



**Meeting 639 minutes  
September 16, 2015**

Mayor Irvin T. "Butch" Callery called the September 16th, 2015 City of Villa Hills Council meeting #639 to order at 6:30 p.m. at the Dennis M. Stein Municipal Building, 719 Rogers Road, Villa Hills, Kentucky. Mr. Kilburn gave the prayer. Mayor Callery led the Pledge of Allegiance.

Those in attendance:

**Mayor Butch Callery**  
**G. Bruns**  
**G. Kilburn**  
**S. Ringo**  
**J. Vaden**  
**G. Waugaman**

**Mary Ann Stewart, absent**  
**Craig T. Bohman, City Administrator/Clerk**  
**Chief of Police Bryan Allen**  
**Dave Whitacre, City Engineer**  
**Buck Yelton, Public Works Director**

**M. Koenig, absent**

A quorum was present.

A motion was made to approve the minutes of meeting the Caucus meeting 9/9/2015 by Mr. Bruns, seconded by Mr. Kilburn.

A motion was made to approve the minutes of meeting #638. Motion made by Mr. Bruns, seconded by Mr. Waugaman. A voice vote was taken, all in favor.

**Fire Department Update:**

- Fire Chief Jeff Wendt reported that the Fire Department received an Assistance to Firefighters (ATF) grant for \$56,429 for 25 sets of structural turn-out gear. Since 2007 the fire department has received \$892,000 in federal money. Mayor Callery asked who writes grants. Chief Wendt replied that he writes most of the grants with the assistance of a grant writer who is paid a small amount to make sure that key words are in the grant so. Mr. Ringo noted that the department's matching portion is 5% or \$2,800 for this grant.

**Presentation:**

- John Chamberlain from Van Gorder Walker presented the Fiscal Year 2014/2015 Financial Audit. He thanked the Mayor, staff and David Baker for their assistance in preparing for the audit. Mr. Chamberlin reported that the city received an unmodified opinion that the city's financial statements adequately reflect the

financial position of the city. No items of non-compliance were found and a couple of non-reportable suggestions were presented in the letter to management for future consideration. Mr. Chamberlin reported that the city needs a cash reserve of 25% of its budget or \$751,000. Villa Hills has \$1.5 million in the bank, so it has double the minimum expected cash reserves.

- The City has no long term debt having paid that off a few years ago. Mr. Chamberlin noted that the city performs annual road work and purchases police cruisers and public works equipment without borrowing. In fact the city has completed about \$5.5 million dollars of road work without incurring any debt. Villa Hills is one of the few cities that does not incur debt when making those kinds of purchases.
- Mr. Chamberlin reported that the city's uncompensated absence liability has fallen over the past two year from \$225,000 to \$125,000 due to changes in the personnel policies to bring that number under control.
- The city had net revenue increase of \$307,000 with a carry forward \$159,000 in the general fund and \$135,000 in the Municipal Road Aid fund.
- The auditors made adjustments to the Civic Club lease asset amount, a minor correction to accrued payroll, adjusted the value of fixed assets, and posted the city's portion of the state's unfunded pension liability with adjusted the city's net position. Mr. Chamberlin report that there are no issues with management, that the city is not making egregious financial decisions.
- Mr. Chamberlain explained the financial statements contained in the audit report.
- Mr. Chamberlin noted that every line item in the city's general fund budget showed a positive variance with \$233,000 more in revenue than budgeted and \$171,000 less in expenses than budgeted. He noted that the fact that expenses were under budget by \$171,000 is a significant amount. Mr. Chamberlin reported that the municipal road aid fund also showed positive variances in both revenue and expenditures.
- Mr. Chamberlin reported that Villa Hills has enough compensating controls that there are not any segregation of duties issues or non-compliance issues. This is outstanding since most small cities have segregation of duties issues.
- Mr. Kilburn asked if the audit showed the city was in good financial shape. Mr. Chamberlin responded that the city is in excellent financial condition with revenue exceeding budgeted amounts, expenses coming in under budgeted amounts, and quite a bit of cash in the bank.
- Mr. Waugaman asked about the reserves needed. Mr. Chamberlin noted that the recommendation is 25% of expenses in order to avoid having the city to borrow for cash flow through a tax anticipation note.
- Mr. Bohman personally thanked Chief Allen and Public Works Director Yelton for their management of their department budget. He noted that it's the daily decision on every purchase that allows the city to come in under budget and produce the results shown in the audit report.
- Mr. Kilburn thanked Mayor Callery for his leadership, Mr. Bohman for his oversight, and Councilman Waugaman and the finance committee for their review work on the financials. He stated that the Villa Hills Finance committee is the best finance committee he has seen since entering public service. Mr. Waugaman agreed with Mr. Kilburn stating that the finance committee members go over everything, ask a lot of questions, and do an excellent job. Mr. Chamberlin stated he uses Villa Hills as an example to other cities of how to set up a finance committee with citizen experts.

The next item on the agenda was legislation.

**Legislation:**

- Ms. Stewart gave a second reading to draft ordinance 2015-N Prohibiting door-to-door solicitation between the hours of 7:30 p.m. and 10:00 a.m. Mr. Kilburn made the motion to approve, seconded by Mr. Ringo. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	absent	Mr. Waugaman	aye

Motion carried 5-0. This will become Ordinance 2015-14.

- Ms. Stewart read draft Municipal Order 2015-K Appointing members to the Vacant Properties Commission. Rod Baehner, Denny Houlehan, Donna Salyers appointed for 1 year terms, Tom Wenning and Brian Wischer appointed for two year terms. Mayor Callery remarked this was a board with no appointees and he asked these individuals to serve. Mr. Bohman explained that the purpose of the board is to declare properties vacant which would allow the city to charge a higher property tax rate to cover the costs of light maintenance which may occur on abandoned properties. Mr. Kilburn made the motion to approve, seconded by Mr. Ringo. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	absent	Mr. Waugaman	aye

Motion carried 5-0. This will become Municipal Order 2015-10.

- Ms. Stewart read draft Resolution 2015-O Supporting and participating in the joint TAP grant application with the Kenton County Fiscal Court and the City of Crescent Springs. Mr. Bohman explained that the proposed project would install sidewalks along Short Amsterdam from Highwater to Bromley-Crescent Springs Road. This is a federal grant application where federal monies cover 80% of the cost and the two cities and county would split the 20% local match evenly. Mr. Bohman noted that the project area weaves in and out between all three jurisdictions so it would unlikely that any one of the three cities would install their portion without the other jurisdictions. He also noted that this is the last piece of the local sidewalk system to tie into existing sidewalks. It would be possible to walk from the east side of Villa Hills to the Buttermilk Crossing once this is complete. Total project cost is estimated at \$780,000. Mr. Kilburn noted that 7% of the total project is \$55,000. Mr. Kilburn made the motion to approve, seconded by Mr. Bruns. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	absent	Mr. Waugaman	aye

Motion carried 5-0. This will become Resolution 2015-15.

## **Committee Reports:**

### **Police:**

- Chief Allen presented the monthly PD report. He reported several vehicles were stolen last month and all were recovered. There are thefts of items from the stolen vehicles. The department is working those cases but leads are few.
- Chief Allen reported the monthly run numbers.
- Chief Allen noted that the department completed its last qualification on range for the year.
- Chief Allen informed the mayor and council that Officer Krull had become an ALICE certified instructor. He noted that Officer Powell
- Mr. Ringo questioned about outside tracking PD from other agencies responding into Villa Hills. Chief Allen replied that it is difficult to track other agencies' calls without access to other departments' data. Villa Hills responds outside Villa Hills more than the city gets help from others. Chief Allen explained the various mutual agreements with other departments. Mr. Waugaman asked how other cities are called into the city. Chief Allen explained standard operating procedure is for other units to stage in the area of active calls regardless of jurisdiction and back up protocols which dispatch back-up agencies into the city, sometimes without Villa Hills being aware of it. Chief Allen offered to ask dispatch to pull the numbers for Villa Hills' calls into other cities. Mr. Bruns explained the CAD system automatically calls the available back-up unit to the city if both Villa Hills officers are busy. Discussion followed.
- Chief Allen announced Villa Hills Police Department is meeting with a teacher at River Ridge to restart the DARE program at the elementary school.
- Chief Allen informed the Mayor and Council that the department has received a bullet proof grant which pays for half of any vest replacement
- Chief Allen announced that the department received a Highway Safety grant of \$5,500. He said the grant will begin in October and focus on state routes within the city.

### **Safety:**

- Mr. Bruns gave the Safety committee report.
- Mr. Bruns reported that the committee discussed the status of new hires, body cameras, and the use of overtime. Chief is looking at 2 camera systems and as soon as the Chief lets the committee know which system he believes is best, the Committee will make a recommendation to Council on which one to purchase.
- Mr. Bruns commented on a speed study conducted on Rogers at Villa Marie. Ms. Vaden explained the study found the 85<sup>th</sup> percentile of speed on Rogers Road is 28 mph indicating that the road could be set at 25 mph but there was no desire to change the speed from its current 20 mph.
- Next meeting is October 13<sup>th</sup> but may be cancelled.

### **City Engineer:**

- Mr. Whitacre reported that the cracksealing price reported to Council is the maximum price and he is still obtaining quotes from another vendor which may lower that price. Mr. Withacre suggested approving a dollar figure not to exceed the reported figure. Mayor Callery stated that he wanted to wait for the other bid. Mr. Bruns asked about the timing since it is late in the year. Discussion

followed and consensus emerged that the Mayor could authorize the expenditure after the 2<sup>nd</sup> quote and Council could officially accept it later.

- Mr. Whitacre turned in the invoice for TMS Construction's work on the intersection of Niewahner/Valley Trails/ Buttermilk. He noted that the joint where the old pavement meets the new concrete has failed due to the condition of the old pavement. Mr. Whitacre said that Public Works would address the failure has caused.
- Mr. Withacre informed Council that a contractor looking at Lillian by October and may be able to get that work in at the end of October.
- Ms. Vaden inquired about the various phases and invoices for the road work from Rogers to Niewahner on Buttermilk. She noted that the first phase seems bumpy compared to the second phase. Mr. Whitacre explained that the first phase had been hand formed and the second phase had been machine formed using a slip form and the difference of in texture is a result of the different methods used to pour the sections. He noted that when Buttermilk is replace it will need to be slip formed.
- Mr. Bruns asked the City Engineer to walk Felice Drive because road is falling apart. Mr. Whitacre noted that new subdivision streets do not require a performance warranty. Discussion followed.
- Ms. Vaden asked about the asphalt work and drainage issues on Wesley. Mr. Whitacre and Mr. Yelton responded that the issues with standing water on the recently overlaid portions of Wesley have been addressed.
- Mr. Kilburn moved that the city pay the TMS invoice, seconded by Mr. Bruns. Motion carried by voice vote, all in favor.

#### **Public Works:**

- Mr. Kilburn gave the public works committee report. He thanked the Mayor for attending the Public Works committee meeting and thanked Council for passing resolutions at the caucus. Mr. Kilburn informed Council that the city will bid out \$600,000 in various road projects by the end of October. Next meeting is October 14<sup>th</sup> at 1:00 p.m.
- Mr. Kilburn asked Council to keep in mind that a bond issue to cover the road projects being considered, so the money will be available to cover a large number of projects and for the city's match for grants on Buttermilk and Amsterdam sidewalks.
- Mr. Yelton informed the Mayor and Council that he left the caucus meeting abruptly due to a family emergency. He reported on the list of daily tasks performed by the department. Mr. Yelton reported that PW staff worked on several larger projects such as the Collins sidewalk/drainage issue, the Franzen water line replacement, and tied in run-off drainage into the new Niewahner intersection drainage system.
- Mr. Yelton reported that the concrete flumes to carry storm water from SD1's system to the city's drainage system at Rigney Park had been installed.
- Mr. Yelton reported on Squire Valley HOA meeting and thanked Mr. Bohman for the presentation he gave to the association.
- Mr. Yelton thanked the Chief Allen for the work he does to surplus department property online.
- Mr. Ringo noted that the waterline project at Franzen was partnership with the Civic Club and working with such partners was a benefit to the residents.

- Mr. Bruns inquired about the swales installed at Rigney Park. Mr. Yelton explained the location and that the flumes replaced a retention area that was swampy and difficult to maintain. The project made maintaining the area easier.

**Events and Beautification:**

- Ms. Vaden reminded the public that Senior Bingo is October 8<sup>th</sup> at the Civic Club. She also reminded the public that the fall yard sale will be September 25<sup>th</sup> & 26<sup>th</sup> and asked those wishing to participate to sign-up by September 22<sup>nd</sup>.

**Finance:**

- Mr. Waugaman gave the finance report. Questions submitted by the committee and were replied to by Mr. Bohman and discussed. Vehicle License fees were discussed the committee suggested renaming the income line for surplus vehicle fees to "prior year vehicle license fee balance" to avoid booking the same revenue twice. Mr. Waugaman noted that some vehicle license fees are expected to be booked this fiscal year as a result of the 3<sup>rd</sup> party collection efforts on delinquent fees. Mr. Bruns inquired about the amount of the vehicle license fees to be collected by the 3<sup>rd</sup> party collector. Mr. Bohman responded that more than \$18,000 in base fees was turned over and the total value of the portfolio with penalties is approximately \$64,000. Mr. Bruns followed-up asking how much had been collected. Mr. Bohman responded that about \$5,000 had been collected in two and a half months.
- Mr. Waugaman mentioned the payroll accrual issue and the committee's request to match the accrual to the end dates of the payroll periods.
- Mr. Waugaman noted that legal fees are under budget and the summary which had not been posted this fiscal year will be updated and posted online.
- Mr. Waugaman reported that the committee recommended the august financial statements be accepted and published on the city's website. Mr. Kilburn moved that the Financial Statements be approved and published, seconded by Mr. Bruns. Motion carried by voice vote all in favor.
- Next meeting October 19<sup>th</sup> at 7:00 p.m.

**Administration:**

- Ms. Vaden reported that the September meeting was cancelled.
- Next meeting will be October 7<sup>th</sup>.

**Recreation:**

- Mr. Ringo reported that the Recreation Committee met and discussed the field draw to be held December 10<sup>th</sup> for next spring field use.
- Mr. Ringo discussed the planned maintenance and winterization of the ball fields beginning now and transitioning through October.
- Next meeting is October 8<sup>th</sup>.

**Fire Authority:**

- Mr. Ringo reported that the Fire Authority had not met yet and their next meeting is September 21<sup>st</sup>.

**City Attorney:**

- Ms. Stewart stated she would reserve her report in executive session.

**City Administrator Clerk:**

- City Administrator/Clerk announced that tax bills had been finalized and would be printed starting tomorrow and mailed out next week. He also informed the public that the city had changed banks and they could go to the Buttermilk Pike Heritage Bank to make tax payments.

**Mayor’s Report:**

- Mayor Callery reminded Council about the discussion regarding SD1’s sewer lateral program and their requirement that the city pay for the road repair. Mayor Callery said he contacted Judge – Executive Kris Knochelmann and read the email response from J. Knochelmann citing while many want 100% of the program paid for by SD1, 90% of the funding for the program was put into SD1’s budget and that 90% funding is better than if no money was restored to the program and 100% funding can be worked on for next year. Discussion followed regarding the city responsibility for road repair as a result of lateral repairs.

Mr. Kilburn made a motion, seconded by Mr. Ringo to authorize the Mayor to enter into an inter-local agreement with SD1 for the sewer lateral program. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	absent	Mr. Waugaman	aye

Motion carried 5-0. This will become Municipal Order 2015-11.

**Old Business/New Business:**

Old Business:

- Mr. Bohman reported that the encroachment ordinance will be brought forward as soon as drawings from the City Engineer are ready to accompany the ordinance.
- Mr. Bohman reported that a rough draft of the parking ordinance had been delivered at the caucus meeting and needed to have the tables of the locations of stop signs, fire lanes, et cetera completed before it would be ready for first reading.
- Mr. Brun asked what the city plans are for the restoration of the Niewahner green space. Mr. Kilburn reported that Ms. Koenig is working on that issue with the Garden Club and Mr. Yelton gave an update on the cost of using directional boring versus pushing pipe to install irrigation and electric. Discussion followed about finishing the project this fall.

New Business:

- Mr. Kilburn asked council members to get any streets that they want reviewed for road work to the City Administrator/Clerk so the City Engineer can look at. Discussion followed about needed repair work throughout the city and setting a five year road plan.
- Mr. Waugaman questioned Council about their desire to continue to post the legal fees summary on the city’s website. Comments followed about transparency and keeping the summary updated.

- Mayor Callery asked Mr. Bohman to discuss the upcoming special meeting schedule. Mr. Bohman reported that he has talked to both river Ridge and Villa Madonna and have reserved Villa Madonna for October 13<sup>th</sup> and River Ridge for October 21<sup>st</sup> to hold the requested informational sessions about the ballot question. Mr. Bruns cancelled the Safety Committee meeting scheduled for October 13<sup>th</sup>. Discussion followed regarding special meeting posting and setting the agenda and format for the presentations.

### **General Announcements**

- Mr. Waugaman thanked Mr. Bohman, Chief Allen and Mr. Yelton for the work they did to produce the results reported in the audit report earlier in the meeting. He thanked the Mayor and the Finance Committee for their work on the budget as well.
- Mr. Waugaman reminded the public about the public hearings on the ballot question scheduled for October 13<sup>th</sup> and at Villa Madonna and October 21<sup>st</sup> at River Ridge and be aware of information regarding the ballot question.

### **Public Comments**

- Tom Wenning of Carpenters Trace asked the City Engineer if it was possible to get an analysis of the cost of replacing streets with a combination of asphalt road with concrete curbs versus all concrete replacement. Mr. Whitacre responded that it was more expensive to the combination. Mr. Wenning inquired if that was the case for later overlays as many area cities use the combination approach and wants to be sure the city is using its dollars in the most effective manner.
- Mr. Waugaman followed up asking Mr. Whitacre about how long a street is expected to last. Mr. Whitacre responded that the city should expect 25 to 35 years on concrete, 15 years for 1<sup>st</sup> asphalt overlay, and 10 years for 2<sup>nd</sup>. After 50 years a full concrete replacement is needed. Some streets last longer, other need replacement sooner, but it averages out to be 50 years. Mr. Whitacre commented on the cost differences of using all concrete versus a combination of asphalt with concrete curbs. He noted that the cost of forgoing the second overlay increases costs by 10%. Mr. Waugaman noted that the newer streets are not holding up well. Mr. Waugaman questioned the City Engineer about concrete testing used for new roads to ensure they meet specifications. Mr. Whitacre responded that the difference between the old streets and the newer streets is the use of expansive aggregate such as river gravel and the new subdivision regulations require using crushed limestone mix to address that issue. The new requirement should avoid the massive failures of panels at the joints that has been common in newer streets, but the new crushed limestone mix will present some cosmetic issues since flat pieces may be exposed on the surface and could "paste off" when exposed while round river gravel had very little aggregate surface exposed. Mr. Whitacre noted that such cosmetic issues would not be acceptable for a sidewalk or driveway, but should be OK for city streets as long as it hold up. The use of limestone mix under the new subdivision regulations is only a year old so will have to wait and see how it performs.

With no further comments, Ms. Stewart requested a motion to go into executive session to discuss pending litigation. At 8:05 p.m. a motion was made to enter executive session by Mr. Kilburn, seconded by Mr. Waugaman. Motion carried by voice vote, all in favor.




At 9:03 p.m. Mr. Bruns made a motion to leave executive session, seconded by Mr. Waugaman. Motion carried by voice vote, all in favor.

With there being no further discussion, Mr. Kilburn made a motion to adjourn, seconded by Mr. Waugaman. Motion carried by voice vote, all in favor.

Time of adjournment was 9:04 p.m.

Respectfully submitted,

  
Craig T. Bohman, City Administrator/Clerk

  
Irvin T. "Butch" Callery, Mayor