

CITY OF DAYTON, KENTUCKY  
COUNCIL MEETING  
February 3, 2009

A regular meeting of the Dayton City Council was held on Tuesday, February 3, 2009, 7:00 p.m., in the Council Chamber of the Dayton City Building. Mayor Rankle opened the meeting with a silent prayer and Pledge of Allegiance.

ROLL CALL:

Mayor Rankle	present	Member Gunning	present
Member Ashford	present	Member Allen	present
Member Brooks	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT

Mayor Rankle said he wished to appoint Penny Hurtt to the Board of Adjustment. Motion by Member Volter, seconded by Member Ashford to approve the appointment. Motion carried—so ordered.

Mayor Rankle thanked Superintendent of Public Works, Bobby Fuller, for the good job he did on snow removal in the city. The salt reserves are low, so the hills and bus route will be plowed first, then the area around the schools and the intersections.

CITY ADMINISTRATOR'S REPORT

City Administrator Redmond said the Fire Department building is not a fixed asset in the Fire Department Audit nor in the City of Dayton audit. His recommendation is to put the question of ownership to rest by having the city lease the building to the Fire Department for thirty years at \$1 a year. Member Boruske motioned to authorize Mayor Rankle to sign a thirty-year lease with the Fire Department for a \$1 a year, and Member Ashford seconded the motion. Motion carried—so ordered.

City Administrator Redmond stated we have been waiting since last August for a permit from the Corps of Engineers for the new 84"-110 " sewer. The cost is \$205,000-320,000. If we finish the project, we cannot receive the grant money for the project until after July, but before September. If the city wants to borrow the money for the work, up to \$200,000 will be repaid in July. It will be 36" pipe to Burma Road. Member Ashford said we need to finish the project. The sewer is number one. City Administrator Redmond said that would be his recommendation. DCI and C & M Investments are going to appropriate at least that much money for improvements to the property on Berry

**CITY OF DAYTON, KENTUCKY**

2009-4R

**AN ORDER OF THE CITY OF DAYTON (GRANTEE) ACCEPTING KENTUCKY INFRASTRUCTURE AUTHORITY GRANT SX21037400, APPROVING THE GRANT AGREEMENT, AUTHORIZING THE AMENDMENT OF LOCAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENT**

**WHEREAS**, the General Assembly has appropriated funds for infrastructure projects in the 2008-2010 Budget of the Commonwealth; and

**WHEREAS**, the City of Dayton, Grantee, has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"); and

**WHEREAS**, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, THAT:**

**SECTION ONE:** That the Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority substantially in the form on file with the Grantee for the purpose of providing a portion of the necessary financing to the Grantee for the acquisition and construction of the Project.

**SECTION TWO:** That the Mayor is hereby authorized, directed and empowered by the Grantee to execute the Agreement and all other necessary documents or agreements, and to otherwise act on behalf of the Grantee to implement the Project.

**SECTION THREE:** That the Grantee hereby includes in its annual budget the receipt and expenditure of funds subject to the Agreement with the Authority

**SECTION FOUR:** This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this \_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
KENNETH E. RANKLE  
its Mayor

**ATTEST:**

\_\_\_\_\_  
DONNA LEGER, its Clerk

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk/Treasurer of the City of Dayton, Kentucky; that the foregoing is a full, true and correct copy of an Order adopted by the governing authority of said Grantee at a meeting duly held on February 3, 2009; that said official action appears as a matter of public record in the official records or journal of the governing authority; that said meeting was held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820 and 61.825; that a quorum was present at said meeting; that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.

**IN TESTIMONY WHEREOF**, witness by me this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
DONNA LEGER,  
City Clerk/Treasurer

Member Boruske motioned to spend money to finish the sewer work, and Member Ashford seconded the motion. Motion carried—so ordered.

Member Volter motioned to accept the audit for FY 2008. Member Ashford seconded the motion. Motion carried—so ordered. Anyone desiring to look at a copy of the audit may do so.

City Administrator Redmond said that Active Radiator, the new owner of Radac, wishes to sublease the building. This is allowed under the bond indenture that we approved. Active Radiator will produce aluminum radiators in Dayton and will rehire former employees. Mr. Rick Morris and Mr. Joe Von Lehman will continue to be affiliated with the company. Member Ashford stated that Mr. Redmond is to be commended for preventing Radar's closure. Member Ashford motioned that we sign a sublease with Active Radiator, and Member Boruske seconded the motion. Motion carried—so ordered. Mr. Redmond commented that Active Radiator is a terrific company.

Regarding the Fire Department overtime issue, the ruling in favor of the Louisville Fire Department concerned a collective bargaining unit in a first class city. The Department of Labor determined the city had made a ½ cent mistake in determining the amount of Fire Department incentive pay formula to be used for incentive pay. According to the Department of Labor, the city owes \$27,000 to the Fire Board, and the Fire Board owes \$171,000 to the firemen. There are two issues 1) we contacted the /Department of Labor because we wanted to do the right thing, and 2) \$171,000 breaks the Fire Board and lays off two people. The first challenge is the

five years time period, the second challenge is whether a ruling for a first class city applies to us. The Department of Labor said we made a complaint. Other cities are waiting for a bill to be pre-filed for this legislative session. Mr. Redmond said he is impressed with our people but they are human. The Fire Commission will pay incentive directly. Our argument will be that 1) the ruling does not apply outside of Jefferson County; 2) our letter was not a complaint. Member Ashford suggested we challenge the ruling. Member Boruske suggested we wait. Member Ashford said that was fine with him.

City Administrator Redmond said he wished to hire Ultra-Technic Services, Inc. to work with Cardinal Engineering on the riverfront sewer project. Motion by Member Ashford, seconded by Member Volter, to authorize Mayor Rankle to sign an agreement with Ultra-Technic Services, Inc., for no more than \$16,000. Motion carried—so ordered.

City Administrator Redmond stated that there are 24 EB5 centers in the US (public/private partnerships) which introduces economic development to eligible foreign investors. The investor must invest a certain amount of money and create a certain number of jobs to get a 2 year visa. If there are no complications, the investor then gets a 5 year visa. If there are problems with that, the investor becomes a naturalized citizen. The purpose is the inducement of more affluent immigrants to this country. Mr. Redmond says that he doesn't see a downside. This could provide substantial foreign investment to the City of Dayton. If the city gets approval for the TIF bonds, we have six years to use the bonds. City Administrator Redmond recommends that Dayton become the 25<sup>th</sup> EB5 center. This idea was received positively by Councilmembers.

## **CITY OF DAYTON, KENTUCKY**

2009- 5R

### **AN ORDER SUPPORTING 2009 HB 35 IN THE KENTUCKY LEGISLATURE ALLOWING COUNTY OFFICES IN ANY CITY WITHIN THE COUNTY**

**WHEREAS** County offices should be convenient to the majority of the residents and citizens of the County, and

**WHEREAS**, County offices have been maintained in Newport for Campbell County for more than a century; and

**WHEREAS**, changes in legislation should not require change in location of the offices;

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, THAT:**

**SECTION ONE:** For the reasons stated above, the City of Dayton, Kentucky, declares its official support for adoption of 2009 HB 35 to allow County offices to be located in any city within a county.

**SECTION TWO:** The City hereby directs that this Order be forwarded immediately to the Speaker of the House and President of the Senate of the General Assembly in Frankfort, Kentucky and to all honorable state legislators representing Northern Kentucky, and to all other persons or organizations to which the Mayor, in his discretion, should name.

**SECTION THREE:** This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this 3<sup>rd</sup> day of February, 2009.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

\_\_\_\_\_  
**DONNA LEGER**, its Clerk

Member Ashford motioned, and Member Volter seconded, to support HB35. HB35 gives Campbell County Fiscal Court the authority to place offices in Newport. Motion carried—so ordered.

**CONSENT AGENDA**

Member Volter motioned, and Member Boruske seconded, to approve the minutes of the January 6<sup>th</sup> council meeting. Motion carried—so ordered.

**ORDINANCES AND ORDERS**

First reading:

**CITY OF DAYTON, KENTUCKY**

2009- 1R

**AN ORDER RECOGNIZING THE HISTORIC SIGNIFICANCE OF THE DELTA QUEEN STERNWHEEL PASSENGER BOAT AND HER LONGSTANDING CONNECTION TO OUR REGION, AND SUPPORTING HER NOMINATION TO THE LIST OF AMERICA'S 11 MOST ENDANGERED HISTORIC PLACES**

**WHEREAS** the Delta Queen entered service on the Sacramento River in California in 1926 as one of the most lavishly appointed sternwheel passenger boats ever commissioned, and eventually did service for the United States Navy in San Francisco Bay during World War II, and

**WHEREAS**, the Delta Queen was purchased by the Greene Line Steamer Company of Cincinnati, Ohio in 1946 and has plied the waters of the Ohio, Mississippi, Tennessee, and Cumberland Rivers ever since; and

**WHEREAS**, the Delta Queen was placed on the National Register of Historic Places in 1970 and was named a National Historic Landmark in 1989; and

**WHEREAS**, the Delta Queen is no longer allowed to carry a full load of passengers and is at risk of deterioration and eventual destruction, and

**WHEREAS**, the Boone County Historic Preservation Review Board has nominated the Delta Queen for inclusion on the List of America's 11 Most Endangered Places

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, THAT:**

**SECTION ONE:** For the reasons stated above, the City of Dayton, Kentucky, declares its official support for the nomination of this historic sternwheel passenger boat, which has been such an important part of our community's river heritage, for inclusion on the List of America's Most Endangered Places, and urge all citizens and civic organizations to support efforts to Save the Delta Queen.

**SECTION TWO:** The City hereby directs that this Order be forwarded immediately to the President of the United States, to the honorable Governor of Kentucky, to the honorable United States Senators from the Commonwealth, to the honorable United States Representative from the fourth district of Kentucky, to all honorable state legislators representing Northern Kentucky, to the Boone County Historic Preservation Review Board, and to all other persons or organizations to which the Mayor, in his discretion, should name.

**SECTION THREE:** This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this \_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

---

DONNA LEGER, its Clerk

Motion to approve Resolution 2009#1R by Member Ashford, seconded by Member Volter.

ROLL CALL

Member Ashford	aye	Member Boruske	aye
Member Brooks	aye	Member Gunning	aye
Member Volter	aye	Member Allen	aye

Motion carried—so ordered.

## CITY OF DAYTON, KENTUCKY

2009-2R

### AN ORDER RESERVING FUNDS FOR A LAND AND WATER CONSERVATION FUND GRANT.

**WHEREAS** the City of Dayton proposes to develop recreational resources to provide for the health and well being of the general public, and

**WHEREAS**, the City of Dayton intends to make application to the Department for Local Government for assistance under the Land and Water Conservation Fund Act of 1965; and

**WHEREAS** the Land and Water Conservation Fund is limited to funding a maximum of fifty percent (50%) of proposed project costs estimated at \$25,000.00; and

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, THAT:**

**SECTION ONE:** that the City of Dayton hold in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance

**SECTION TWO:** that in the event a grant is awarded, the City of Dayton understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

**SECTION THREE:** This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this \_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

\_\_\_\_\_  
**DONNA LEGER**, its Clerk

Motion to approve Resolution 2009#2R by Member Ashford, seconded by Member Allen.

The grant is for a youth playground. We are asking for \$12,500.

**ROLL CALL**

Member Brooks	aye	Member Gunning	aye
Member Volter	aye	Member Allen	aye
Member Boruske	aye	Member Ashford	aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

2009 -3R

**AN ORDER AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH JOHN C. FISCHER, ATTORNEY.**

**BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:**

**SECTION ONE:** That the City of Dayton, Kentucky is hereby authorized to enter into a contract for professional services with John C. Fischer, Attorney as City Attorney. A copy of the contract is attached hereto and made part hereof by reference.

**SECTION TWO:** The Mayor and any other necessary official is authorized to sign all documents necessary to effect the above provisions.

**SECTION THREE:** This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this \_\_\_\_day of \_\_\_\_\_, 2009.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

\_\_\_\_\_  
**DONNA LEGER**, its Clerk

Motion to approve Resolution 2009#3R by Member Boruske, seconded by Member Ashford.

**ROLL CALL**

Member Volter	aye	Member Allen	aye
Member Boruske	aye	Member Ashford	aye
Member Gunning	aye	Member Brooks	aye

Motion carried—so ordered.

**DEPARTMENT HEADS REPORT**

Mayor Rankle said he wished to reappoint Dennis Ashford, Cathy Volter, and Jean Cole to the Fire Department of Bellevue/Dayton.

Mr. Marvin Knobloch, Main Street Manager, said there is a new business in town, Beverly's Alterations. The Business Owner's Association has moved its meetings to the third Tuesday of each month at 8:30 a.m. He is working to recertify the city for the Main Street Program.

Public Works Superintendent Bobby Fuller said he has one tree yet to remove from the floodwall area. He thanked his men for the great job they did. He said the equipment they had this year was much better than last year.

## STANDING COMMITTEE REPORTS

FINANCE (Member Volter): No report.

PUBLIC SAFETY (Member Allen): No report, except Member Allen said that police officers have been interviewed.

PUBLIC WORKS (Member Ashford): Member Ashford said he highly commends the public works crew, and is really glad we've got the new trucks. They did a great job.

PARKS AND REAL ESTATE (Member Brooks): No report.

PERSONNEL, LAW AND PRINTING (Member Gunning):

ECONOMIC DEVELOPMENT (Member Boruske): No report

## PETITIONS

Mr. Bill Burns asked about the traffic light at Sixth and O'Fallon. He said 10 minutes is way too long to wait for the signal to change. Mr. Redmond said the light is on a loop. He will look into this.

Mr. Burns also asked about the railroad working at the crossing at 9<sup>th</sup> and Vine. Mr. Redmond said that Supt. Of Public Works will check into it.

A petition for streetlights was presented. Motion by Member Boruske, seconded by Member Gunning, to put 2 streetlights on Lynn Drive, using underground facilities.

Member Ashford stated that he did not want streetlights.

City Administrator Redmond asked that 1 light be placed at the intersection, because the cost is \$1400 a pole. The second light will be on the interior of the street. Mayor Rankle suggested a price be obtained first. Member Volter asked what protocol has been established? Member Ashford said the city should not pay for decorative lights. Member Boruske said it is a safety issue. Member Ashford said it would be underground with a metal decorative pole with a light.

## ROLL CALL

Member Boruske	aye	Member Ashford	no
Member Gunning	aye	Member Brooks	aye
Member Allen	aye	Member Volter	no

Motion carried—so ordered.

#### NEW BUSINESS

Member Brooks thanked everyone who voted for him.

There will be a benefit for Beth Peace, a preschool teacher with 3 young children, at Lincoln School on Saturday, February 7<sup>th</sup> between 6:00-9:00 pm.

#### EXECUTIVE SESSION

Member Allen motioned to go into executive session for KRS 61.810 J, a meeting which federal or state law specifically require to be conducted in privacy. Member Boruske seconded the motion. Motion carried—so ordered.

Member Boruske moved to go back into regular session, seconded by Member Gunning. Motion carried—so ordered.

Motion to adjourn by Member Boruske, seconded by Member Gunning. Motion carried—so ordered.

Respectfully submitted,

Barbara Washington  
Assistant Clerk/Treasurer