

SPECIAL COUNCIL MEETING

Minutes of July 24, 2014

City of Independence, Ky.

Opening

The City Council of the City of Independence, Kentucky met in special session on Thursday, July 24, 2014 at 6:00 p.m. in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Donna Yeager presiding. Mayor Yeager called the meeting to order and opened with the Pledge of Allegiance. An invocation was given by Council Member Bushong. Roll was called and the following Council Members registered present: Bill Aseere, Tom Brinker, Jim Bushong, Mike Little and Chris Reinersman. Council Member Carol Franzen was absent. Also present was City Attorney Jed K. Deters, City Clerk Patricia Taney, Zoning Administrator Annie Wuestefeld and Public Services Director Dan Koch.

Purpose of the Special Meeting

City Attorney, Jed K. Deters announced this Special meeting of Council was being held to discuss and take action on the following business items:

- Proposed Ordinance – Amending Chapter 91 of the Code of Ordinances Relating to Animals – 1st Reading
- Proposed Ordinance – ABC License Amendment – 1st Reading
- Proposed Ordinance – Re-Naming of Street – 1st Reading
- Award Bid for Concrete
- Award Bid for Purchase of Public Works Dump Truck
- Resolution No. 2014-R-05 – MRA Co-Op Agreement for 2014-2015
- Authorize Financing of 4 Police Cruisers and Related Equipment
- Executive Session in accordance with KRS 61.810 (c) to discuss pending litigation and KRS 61.810 (f) a personnel appointment

Mr. Deters advised that only the items listed on this agenda would be discussed at this meeting which included discussion in an executive session to appoint a new City Administrator.

Proposed Ordinance – Amending Chapter 91 of the Code of Ordinances Relating to Animals – 1st Reading

Mayor Yeager presented to Council a proposed ordinance that would modify the Code of Ordinances, specifically Chapter 91, Animals, to define “fowl” and “livestock” and prohibit the keeping or harboring of them within residential zones on a lot of land that is less than ten acres. Mayor Yeager opened the discussion with Council.

Council Members Little and Reinersman expressed some reservations with requiring ten acres. They felt that it was too large of an area and suggested five acres or less. Council Member Little stated he favors protecting property owners’ rights as long as their rights don’t infringe on other owners’ rights. Council Members Brinker, Bushong and Aseere also agreed that ten acres was too large of an area and felt it should be less – one to five acres. Council Member Aseere stated he would like more time to review this issue.

Dan Evans, Kenton County Animal Control, was present to address any questions from Council. He stated that agricultural land is defined as any tract of ten acres or more of land and that ten

acres is feasible for a couple of horses, etc. He stated the City could lower the acreage requirement to whatever they feel is appropriate for the keeping of chickens.

Other concerns expressed by Council regarding the keeping of chickens was the crowing and odor of these animals. Mr. Deters advised the crowing could be addressed under the noise nuisance ordinance. Council Member Reinersman stated he was aware of a particular situation in the Liberty Orchard subdivision where the chickens, while contained within a fence, were flying over the fence and becoming a nuisance in the neighborhood. Mr. Evans commented that roaming chickens is not allowed and is a citable offense, if the City regulates this type of animal.

A motion was made by Council Member Bushong and seconded by Council Member Aseere to table action of this proposed ordinance until these concerns could be addressed in more detail. Motion carried with all ayes.

Proposed Ordinance – ABC License Amendment – 1st Reading

Mayor Yeager presented to Council a proposed ordinance that would amend Ordinance No. 2013-O-15 regulating the Alcohol Beverage Control. Mr. Deters advised Council that this amendment was a housekeeping issue to update the schedule of license types and associated fees. Mr. Deters read the proposed ordinance.

Proposed Ordinance – Re-Naming of Rice Road (off Mills Road) to Coppage Court – 1st Reading

Mayor Yeager presented to Council a proposed ordinance that would re-name a portion of Rice Road that runs off of Mills Road. This segment of Rice Road is disconnected from the Rice Road that runs off of Klette Road. Mr. Deters read the proposed ordinance that would change this segment of Rice Road to Coppage Court. Council Member Reinersman asked if property owners had any objections to the new name. Mrs. Wuestefeld, Zoning Administrator, responded there is only one other property owner on this section of Rice Road and the property is not occupied.

Award Bid for Concrete

Mayor Yeager presented to Council one bid that was received from Ernst Concrete for the purchase of concrete needed for the City's various small concrete projects during the year.

Dan Koch, Public Services Director advised Council that the new subdivision regulations now have updated specifications for the concrete mix used in street construction. He advised this had been bid out last year, but because of the new mixture requirements and the increased cost associated with the new mixture it was decided to put this out for bids. Mr. Koch stated only one bid was received from Ernst Concrete in the amount of \$87/yard. He stated the price quoted in the last contract for the old mixture was \$67/yard. He also advised Council that this concrete mixture will only be used for small projects that his department does in house.

A motion was made by Council Member Reinersman and seconded by Council Member Little to accept the concrete mix bid from Ernst Concrete at a price of \$87/yard. Roll was called and answered unanimously. Motion carried 5-0.

Award Bid for Purchase of Public Works Dump Truck

Mayor Yeager presented to Council a bid from Fuller Ford for the purchase of a Ford 550 dump truck for the Public Works Department.

Dan Koch, Public Services Director, advised he received phone inquiries from four dealerships but only received one bid, which was from Fuller Ford. He stated he has learned that most dealerships feel they can't compete with Fuller's low price which may explain the reason he did not received any other bids.

A motion was made by Council Member Bushong and seconded by Council Member Reinersman to accept the bid from Fuller Ford in the amount of \$65,970 for the purchase of a Ford 550 Series, 4-wheel drive, dump truck for the Public Works Department. Roll was called and answered unanimously. Motion carried 5-0.

Resolution No. 2014-R-05 – Adopting and Approving the Execution of the Municipal Aid Cooperative Program Contract with the Kentucky Transportation Cabinet for the 2014-2015 Fiscal Year

Resolution No. 2014-R-05 was presented to Council which would adopt and approve the execution of the Municipal Aid Cooperative Program contract with the Kentucky Transportation Cabinet for the 2014-2015 fiscal year. Mr. Deters read Resolution No. 2014-R-05.

A motion was made by Council Member Little and seconded by Council Member Reinersman to adopt Resolution No. 2014-R-05. Roll was called and answered unanimously. Motion carried 5-0.

Authorize Financing of 4 Police Cruisers and Related Equipment

Mayor Yeager presented to Council two financing proposals received by the police department for the financing of four new cruisers.

Council Member Bushong expressed concern that the police department was only getting four new cars this year instead of the five cars they typically procure. He requested that next year during the budget meetings that the needs of the police department be considered so that they keep their annual five car rotation schedule.

Assistant Police Chief Dave Nichols advised Council that two bank financing quotes were obtained – one from Park National Bank and the other from US Bank. He reported that both interest rates (2.48% from Park and 2.25% from US Bank) were close, but that the deciding factor for him was the financing fees which US Bank will waive and Park National will not. Park National Bank indicated their fees could vary between \$500-\$1000.

A motion was made by Council Member Bushong and seconded by Council Member Aseere to authorize the financing of four police cruisers and related equipment with US Bank for an interest rate of 2.25% for a period of three years. Roll was called and answered unanimously. Motion carried 5-0.

Executive Session

At 6:23 p.m. Council Member Bushong moved to enter into an executive session in accordance with K.R.S. 61.810 (c) to discuss pending litigation and K.R.S. 61.810 (f) to discuss a personnel issue. The motion was seconded by Council Member Little. Motion carried with all ayes.

At 7:03 p.m. Council Member Bushong moved to reconvene the regular meeting, seconded by Council Member Aseere. Motion carried with all ayes.

Municipal Order No. 2014-MO-01 – Appointment to the Position of City Administrator

Mr. Deters announced that Council discussed in executive session filling the City Administrator position that was recently vacated by Dan Groth on July 15, 2014 and would like to put forth Municipal Order 2014-MO-01 authorizing the appointment of Christian J. Moriconi to the position.

A motion was made by Council Member Reinersman and seconded by Council Member Little to approve the appointment of Christian J. Moriconi to the position of City Administrator. Roll was called and answered unanimously. Motion carried 5-0.

Mr. Deters advised this Municipal Order would be presented again at the regular meeting of Council on August 4, 2014 for further confirmation since the only mention of this personnel action on the agenda was under the Executive Session item.

Adjournment

There being no further business, a motion was made by Council Member Little and seconded by Council Member Reinersman to adjourn. Motion carried with all ayes and the meeting ended at 7:04 p.m.

Donna G. Yeager, Mayor

ATTEST:

Patricia H. Taney, City Clerk