews activity of the finance committee reviewing expenditures over and above the salary expenditures that are in place. In November KLC discussed complying with open records requests as a government agency would and the executive board has agreed to being subject to open records requirements. There had been some concern because of legislative items and positions discussed by the executive board. They asked to have an allowance added to the legislation to allow closed sessions for discussion of legislative items only but the bill sponsor would not allow the change. Some items on the insurance side such as rates, premiums, settlement

amounts and pay for attorneys is considered proprietary information. A competing insurance company would not be required to reveal the same information. Mr. Zahler stated insurance rates are submitted to the State Department of Insurance. Mayor Holocher responded that specific strategies are not reported and government agencies are non-competitive in nature. Mr. Terwort said proprietary information should be kept private. Mayor Holocher said if it keeps KLCIS from getting contracts it ultimately hurts cities. Mrs. Boerger asked about the due date of membership dues and Mayor Holocher said the extension date is at the end of the month. Mayor Holocher said the audit report came in December and work on the findings began following the holidays. For a board comprised of members from across the state getting together, having meetings and reviewing the items will all take some time. Mr. Stoeckle stated they are not where they need to be but the amount of meetings and time devoted show they are working diligently and considering the hours of volunteer service from mayors on the board it is not fair to say they do not care. Mr. Zahler said he favored paying dues this year and take a hard look at where they are next year, giving them one year for correction. Mrs. Boerger suggested paying to bring the dues current and taking the four to five months until renewal to see if changes were made and if not could dues be pro-rated or refunded. Mayor Holocher said the due date was already extended and will come due again in September. Mr. Terwort noted the audit only covered three years. Mr. Wiest said the KLC response speaks for itself. Mr. Stoeckle said changes are being implemented. **Mr. Terwort made a motion to withhold payment of the KLC membership dues. Mr. Wiest offered a second to the motion.** Mayor Holocher called for any questions and upon hearing that there were none called for a vote.

Mr. Terwort:	Yes	Mr. Reis:	Yes
Mr. Wiest:	Yes	Mr. Schrand:	No
Mrs. Boerger:	No	Mr. Stoeckel:	No
Ms. Burns:	Yes	Mr. Zahler:	Yes

Yes: 75 No: 3 Absent: 0 Motion carried.

Mr. Ziegler read **Municipal Order 2010-3 appointing Mayor Holocher as the representative to the Northern Kentucky Area Planning Council and appointing Mr. Stoeckle as the alternate.** Mayor Holocher called for any questions. Mr. Zahler asked if there would be any conflict in having elected officials serve and it was noted there is not. **Mrs. Boerger made a motion to adopt Municipal Order 2010-3, Mr. Zahler offered a second to the motion.** Upon hearing that there were no questions Mayor Holocher called for a vote; the motion carried by voice vote.

CITY ADMINISTRATOR'S REPORT

The annual **Planning Session for Council** will be set for late March. The annual appreciation dinner will be held April 17.

The **USA Hotel** is now in compliance with the former violations that presented life safety issues but they are still working to correct other violations. Because the business has addressed the life safety issues and paid the delinquent taxes they were allowed to reopen. Mr. Wiest asked that Council be advised if police calls are up or down.

Snow emergency policies will be reviewed including fines for on street parking during a snow emergency. The current fine for these parking citations is \$10. Cars not moved from the streets can present safety hazards and make it difficult to clear the streets. Other cities charge as much as \$25-\$50 for such violations. Primary routes are marked with signs but when we declare a snow emergency we specifically announce that it pertains to all streets in the city.

Ms. Burns asked the status of the **Kroger expansion project**. Chief Hensley advised the land has been transferred and once all paperwork is finalized construction could begin in four weeks. Kroger is now working in a vacant storefront to relocate the pharmacy during renovations.

Mr. Zerhusen was asked for a road report. He expressed thanks to the Police and Fire Departments for assisting Public Works during the recent snow. There have been nineteen snow events this year, 225 tons of material were used, 942 gallons of diesel/gas were used, and 244 hours of overtime were required all

totaling \$16,000 in costs related to snow this year. There is still a good amount of salt stored. He thanked the many residents who do move their cars from streets during snow events even before or without a snow emergency is declared which is very helpful. Potholes are now being addressed as a part of the daily work schedule and more permanent repairs will be made when the weather breaks. **Orphanage Road** is maintained by the State, the City does treat the road, the State will address the repairs (potholes). The **project for portions of Gettysburg, Williamstown, Thompson and Allentown** will be out to bid. New water mains will be installed. There will be a meeting for residents on Wednesday. Gas services will be lowered and Duke will begin mobilizing this week. The Water District will begin by the second week of April and the first phase should be complete by September or October. For **East Drive** as well as the turning radius at **Dixie and Beechwood** work continues to require the necessary right-of-way. **Louise Drive** will start in mid-May.

COMMENTS FROM COUNCIL

Mr. Terwort commended the Police Department for their work recently highlighted in the newspaper. Chief Hensley noted the burglary case is pending but involved collection of blood evidence and an arrest following a DNA match.

Mr. Zahler stated a neighbor found two hunting arrows in a rear year. He suggested reminding residents of the ordinance prohibiting the discharge of weapons within the city.

Mr. Zahler announced that his son is leaving for his tenth deployment to the Middle East.

ADJOURNMENT

There being no further business on the agenda, **Mr. Terwort made a motion to adjourn the meeting in honor of the Centennial and Mr. Zahler offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 9:05 p.m.**

Respectfully submitted by:

Signed _____, 2010

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor