

**ST. BERNARD VILLAGE COUNCIL MEETING
JANUARY 2, 2014**

The regular meeting of the St. Bernard Village Council was held Thursday, January 2, 2014 in Council Chambers.

President of Council, Mr. Michael Peck – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that all members were present: Mr. Tobergte, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mrs. Schildmeyer seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – The Mayor’s Monthly Court Report Receipts for December, 2013; Mayor’s Court Costs/Fines/Fees/Miscellaneous receipts were \$1,949.00, total to St. Bernard was \$1,949.00. Total to the County was \$12.00. Total to State was \$644.00. Total Disbursements were \$2,605.00. I would like to request that Council go into Executive Session to discuss pending litigation, with all members of Council except for Mr. Culbertson and I would like to include the Law Director and the Safety Director.

Mr. Asbach – I make a motion we go into Executive Session to discuss pending litigation.

Mrs. Bedinghaus – I second that.

Council agreed – 6-0. Mr. Culbertson abstained.

Council went into Executive Session to discuss pending litigation.

Mr. Peck – Council is back in regular session. We have come out of Executive Session where we discussed pending litigation.

Motion by Mr. Asbach, seconded by Mr. Tobergte that we defer from the regular order of business and do the Ordinances before reports so Mr. Tobergte can go back to work taking care of the snow. Motion passed 7-0.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Asbach, seconded by Mr. Culbertson to read this evening’s Resolutions and Ordinances by title only. Motion passed 7-0.

RESOLUTION NO. 1, 2014. AUTHORIZING THE USE OF VILLAGE FUNDS TO PURCHASE MEALS OR REFRESHMENTS FOR VILLAGE EMPLOYEES OR OTHER PERSONS AS SERVING A PUBLIC PURPOSE, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Bedinghaus to suspend with the second and third reading of Resolution No. 1, 2014.

Mrs. Brickweg – Since this is my Resolution, I'm sorry, this was part of my report. Yearly by the State Auditor, and it more or less just says that it's okay to use Village funds, for example, when we have Boy Scout night or Girl Scout night to buy the cookies and buy the punch and different things like that.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Resolution No. 1, 2014 as read. Motion passed 7-0.

ORDINANCE NO. 1, 2014. AN ORDINANCE TO MAKE APPROPRIATION FOR EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO, DURING THE FISCAL YEAR 2014 AND ESTABLISHING NEW LINE ITEMS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 1, 2014.

REMARKS

Mr. Culbertson – I would like to take a moment to thank Mayor Burkhardt and the Administration for all their hard work in putting this budget together, balancing it, almost down to the penny. Just hats off to you Bill, thank you.

Mrs. Brickweg – The Auditor Dept., along with the Finance Committee prepared the 2014 budget which is Ordinance No. 1, 2014. The total appropriations for 2014 are \$19,730,733.06. The total estimated revenues are \$19,730,733.04. The Ordinance contains new line items in the Service Dept. of 2-0-2B part time, seasonal and 2-0-2C part time permanent. Part of the revenues which will be used mostly to pay for the gas-well monitoring and the remaining money from the Bank Ave. litigation, after we paid off Imwalle and the Shopping Center.

Ms. Hausfeld – I'm sorry. Before we go to vote on this, I appreciate you guys taking out the two line items that were just in there with no money in there, but, and I know we have no crystal ball to know what's going to happen, but I always get confused on this, and I, for the employees health expenses, we got \$1,228,000.00 in there. In my, from what I have heard from everybody the 228,000.00 is the employees' contribution. Is that correct? Do we not have to put more money in that line item or are we OK with this the way it is? I mean,

Mayor Burkhardt – Patty, it is an estimation of what we believe the employees will need this year. I realize that in the past three or four years it has been extremely high, but we are trying to make changes and with those changes if they take affect I believe that we can reach that amount.

Ms. Hausfeld – I'm just giving you a heads up, I know that we're going to be voting on this in just a minute or two and I honestly don't know if I'm voting for it or against it, and if I vote against it, it's going to be because of this line item.

Mrs. Brickweg – Patty, the one thing with that, and I know I agree with you, it looks, we haven't picked a plan yet so we don't know how much it's going to cost, but you can always appropriate additional money. Like last year they only put in \$1.3 million, I haven't got up with the total cost yet but I'm going to do that next week but as the year went by when I saw the line item running low, Council can appropriate additional money to go in that line item. Now granted this is about the budget so when you do that it is going over. But that is what happened last year, they just put in \$1.3 million and then there were additional appropriations. For example, if I thought it needed \$200,000.00 more you could vote on additional appropriations. That has been done in the past because we're self insured so we never know what the year is going to be so you do have that option, but I do understand what you're saying at this point.

Mrs. Schildmeyer – I think we all realize that the Health Care is a work in progress and that this is a starting point, hopefully, so that it is a work in progress, and that we all understand that this is not done as of today, that there are more meetings to come and that the employees are working with us so just keep in mind that this is a work in progress and everybody understands that. We're not going to say, okay, as of March or November that somebody's heart attack in November isn't as important as one that happened in March. We all understand that so please keep an open mind at that.

Mr. Burkhardt – Peggy, was there any money rolled over from last year?

Mrs. Brickweg – No.

Mrs. Bedinghaus – I think that is one of my major concerns. Peggy, I hear what you're saying but I'm thinking, I know we can appropriate more money but with only \$3.1 million in reserves, that's a little concerning to me so I will be voting no on this plus at the Finance Committee I was the one person who did.

The motion to suspend passed 6-1. Ms. Hausfeld voted no.

Motion by Mr. Asbach, seconded by Mr. Tobergte to adopt Ordinance No. 1, 2014 as read. Motion passed 4-3. Ms. Hausfeld, Mr. Kalb and Mrs. Bedinghaus voted no.

Mrs. Brickweg – I can't pay our personnel now. This doesn't take affect for thirty days. I simply can't run the City for thirty days. We can't pay a bill, we can't do anything so I'm just going to tell you that you will have major grievances filed against us. I can't do anything.

Ms. Hausfeld – Can we do talkable budget? We've done it in the past. We've had problems in the past and for the same reason, why can't we do a talkable budget?

Mrs. Brickweg – You can do a, when you get a month, a month is one thing, but I have a report and I don't know if the Auditor has a time frame on it and I have to have it in there at the end of January which has to have an accounting of what we will be spending our money on. The past Auditor, I don't know if he filed it later, I'm not sure, but it is real.

Mrs. Schildmeyer – Can we have a special meeting tomorrow night and try and fix this. We cannot not pay our employees, that's not an option at this point.

Mayor Burkhardt – You probably have to bring up a new Ordinance.

Mrs. Brickweg – First of all, I don't know if you can have a meeting because you have to announce it 24 hours ahead. I mean we could do it tomorrow night but it would have to be at 7:30pm. I'm just saying I was looking at the clock. Yes, I can rewrite the Ordinance No. 3 and

Mayor Burkhardt – But doing the Ordinance on the 12th, I don't think it would work because a lot of the contracts are front loaded and it's not going to work.

Mrs. Brickweg – You have to realize we're now building two major buildings and I have to pay the bills for those and the gas well monitoring that we have contracts for and if we don't pay them on time we're going to get fined on that also.

Mr. Culbertson – Why do we have to renumber the Ordinance if we have a meeting in 24 hours can we just schedule two more meetings and then, right, but then we'd have the second and third reading.....

Mrs. Schildmeyer – What about Saturday morning and Sunday morning and then it gets two more readings?

Mrs. Brickweg – If nobody is going to change their votes, it's not going to go emergency.

Mrs. Brickweg – The first part of the emergency, that's okay, that passed 6-1. But then the next part had to go 5-2.

Mrs. Schildmeyer – Can I ask the Council members that voted no if we do a six month budget. I know, Peggy you don't like that idea, but to get the employees paid, if we do a six month budget would anybody be open to change their vote for that to see what the health care can bring in the next two months.

Mr. Kalb – I'm all for seeing what the employees can bring in for the next six months or a one month budget or a three month budget but I'm with Patty and Cindi with this, I believe our Health Care line item is greatly underfunded and as we know, our reserves being very low, if we could have a little more planning ahead for 2014.

Mrs. Brickweg – I'm sorry, I'm just going to say it. You all know it's in every employee contract, you all know they're probably going to sue you, if you don't do it. Bill's working very hard. Guess what, if you get sued, you're going to have to do appropriations for the health care, because I honestly would bet they're all going to win. You're going to have to appropriate money for legal fees. I'm just saying that from an Auditor point of view. I'm telling you if you pass the budget, you can also vote no not to do additional appropriations to the health care if you want, but either way I think we all know that that line item is going to have to be funded.

Mrs. Schildmeyer – I completely agree with Peggy. We are all aware of this and right now if this doesn't go through and we don't pay our employees for thirty days we're just paying more grievance fees on top of this. We need to realistically look at this and get this budget passed so we can pay our employees.

Mrs. Brickweg – You also can, if you pass this and we keep looking at it, you can change this, you can easily do that if you want. You can always amend it. But we need to have a working budget in order to pay our bills and pay our employees and give the estimated resource in.....

Mrs. Bedinghaus – What about the six month budget and the work that that takes.

Mrs. Brickweg – The problem with that one is, we can do that but we have to do this estimated resource before, so then in six months my only problem is we'd be doing a Hamilton County budget and we're going to need to be coming up with another budget to do another estimated resource and we're going to be amending it a lot, I mean, I'm going to be amending it a lot throughout the year. The County basically wants you to do an estimated resource report, which is about ten pages and it takes me about two or three days to do it. It basically makes me break out all of the different line items into different categories and tell them, and I send them this Ordinance along with it. So they see what you appropriate the money with. Then I need to send them a copy and do a couple pages on what all of our revenues are. All what they are looking for is to make sure we are not overspending. And in that I also include revenues so basically they want to know that, and if you can remember, back in last March when the bonds were out, I just had to get hold of the County and we had to redo all that because none of that was figured in to that. So we had to do another amended one then which was not a big deal but we're going to be doing another whole budget in June for them for next year but now we're going to do another whole one for half of ours. I'm just saying it can get a little complicated and confusing that we're going to be working on two budgets at the same time. I just don't recommend it but it's up to you guys. It's just a lot more work, but I can do it.

Ms. Hausfeld – I'm not, I'm willing to work with anybody. I have been one of the people, even though I wasn't on Council yet, going into the last two months with the Health Committee meeting and meeting after meeting after meeting, the Administration and the people that were there who were on Council they all know that this number is not correct. So if this number isn't correct then throw a better number out there. It might still not be correct but at least it's closer to hopefully resolving an issue before it goes to grievances. I don't want the employees not to get paid. I don't. I am all for the employees getting paid. But I'm also for the employees getting the health care and, and, I'm sorry.

Mrs. Brickweg – May I make a suggestion? It's up to Council, that's just the goal in St. Bernard, but it's not, we don't have to have it totally balanced because we have \$3.1million in the bank so Hamilton County counts that as revenue. If it would make you happier we could put in \$1.5 million which includes the \$200,000.00 from the employees and then it would be, I would consider, more realistic. It won't be balanced but yes that can be done.

Ms. Hausfeld – I am more willing to pass a budget like that verses knowing that this budget is not correct. It all looks great to have a balanced budget but if it's not realistic, it's not realistic and trust me I for one would love to have a balanced budget. But let's be fair and this isn't fair. If that number comes up to \$1.5 million, I'd be more willing to look at it for a whole year budget verses just a month or six month budget. That's just my opinion.

Mr. Asbach – A quick question. Peggy, how much money are we looking at recouping under the “stop gap”?

Mrs. Brickweg – I know we’ll be getting, I know for sure I received something that we will be getting a check for \$134,000.00. That’s just on one that I received. We just did our final payment on Monday so they’re working on all of them. We did have a few people in “stop loss” but I’m not sure, I just know one of them was that much.

Mr. Asbach – So I guess my question would be then, does that money go toward this year’s.....

Mrs. Brickweg – It can, it will go automatically into the employee cash, employee benefit cash fund. You would still need to appropriate it to spend it but yes it will be going into that account.

Mr. Asbach – Then we could potentially get more money in as well.

Mrs. Brickweg – We could, I don’t know though yet. Some were close to the \$50,000.00 mark and they were waiting to get the bills. They don’t know if they were going to roll over it.

Mr. Asbach – The reason I ask is because it sounds like that’s kind of a half way point between what Ms. Hausfeld talked about and what the number is that if we can revote and do that I have no problem earmarking that money towards it to get this done. You’re not going to spend close to that, because like you said, you’re going to have grievances, so you might as well nip it in the bud now.

Mrs. Brickweg – So you’re saying your suggestion is instead of the \$200,000.00 put \$134,000.00, which we know we’re getting back then.

Ms. Hausfeld – We’re still going to be shy about, I mean, I don’t have a calculator up here, I’m just doing it off the top of my head, \$150,000.00; \$200,000.00, roughly.

Mrs. Brickweg – If they go with some of the plans that we’re looking at, yes, but I think the goal of the plans are because it’s a higher deductible but hopefully it won’t be used as much, having to get up to that deductible, I don’t know if that’s true or not. It just kind of depends. But like I said, you can still always appropriate it but the Health Care Committee has not picked a final plan yet. We’re meeting next Thursday to look at some more plans, but no, that is short but it is a little bit more.

Ms. Hausfeld – So you’re talking about in line item 51-07 instead of \$1,228,000.00 to do the \$1,362,000.00 and that includes the \$134,000.00 that you’re talking about?

Mayor Burkhardt – That’s using the figures that Peggy has.

Ms. Hausfeld – I mean, that’s coming closer.

Mrs. Brickweg – Bonds that we didn’t reinvest .

Mrs. Schildmeyer – OK, so Peggy, get your little fingers going here. What's the difference is we add that too?

Mrs. Brickweg – Basically if we add in \$62,000.00 to what we have.

Mrs. Schildmeyer – Would you be willing to go with that?

Ms. Hausfeld – I'd be willing to change my vote for that.

Mrs. Schildmeyer – Andy?

Mr. Kalb – Yes.

Ms. Hausfeld – See I'm not unreasonable at all.

Mrs. Brickweg – Now I'm going to ask a legal question. Do I need to go in and print a new page? I will go in and do a new page but can we just call this Ordinance No. 3, 2014 and I'll print a new one. Do you want me to go do it real quick.

Indistinctive discussion between Mr. Walden, Mrs. Brickweg and Mr. Geiser.

Mr. Asbach – We've already voted so we have to have a new Ordinance.

Mrs. Brickweg – You have to repeal one and bring up Ordinance No. 3, 2014.

Mr. Tobergte – You ask if she would change her vote and she can change her vote but we have to have a new Ordinance.

Mrs. Schilmeyer – So what's the new figure?

Ms. Hausfeld - \$1,424,000.00.

Mrs. Brickweg – I have an idea. Why don't you guys continue with what you are doing because you have Ordinance No. 2, 2014 and I'll go do Ordinance No. 3, 2014 and Mr. Walden will you come with me.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to put Ordinance No. 3, 2014 when it is prepared, on the table for tonight's meeting. Motion passed 7-0.

ORDINANCE NO. 02, 2014. ORDINANCE AMENDING VARIOUS SECTIONS OF THE ST. BERNARD CODIFIED ORDINANCES - TITLE NINE – CHAPTER 181, THE ST. BERNARD MUNICIPAL INCOME TAX CODE, SPECIFICALLY AMENDING SECTIONS 181.02, 181.03, 181.06, 181.15 AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 2, 2014.

REMARKS

Mrs. Bedinghaus – Ed, could you explain a little bit what the major changes in this Tax Code is in this Ordinance?

Mr. Geiser – If you look in the WHEREAS’ there are five bullet points there and it pretty much explains what we’re changing. I’ll skip and go on to one of the other ones. We had made a mistake in that last Ordinance. We changed the net operating loss from five years to three years. That was never really our intention, it was just a mistake. We left it to see what it was. We wanted to see what the new State Law was going to come out. The new State Law came out as five so we just want to reaffirm that we are at five. There was an extra three there, you’ll see there was some duplicate language. And then section four was cleaning out the reference to County in the title and then we wanted to make this affective as of yesterday. The major change though is involved in the gambling winnings. It was requested by the Law, Contracts and Claims Committee that we would like to address the issue of when gambling takes place in St. Bernard under certain conditions that meet the Federal Code, those who run the gambling operation will have to immediately deduct tax winnings for purposes of St. Bernard and send it to St. Bernard. This is very similar to what the big cities like Cleveland, Columbus and Cincinnati have done in light of the fact that they have the casinos now furthered by State Law in their jurisdiction. The same way with St. Bernard, when there is a major lottery win that reaches the Federal limit, the Federal guidelines state that they have to take it out and send it at that point.

Mr. Asbach – A question for Mr. Geiser, we were talking earlier before you got here, on page 6, 24, 30 and 31 it refers to this Ordinance effective January 1st, if we’re passing this today on January 2nd is that OK. We had talked about changing that to January 2nd.

Mr. Geiser – You can do it but you can make it retroactive back, one day.

Mr. Asbach – OK.

Mr. Geiser – It would be clearer to keep it January 1st. Then we don’t have to deal with that one particular day difference.

Mr. Asbach – Alright.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 2, 2014 as read. Motion passed 7-0.

Mr. Geiser – Peggy has to change that again. You have to have in the sections, even though it’s in the title, it says you’re repealing Ordinance No. 1, 2014. You have to have it within the section, the 1,2,3 or 4 within the body of the Ordinance itself. So they have to go back and change it again.

Mr. Peck – Should we do a brief recess, two minutes or so while they’re doing that?

Mr. Stegman – We could do the regular reports of Council now.

Mr. Peck – We could just go ahead and do that.

AUDITOR, Mrs. Brickweg – Gave her report within the discussion of the Ordinances.

DIRECTOR OF LAW, Mr. Walden – Was helping to prepare the new Ordinance No. 3, 2014.

TREASURER, Mr. Ungruhe – This evening I have prepared the inventory detail report for the Villages' funds that we have with Fifth Third Securities. The book value as of the end of the year 12/31/2013 totaled \$3,160,000.00.

SAFETY DIRECTOR, Ms. VanValkenburg – No report.

SERVICE DIRECTOR, Mr. Stegman – Just a reminder to Council the next COW we're going to have Mr. Chris Meyer come with the Greater Cincinnati Alliance Energy to explain a PACE Program that we're trying to do for the Village to help our industrial and organizational come back with easier funding for bigger projects in our industrial and our communities that are investing in the energy savings in their buildings. So, just a reminder, he will be at the COW and he'll be here at 7:00pm and we'll have him go off first.

TAX COMMISSIONER, Mr. Geiser – Just a point of order, did Ordinance No. 2, 2014 pass? I don't know if we ever had a vote on it.

Mr. Asbach – Yes.

Mr. Geiser – Rather than recommending passage I would like to thank you for passing it. That was my report tonight to pass that. It got confusing over here, I'm sorry. I didn't know if it actually passed. I know there were questions about it. I don't have the official numbers in yet, we're still working on it but we brought in \$9.4, a little over \$9.4 for 2013.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Tobergte – The Finance Committee did meet tonight to work on the budget. We recommended the passage of the original budget but I'll recommend the passage of the second budget.

SAFETY, Mr. Culbertson – The next Block Watch meeting is Tuesday, January 21st at 6:30pm downstairs in Centennial Hall.

SERVICE, Mr. Asbach – I would just like to report, as Mr. Tobergte did at the end of 2013, on Saturday, January 18th there will be a computer and TV recycling drop-off program. The drop-off will be at the Colerain High School parking lot and that will run from 9:00am until 1:00pm.

Secondly, I have the Service Dept. report for December 2013.

There were 12 trucks placed at residences; 14 dumpsters placed at residences; 79 special pick-ups at residences; 192.47 tons of garbage taken to the landfill. 40.98 tons of recycling material and 1780 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – No report.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – No report.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION, Ms. Hausfeld – I have the monthly report for December for Dial-A-Ride passengers. There was 1,568 for December. The 2013 totals were 19,145 and the hospital runs for December, there were 6 and for a total year-to-date was 175.

Mr. Asbach – The COW has been submitted to the Clerk.

Committee of the Whole
Dec 26, 2013

1. Council approved the minutes of the Dec 19th Council meeting.
2. Council discussed the 2014 budget. Mr. Tobergte, the new Finance Committee Chairman, met with the Mayor to discuss cuts to line items. About 600,000.00 in cuts were made to the proposed budget, but expenditures are still over estimated revenues by about 400,000.00 to 600,000.00. The new Finance Committee will meet at 5:30 PM on Thursday January 2nd to discuss other cuts and possible revenue increases.
3. Mayor, Bill Burkhardt
 - A. Asked that the statue of baby Jesus be returned. The statue was stolen from the manger scene in front of City Hall.
4. Auditor, Peggy Brickweg
 - A. Asked Council to put the Appropriation Ordinance on the table at the next Council meeting. Council voted 5-0 to place the 2014 Appropriation Ordinance on the table for the January 2nd Council meeting.
 - B. Asked that a Resolution for the Food & Beverage line item be placed on the table at the next Council meeting. Council voted 5-0 to place it on the table.
5. Laws, Contracts & Claims, Ray Culbertson
 - A. Reported that the committee met tonight to finalize the changes to the Tax Ordinance. Council voted 5-0 to place it on the table at the next Council meeting.
6. Highways & Transportation, Don Tobergte
 - A. Reported that there will be a computer and TV recycling drop-off on Saturday January 18th from 9 AM -1 PM at the Colerain High School parking lot located at 8801 Cheviot Rd. Cincinnati, OH 45251.

Respectfully submitted,
Steve Asbach
President of Council, Pro-Tem

Mr. Peck – At this time do we have Ordinance No. 3, 2014. Does anybody need more time with this or can we have the reading?

Mrs. Brickweg – I do want to tell Council that we did pass the spread sheet, I will do a brand new one for all of you.

ORDINANCE NO. 3, 2014. AN ORDINANCE TO REPEAL ORDINANCE NO. 1, 2014 AND TO MAKE APPROPRIATION FOR EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO, DURING THE FISCAL YEAR 2014, AND ESTABLISHING NEW LINE ITEMS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the seconds and third readings of Ordinance No. 3, 2014. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 2014 as read. Motion passed 6-1. Mrs. Bedinghaus voted no.

OLD BUSINESS

None.

NEW BUSINESS

Mayor Burkhardt – I would just like to thank Peggy for all her work here at the last second to get that together because I know it can be a pain.

Mrs. Brickweg – Thank you.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mr. Asbach – The next COW meeting will be Thursday, January 9th at 7:30pm.

Motion by Mr. Culbertson, seconded by Mr. Asbach to adjourn. Motion passed 7-0.