

CITY OF WATTERSON PARK

LEGISLATIVE MEETING

Zoom Online Meeting
Facilitated by Clerk Aggie Keefe

April 12, 2021

The meeting was called to order at 7:01 p.m.

Roll Call — Roll was called by the Clerk. Present via Zoom video conferencing were Mayor Linda Chesser; Councilmembers Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh; Treasurer Jerry Wild; and Clerk Aggie Keefe. Also present were Attorney John Treitz and Attorney Duncan Crosby, both from Stoll, Keenon, Ogden.

Pledge of Allegiance — Mr. Fortwengler displayed the American flag, and all present recited the Pledge of Allegiance.

Mayor Chesser welcomed Attorney Crosby to the meeting.

Address from Mayor — Regarding our meeting: *“The notification process is the same as for a special meeting. Watterson Park is conforming with the new law and the meeting will be a regular meeting. The process is transparent; the public can see and hear; and any votes will be taken by roll call. We are no longer asking you to mute yourself, but please be mindful of background noise. All Zoom meetings are being recorded and will be kept on permanent file. If you have any technical difficulties, please send a text to my phone 502.458.7613 and I will let Aggie know. I hope everyone is healthy, continues to practice social distancing, and wears their mask.”*

APPROVAL OF MINUTES

Mr. Fortwengler made a motion to approve the minutes of the March 8, 2021, legislative meeting as received; seconded by Mrs. Welsh. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

APPROVAL OF TREASURER’S REPORT

Mr. Wild reported revenues for the month of March 2021 in the amount of -\$5,058 and expenses in the amount of \$40,460, giving a total deficit of \$45,518. Mrs. Welsh made a motion to approve the report as presented; seconded by Ms. Ewan. Ms. Garrett said she didn’t receive the road financial report; Mr. Wild will send it to her. Mr. Wild clarified that there was a drop in the fair market value of investments, which contributed to the negative revenues. This is typical during the months of March and April each year. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

OLD BUSINESS

Stober Road Flooding — Mr. Treitz announced that the ditch is cleaned out and guardrails are installed. He and Mayor Chesser met on site last week with the guardrail contractor, Louisville Paving, and our engineer because there was a potential problem with a change in specifications that occurred without our approval — the posts were placed in dirt instead of concrete. The holes were hand-dug and not tamped down properly. Rip-rap was placed on the slope and around the posts. At the engineer level, Brandon Jones had given approval to the subcontractor to proceed with the project without using concrete. Overall it saved us several thousand dollars. We were told that since concrete won’t allow deflection, the state neither requires it nor recommends that it be used for posts. Mr. Treitz asked the engineer to send both him and Mayor Chesser a letter stating he approves this new specification as constructed with the exception that they have to come back, remove the rip-rap from around the posts where the dirt had settled, add dirt, and tamp down the soil; both have received that letter and approved it. This work will be performed at no

additional cost to Watterson Park. Mr. Treitz informed our engineer that in the future we want to receive notifications whenever there are spec changes on any of our jobs that they oversee.

Mayor Chesser admitted it was frustrating. She and Mr. Johnson were on site and didn't recall the change order being discussed.

Mr. Johnson said he noticed some greenery popping up in the ditch and wanted to know if County Wide Lawn & Landscaping will be keeping it trimmed and/or sprayed. Mayor Chesser said County Wide always sprays along the guardrail itself and keeps it trimmed. She will double check with Brandon Vincent about the rules that govern spraying chemicals in a ditch close to a creek bed. Mr. Treitz hopes that with so much of the big bushes and trees having been removed, new growth will not become an issue.

Mr. Treitz said MSD noted to him that the area north of Stober Road where the water goes under the culvert appeared to be pretty overgrown. MSD commented that they were going to try to take care of it without going into the full bid process. Mr. Treitz clarified that this is the creek behind the YUM! property.

Mayor Chesser hasn't seen any activity on the Post Office catch basin problem but will follow up on this.

House Bill 246 — Mr. Crosby reported that he checked the docket and there was an oral argument in this case on March 18 but nothing since. We are still awaiting a decision.

Off-Duty Patrol Monthly Shift Postings — Mayor Chesser reported that she emailed the most recent Monthly Shift Posting to all Council members except for Ms. Garrett, to whom she mailed a hard copy.

Reallocation of the Kentucky Road Fund Resolution — Mayor Chesser reported that Watterson Park's resolution calling for improved road funding was emailed on March 9 to Bryanna Carroll, the Director of Public Affairs with the Kentucky League of Cities. Ms. Carroll told Mayor Chesser that House Bill 561 did not pass this year; they will try again next year. The information below is from KLC's website.

- The gas tax, a fee drivers pay to use public roads, is the only portion of the Road Fund shared with local governments.
- Every state that borders Kentucky (other than Missouri) has increased their gas tax in the last three years.
- State and federal funds provide only about one-fourth of what cities currently spend to maintain streets.
- Many city streets are on a 40-year replacement cycle, which is nearly double the industry standards.
- Kentucky's local road aid is largely divided by an outdated formula developed in 1948.

Mr. Treitz reported that we received a request from the Cooperative Program administered by the Department for Rural and Municipal Aide advising us that we can get our monthly road funds on a more advanced schedule. Mr. Crosby explained that we are currently receiving the gas tax on a monthly basis from the Department of Local Government. We could accelerate the receipt of our funds and get 60% of our projected fuel tax collections around August 1, 30% in February of the following year, then a true-up payment less the 3% holdback right after the beginning of the next fiscal year. Mr. Crosby said it is not a needs-based application. Mr. Treitz explained that it's a question of whether we want to get our money sooner and pay the 3% fee. Mr. Fortwengler said he doesn't feel that we need the funds badly enough to pay the 3% penalty. Mr. Wild said that in today's market, where we're earning less than 1/2%, we couldn't make up for that lost 3%. Ms. Garrett agreed that it would not benefit us. Mr. Treitz clarified that a response isn't necessary unless we want to participate. Council agreed that we don't want to participate at this point. Mr. Crosby explained that it is an annual process, so if we change our minds in the future, we can take advantage of it then.

Lillian Wild Walking Path — Mayor Chesser reminded Council that back in November we had a proposal to build a walkway from the parking area to the walking path for better accessibility. At Mayor Chesser's request, Stoll Construction & Paving submitted an updated estimate, which included removing encroaching tree roots and repaving the area affected. Constructing the 4' x 15' asphalt walkway would cost \$1,760. To excavate and repair the two areas damaged by overgrown tree roots, an approximate 9' x 10' area, would be an additional \$800. Mr. Fortwengler made a motion to approve an expenditure of up to \$3,000 for constructing the walking path entrance

and repairs to the existing walk; seconded by Mr. Bourke. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0. Mayor Chesser will contact Mr. Stoll tomorrow to let him know his proposal was approved by Council.

NEW BUSINESS

Committee Reports — Mr. Fortwengler reported for the Public Works Committee that a neighbor on Larkmoor Lane complained about poor drainage behind their house. Mr. Fortwengler contacted MSD, who said there's nothing they will do about this particular problem. MSD did agree that the storm drains at the end of Larkmoor Lane need to be cleaned out. They scraped the tops of the drains but said that additional work is needed. We now have a work order from MSD, but we were not given a time frame. Mr. Fortwengler will follow up with MSD. Mr. Johnson reported that he trimmed the overgrown ditch behind his house. There were no other committee reports.

Mrs. Keefe suggested that in future meetings we go down the list of Committees and ask if the Committee chair has anything to report. All agreed.

KLC Webinar — Mayor Chesser and Ms. Ewan participated in this free webinar, entitled "Covid-19 Effects on Mental Health and Community Well-Being," on March 30. Ms. Ewan reported that it was hosted by Dr. Desreen Dudley, a clinical psychologist with Teledoc Health. Dr. Dudley stressed the importance of mental health awareness, education, and support. She discussed the significance of employers providing mental health support. Help is available through the Telehealth. Mayor Chesser reported that she thought it was a very informative webinar. She said they talked about how challenging and stressful it has been, especially during the pandemic, for parents to work from home when they have their children at home.

KLC Planning & Zoning Seminar — Mayor Chesser reported that KLC is offering one of their most requested and highest-rated community planning seminars – "Planning & Zoning to Meet HB 55 Requirements." This seminar educates zoning administrators, planning commissioners, board of appeals members, and legislative bodies on the intricacies of the proper way to conduct zoning procedures in their community. It will be held on June 30 from 8:30 a.m. to 5 p.m. at The Jeffersonian in Jeffersontown. The cost is \$69 per attendee and includes a box lunch. As of now, Mayor Chesser and Ms. Ewan would like to attend. If anyone else is interested, she asked them to let her know, as we need to sign up in advance and we will need approval for the expenditure. Mr. Fortwengler is interested and will let Mayor Chesser know within a week if he will be able to attend.

Mr. Treitz questioned whether this webinar would benefit us, as it's sponsored by Kentucky League of Cities vs. Jefferson County League of Cities and because we don't have zoning powers. Mr. Treitz said that Jefferson County is trying to effect some major zoning changes. With this being a Kentucky League of Cities program, will it be on point for us? He thinks that in general it's fine to attend. Even though it won't be covering the changes that pertain to Jefferson County zoning, it might help to understand the process. He suggested that Mayor Chesser call KLC and ask them what they're going to cover that will affect municipalities that do not have zoning powers. Mayor Chesser will contact KLC and get some answers. In the meantime, she would like for Council to approve the funds for herself, Ms. Ewan, and Mr. Fortwengler. Mr. Johnson made a motion to approve up to \$207 for three people to attend the KLC Planning & Zoning Seminar; seconded by Mrs. Welsh. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

Attorney Treitz left the meeting at 7:54 p.m.

Computers for Mayor and Treasurer — Mayor Chesser reported that she and Mr. Wild have been using their personal computers for City business and have been advised to not combine personal and work-related business on the same computer. Therefore, they need new computers to use for City business. She researched and determined they will need to have funds approved for a maximum of \$2,000 each for a computer, setup, and transfer of documents. Mr. Fortwengler made a motion to approve up to \$4,000 for two computers, setup, and transfer of documents; seconded by Ms. Garrett. There being no further discussion, the motion was brought to a roll-call vote.

Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0. Mrs. Keefe suggested that Mayor Chesser and Mr. Wild back-up files onto an external drive to safeguard them. Mayor Chesser said she has been set up with Dropbox to back up her files, so she doesn't feel the need for a back-up drive.

County Wide Lawn & Landscape Bid for Flower Plantings on the Lillian Wild Walking Path — Mayor Chesser reported that she secured a bid from County Wide for flowers, planting, and fertilizer on the walking path for a total of \$385. Mrs. Welsh made a motion to appropriate \$385 for this project; seconded by Mr. Fortwengler. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

LMPD 6th Division Citizens Advisory Board Meeting — Mayor Chesser reported that this Advisory Board will have a Zoom meeting tomorrow night. She asked the Council to let her know if they have any questions or concerns they would like for her to address at the meeting. She reported that she will be submitting an updated application to remain on the Board. Mr. Bourke expressed an interest in serving. Mayor Chesser will send him the necessary information and forms.

Updated Business Addresses — Mrs. Keefe reported that Mayor Chesser asked her to check into the business mailing list for our newsletters, as we are currently down to 69 verified business addresses. Mrs. Keefe contacted United Mail and asked if they can provide an updated list of businesses and mailing addresses within our City limits. Using our boundaries map, United Mail found 332 available mailing records for 187 different types of businesses. The cost for this list is \$190. Ms. Keefe said that in 2009 we paid United Mail for an updated NCOA listing and haven't had it updated since. Mr. Bourke, who owns a printing business, said we need to run the list through NCOA annually. Mr. Johnson suggested that we not put the business name on the address. Mrs. Keefe clarified that we currently put "Business Relations Office" instead of the business name. Ms. Garrett made a motion to appropriate \$190 to United Mail to provide us a list of all the business mailing addresses within Watterson Park boundaries; seconded by Mr. Johnson. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0. Mrs. Keefe will use the City credit card if payment for the list is needed up front. Mr. Wild, Mayor Chesser, and Mrs. Welsh asked Mrs. Keefe to send them a copy of the list once she receives it.

Business Interviews — Mrs. Keefe reported that she and Mayor Chesser discussed interviewing a business each month for our website. Mrs. Welsh agreed to conduct the interviews. Mrs. Keefe will send Mrs. Welsh the interview form we have used previously, and Mrs. Welsh can revise it as she sees fit. We will put the interviews on our website and can also select one to spotlight in upcoming newsletters. Mayor Chesser mentioned that we had sent a letter to all businesses years ago trying to get them more involved in the City. Mrs. Keefe clarified that the letter to businesses was sent in 2013. It told them about Watterson Park, introduced our website, offered them a free business listing on our website, and also offered to feature their business in our monthly interview. Unfortunately, we received very few responses to this letter. Mayor Chesser suggested that we might want to send a new letter once we receive the updated business mailing list.

General Updates — Mayor Chesser reported on the following:

- *Joe Gerth's column that appeared in the CJ on March 19 regarding Home Rule Cities* – Mayor Chesser sent a copy of Mr. Gerth's column, Mayor Chesser's letter to the editor, and Mayor Jung's article to Council and officers.
- *Arbor Day Foundation* – Watterson Park was recently recognized as a 2020 Tree City USA. This is the 18th year Watterson Park has received this recognition.
- *Welcome Baskets* – Since the outlook for COVID is improving and with the beautiful spring weather now here, we will start working on delivering the welcome baskets. Mayor Chesser asked everyone to send her the addresses of new homeowners and renters, along with names, if available. She will start ordering the baskets for delivery.
- *Permissive left-turn light at Newburg Road and Gardiner Lane* – Mrs. Chesser has been corresponding with Brandon Shelley, Traffic Signal Operations Engineer with Metro Government, for quite some time regarding the possible installation of a permissive left-turn light at Newburg Road and Gardiner Lane. The concern was the

number of lanes at that intersection. Mr. Shelley said his office has submitted a request to the Kentucky Transportation Cabinet to make adjustments to the existing pavement markings on the Newburg Road approaches when they refresh the markings on their next maintenance rotation, which he thinks is scheduled for this year. The adjustments will eliminate the negative offsets (false medians) for the left-turn pockets, which will allow the left-turning motorists to have better sight distance of the oncoming vehicles. Mr. Shelley is not sure of an exact timeline but said this location is definitely still at the top of their priority list.

- *Big Lots* – Will be opening April 15 at the former Kmart property on Poplar Level Road.

In-Person Meetings — Mayor Chesser said that some cities have been meeting in-person at their City halls. When we decide to meet in-person, we can make it optional so those who don't feel comfortable meeting in person can continue to meet virtually. Mrs. Keefe would like to continue to record the meetings via Zoom even when we meet in person, as it helps significantly with transcribing the minutes and the meeting video is on permanent file with the City.

Newsletter/Website/Minutes —

Mrs. Keefe asked Mr. Crosby if he will be participating in future meetings and, if so, if he wants to be included in the mailings for our minutes and our quarterly newsletters. Mr. Crosby will check with Mr. Treitz and get back with Mrs. Keefe.

Mrs. Keefe reported that we will add Mr. Wild to our newsletter mailing list.

Mrs. Keefe reported that she discussed with Mayor Chesser the possibility of interviewing a Council member or officer for upcoming newsletters. She would like for the first interview to be with Mr. Wild, who has been with our City longer than anyone else currently serving. Mr. Wild agreed to be interviewed. Mrs. Keefe will come up with interview criteria and will interview Mr. Wild as we get closer to the next newsletter publication.

Mr. Crosby will ask Mr. Treitz to draft a history of our City to put on line and also to include in our upcoming summer newsletter.

ADJOURNMENT

Mrs. Welsh made a motion to adjourn; seconded by Mr. Johnson. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0 and meeting adjourned at 8:28 p.m.

All those persons noted as being present at the beginning of this meeting, unless otherwise indicated, remained throughout.

Approved at the meeting of the City Council held on _____.

Linda Chesser, Mayor

Aggie Keefe, Clerk

Minutes taken and transcribed from notes and Zoom recording by Aggie Keefe.