

**ST. BERNARD CITY COUNCIL MEETING
JANUARY 3, 2008**

The regular meeting of the St. Bernard City Council was held Thursday, January 3, 2008 in Council Chambers.

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

Roll call showed that all members were present: Mr. Tobergte, Mr. Peck, Mrs. Bedinghaus, Mrs. Brickweg, Ms. Hausfeld, Mr. Meier and Mr. Zix.

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Ms. Hausfeld seconded the motion Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Everyone is getting settled in at City Hall. Glenna McCarty has agreed to stay through January 11th to help Elaine Sipe transition into her new position. This will allow Elaine to get through the first Mayor’s Court session on the 7th of January. We also agreed on terms with Glenna. It is basically the same as what Teri did when she stayed. It came to \$25.00 an hour to pay her for that and Walt will have something next meeting.

We are working on changing the phone system so that you are able to speak directly with someone and be transferred if necessary. Please allow a few days as this takes time to get all systems working properly.

We are also in the process of setting up new emails and voice mail for the newly elected Council positions which will be up and running shortly. In addition your business cards will be ordered.

I would like to announce that we are accepting applications for summer employment. You may pick up applications at City Hall or go to www.cityofstbernard.org to print one from our website.

AUDITOR, Mr. St. Clair – The December Auditor’s reports are prepared for tonight’s meeting. The receipts report was also distributed to Council and the Administration.

Total expenditures through the end of December: \$ 12,302,456.94

At the last Council meeting of 2007 it was stated that restoring the Auditor to his 2002 percentage rate would have been a 9% pay increase. That is incorrect. It would have been a 4.76% increase.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – No report.

TREASURER, Mr. Kathman – I do have the receipts report for December, 2007:

Receipts for the month of December: \$ 1,398,607.58

Receipts for the year for 2007 through December 31st: \$ 13,577,278.60

SERVICE DIRECTOR, Mr. Asbach – Dave Fossaluzza and I went to Hamilton County Environmental Services on Wednesday to sign for the

grant to purchase recycling containers for the parks. We will have them in place for the beginning of the season.

Also I'd like to thank the Service Dept. for their work on the streets Wed., it was a nice awakening in this new position.

I would like to meet in Executive Session to discuss the Fire Contract at the end of the meeting.

I would also like to thank Joe Kempe for his help in the transition into this position.

TAX COMMISSIONER, Mr. Geiser – I'm busy learning the processes and procedures of the Tax Office. I'm scheduled to take a class to learn the new tax software and I would just like to thank Elaine and Bonnie for their assistance and their patience.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee recommends passage of Ordinance No. 1, 2008.

SAFETY, Ms. Hausfeld – Tonight I would like to inform the residents that I am the new Chairperson of the Safety Committee. I look forward to working with not only the Police Dept. and the Fire Dept. but all residents of St. Bernard to assure that we here in St. Bernard have the best safety procedures in place. I urge you as a resident of St. Bernard to email me at phausfeld@zoomtown.com or call me at 641-2937 with any and all of your concerns.

Even though I am no longer the Chairperson of the Laws, Contracts & Claims Committee, I am still on that committee as well as Public Improvements. Feel free to contact me for either one of those as well.

I also have a report from the Police & Fire Depts.

POLICE:

Driving in snow and/or ice is always challenging. In conjunction with our Police Dept. the Safety Committee would like to offer some general driving safety tips:

First and foremost; if you don't have to drive in bad weather, avoid it. If you must drive, try to wait until salt trucks and plows have had a chance to treat the streets and, as always, allow extra time.

Be sure to have your vehicle winterized and check the window cleaning fluid regularly.

FIRE:

Fire Run Activity

Fires	2
False alarms	8
Service Calls	3
Hazardous Condition	1
Motor vehicle accidents	2
Total Calls	16

Emergency medical responses

Transported	46
Not transported	14
Total	60

Inspection Activity

Life Safety Inspections	4
Alarm system	1
Total Inspections	5

Home Heating Safety

- Space heaters need space. Keep all things that can burn, such as paper, bedding of furniture, at least 3 feet away from heating equipment.
- Turn portable heaters off when you go to bed or leave the room.
- Plug power cords only into outlets with sufficient capacity and never into an extension cord.
- Inspect for cracked, frayed or broken plugs or loose connections. Replace before using.
- Have your chimney inspected each year and cleaned if necessary.
- Use a sturdy fireplace screen.
- Allow ashes to cool before disposing. Dispose of ashes in a metal container.
- Install smoke alarms in every bedroom, outside each sleeping area and on every level of the home. For the best protection interconnect all smoke alarms throughout the home – when one sounds, they all sound. Test smoke alarms at least once a month.
- Install and maintain a carbon monoxide alarm in a central location outside each sleeping area.
- Never use an oven to heat your home.

SERVICE, Mr. Tobergte – The Service Department report for December 2007 is as follows:

17 trucks placed at residences
 7 dumpsters
 41 special pickups
 227 tons of garbage taken to the landfill.

Recycling:

19 tons of recycling materials
 7 tons of cardboard
 162 pounds of aluminum cans
 12 car batteries
 4980 pounds of scrap metal

In addition the Service Dept. picked up 18 appliances and the City received \$1466.25 for recycling in November 2007.

PUBLIC IMPROVEMENTS, Mr. Meier – I'm very excited to be working on Public Improvements this year. Patty Hausfeld and Peggy Brickweg are members of this Committee and I'm very happy to have them. Peggy has a lot of energy and in a very nice way is a bulldog on issues once she sinks her teeth into them and Patty knows everybody in this City which is a big help to me since I'm not a lifetime member or citizen of St. Bernard.

I would like to have the first Public Improvements Committee Meeting next Thursday at 6:30pm prior to the COW.

Prior to working with Fifth Third down here, I worked with Fifth Third in Dayton and I was very involved with some of the neighborhood associations in the historic districts and became very good friends with a very active person up there. He name is Mike Osgood. I asked him to come down and talk with our Committee next week. Mike has a Masters Degree in

Mechanical Engineering from the University of Dayton. He has been very active in helping to restore the Huffman Historic Neighborhood in Dayton and he's going to come down here and talk to us a little bit about how they organized their neighborhood. Years back and not a significant number of years back that neighborhood was about 25% boarded up and it has been completely turned around. Some of the things he has done, in 1995 he was president of the Historic Huffman Neighborhood Assoc. They had a Rehabarama. They took an expanded effort from 1.2 to 2.5 million dollars, they created a home improvement contest which I would really like to get going here in our City. They started out with \$2500 in prize money and they generated \$140,000 in documented improvements in the City. They had an eight home Rehabarama using 15 fully restored homes. A lot of the work that they have done up there has been with private money so I think Mike's insight on what they did there and how to get people active in improving their homes is something that we can do here in our City. I would like for this type of thing, I would like for citizens to get involved in this. This is not something that the three of us are going to do. We'd like for the citizens to please come to this meeting, lets hear what Mike has to say, he's got some good ideas. Please step forward and volunteer to take part in this and I think we can make a very significant improvement in our City.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – For those of you who don't know, my name is Mike Peck. I am new to Council and new to this Committee and I feel very fortunate to sit on Council and serve the people of St. Bernard and I look forward to chairing this Committee for the next two years.

BUSINESS AND INDUSTRY, Mrs. Brickweg – Once again I am going to be chairing the Business and Industry Committee. I did it during my first term. I look forward to continue that work. I'd also like to ask Council to go into Executive Session. Gerry Wiedmann would like to speak to us about a possible new business moving into town.

I also would like to go ahead at this time and give the report of the Standing Committees. I did not give them at the Inauguration because when Mike Peck got put on board I thought it might be a good idea to have a lawyer on the Laws, Contracts and Claims, so we've done a little bit of moving around and thanks to Cindi and Mike agreeing, we do have just a few changes.

LAWS, CONTRACTS AND CLAIMS

Chair – Mike Peck
Patty Hausfeld
Cindi Bedinghaus

SERVICE

Chair – Don Tobergte
Kevin Meier
Greg Zix

SAFETY

Chair – Patty Hausfeld
Greg Zix
Mike Peck

BUSINESS AND INDUSTRY

Chair – Peggy Brickweg

Mike Peck

Kevin Meier

FINANCE

Chair – Greg Zix

Don Tobergte

Cindi Bedinghaus

PUBLIC IMPROVEMENTS

Chair – Kevin Meier

Patty Hausfeld

Peggy Brickweg

HIGHWAYS AND TRANSPORTATION

Chair – Cindi Bedinghaus

Don Tobergte

Peggy Brickweg

Submitted by:

The Committee on Committees

Peggy Brickweg, Pres. Pro-Tem

Cindi Bedinghaus

Kevin Meier

HIGHWAYS AND TRANSPORTATIONS, Mrs. Bedinghaus – No report.

There has been no COW meeting held so there is no report.

COMMUNICATIONS

Dear Council,

As you are aware, I was appointed and served as Service Director for the City of St. Bernard, Ohio for four years from January, 2004 through December, 2007. During that term for which I was appointed, I was to be compensated according to Ordinance No. 14, 2002 – Passed on 2-21-02. Under that Ordinance, the Service Director is to be paid 85% of the Hamilton County Commissioners' pay for the term of his appointment. In February of 2005, Council decided to freeze certain elected and appointed official's salaries to the 2004 level by amending the formula for compensation to reflect no increase or decrease of compensation for the year 2005. The Service Director's new rate of pay under Ordinance No. 5, 2005 – Passed on 2-17-05 was decreased from 85% down to 81.14% of the Hamilton County Commissioners' pay and "shall be effective January 1, 2005".

According to Ohio Revised Code Section 731.13, "the legislative authority... shall fix the compensation and bonds of all officers..." and "the compensation so fixed shall not be increased or diminished during the term for which any officer is elected or appointed". In Ordinance No. 5, 2005, it states "Council established a formula or index for the payment and compensation of elected and appointed officials to create a fair and equitable determination and to remove the effect of political influence and provide for

inflation and deflation.” Although Council may be legally within its rights to amend that ordinance to change the rate of compensation for elected and appointed officials, the effective date of the amended rates of pay by percentage for those elected or appointed officials in office at that time cannot take effect until the term of the appointment (four years) is complete or January 1, 2008. Therefore, it is my conclusion that Council illegally underpaid me by amending Ordinance No. 14, 2002 on February 17, 2005 after the commencement of my term and I am due payment in the amount of \$9,605.65.

I am willing to meet with Council to answer any questions. I do expect, however, to receive an answer from Council about this issue within a reasonable amount of time to resolve this matter.

Thank you for your time and consideration.

Joe Kempe

Mr. Zix – I would like to refer this to the next COW and have the Law Director give us some advice on this.

Mr. Peck – I will second that.

Motion by Mr. Zix, seconded by Mr. Peck to defer discussion of this communication until the next COW.

REMARKS

Mrs. Brickweg – I do know that we have a lot of people in the audience tonight that probably do want to speak on this, so I think we should allow them to speak on this with the audience participation. I also would like to comment. I know people thought I got angry last time with the Tax Commissioner and Walt, but this is beyond words to me. How Joe, and there’s another letter from John asking for money can do this. I’m amazed. I’ve got plenty of literature right here that they presented to the City explaining that we were in this financial budget, they actually recommended on their plans ABC to freeze it. Part of the power point presentation that John gave us was to freeze the salaries. John Estep signed the Ordinance, and how they have the nerve to come back and ask the City, after we laid off people, everybody took a pay freeze. That they deserve this money is beyond me.

Mr. Meier – I was not on Council at the time, four years ago when this was enacted, but it’s my understanding since then is that the changes in pay were on recommendation by Mr. Estep and I don’t see how you can make a recommendations to freeze something or to lay people off or to cut back and then turn around and ask to have that pay for yourself. I will not vote in any way shape or form for any back pay for either one of you two gentlemen. I appreciate your service to the City for the last four years, but there was a committee formed, the recommendations were made, it was discussed, ordinances were signed, they were involved in this process and I’m not going to vote to give them any back pay.

Ms. Hausfeld – I also will not voting to give any back pay on this. I also agree with Mrs. Brickweg and Kevin Meier on this issue. I just cannot

believe these two individuals have the audacity to bring this back to Council are bringing this to Council when they were a part of the whole scenario to go down and freeze the pay.

Mrs. Brickweg – Just to add to the one thing that Kevin said so the people know, the Budget Committee consisted of Barb Kalb, Phil Stegman, Walt St. Clair, Beth Luken, Joe Kempe, John Estep, Sheri Williams, Gerry Wiedmann, Steve Scherpenberg and Steve Moeller. So the same people that made the recommendations to the City are two of the same people that are asking for the money back. They were on the Budget Committee and I can't believe that they would make a recommendation and then come back and say I want my back pay now.

Ms. Hausfeld – One more thing, where does this stop? If these two individuals want back pay, what about the individuals that got laid off? What about the individuals that received their pink slips saying that they were going to be laid off? What about everyone in City Hall that did different things to save jobs at City Hall, and I'm not just talking City Hall, I'm talking the Service Dept., the Police Dept., the Fire Dept., but I'm talking to you, the residents of St. Bernard that voted for a tax increase and you guys are paying more taxes and now the ex-Mayor and the ex-Service Director are asking for back pay and money. It's just ridiculous.

The motion to discuss this at the next COW passed 7-0.

Mr. Walden – Are there any other communications?

Mrs. Kathman – No Mr. President.

Ms. Hausfeld – There should be one more communication, right? The one with John Estep.

Mrs. Kathman – I did not receive that one.

Council – We all did.

Mrs. Kathman – I do not have it.

Mr. Tobertge – Please read mine.

Dear Council,

As you are aware, I was elected and served as Mayor for the City of St. Bernard, Ohio for four years from January, 2004 through December, 2007. During that term for which I was elected, I was to be compensated according to Ordinance No. 14, 2002 – Passed on 2-21-02. Under that ordinance, the mayor is to be paid 20% of the Hamilton County Commissioner's pay for the term of his appointment. In February of 2005, Council decided to freeze certain elected and appointed official's salaries to the 2004 level by amending the formula for compensation to reflect no increase or decrease of compensation for the year 2005, mayor's new rate of pay under Ordinance No. 5, 2005 – Passed on 2-17-05 was decreased from 20% down to 19.09%

of the Hamilton County Commissioners' pay and "shall be effective January 1, 2005".

According to Ohio Revised Code Section 731.13, "the legislative authority ... shall fix the compensation and bonds of all officers..." and "the compensation so fixed shall not be increased or diminished during the term for which any officer is elected or appointed" In Ordinance No. 5, 2005, it states "Council established a formula of index for the payment and compensation of elected and appointed officials to create a fair and equitable determination and to remove the effect of political influence and provide for inflation and deflation." Although Council may be legally within its rights to amend that ordinance to change the rate of compensation for elected and appointed officials, the effective date of the amended rates of pay by percentage for those elected or appointed officials in office at that time cannot take effect until the term of the appointment (four years) is complete or January 1, 2008. Therefore, it is my conclusion that Council illegally underpaid me by amending Ordinance No. 14, 2002 on February 17, 2005 after the commencement of my term and I am due payment in the amount of \$2,264.55.

I am willing to meet with Council to answer any questions. I do expect, however, to receive an answer from Council about this issue within a reasonable amount of time to resolve this matter.

Thank you for your time and consideration.

John R. Estep

Mr. Zix – Since I have seen this now I'd like to speak at the COW on it. I don't care if anybody else comments on it but I just think it would be a good time to speak on it unless the Law Director has some answer tonight.

Mrs. Kate Bedinghaus – I got this five minutes before this meeting started so I barely have read it once so I would like to talk about it next week.

Motion by Mr. Zix, seconded by Mr. Tobertge to defer the matter to the COW.

Mrs. Brickweg – At the COW and I'm going to say this now because somebody here can help get the information, when I look at the Ordinance No. 5, 2005 it says that the first Ordinance was No. 25, 2000 and then we amended the formula in Ordinance No. 14, 2002. I wonder if maybe Carol Ungruhe or somebody could get us a copy of those. One of the reasons, because I would like an explanation, I've never seen this before but these letters have attachments with them and one of the attachments on the back shows a table and it says, Commissioners, and No. 7 is circled when it says the 2006 salary of \$83, 287.00 and the 2007 salary of \$84,703.00. The part I'm finding confusing is that line is for communities that have over 400,000 to 1,000,000 people. The question I'm going to have is, if that's part of that first ordinance, why are we on that line and not on the line for 20,000 and less individuals?

Mr. St. Clair – I can answer that. That is for County population, not City population because it's based on the County Commissioner's salaries. The County Commissioners are paid according to the population of the County.

Mrs. Brickweg – I really think we need to look at that formula because if this is something that running a County of almost 1,000,000 people, I don't see how people running a City of 5,000 can find their job equivalent to that. That doesn't make sense to me. I guess I'd really like to delve into, if we can at the COW, how these percentages came about because they don't seem right to me.

The motion to discuss this communication at the next COW passed 7-0.

RESOLUTIONS AND ORDINANCES

Motion by Ms. Hausfeld, seconded by Mrs. Brickweg to read this evening's Ordinances by title only. Motion passed 7-0.

THE SECOND READING OF ORDINANCE NO. 58, 2007. AN ORDINANCE APPROVING AND ENACTING A NEW CHAPTER 1345 OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO, AND DECLARING AN EMERGENCY.

Motion by Ms. Hausfeld, seconded by Mrs. Brickweg to suspend with the third reading of Ordinance No. 58, 2007. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to adopt Ordinance No. 58, 2007 as read. Motion passed 7-0.

THE SECOND READING OF ORDINANCE NO. 59, 2007. AN ORDINANCE APPROVING AND ENACTING A NEW CHAPTER 1355 OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO, AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the third reading of Ordinance No. 59, 2007.

REMARKS

Ms. Hausfeld – Just to let the citizens know that this is an Ordinance that when I did have Laws, Contracts & Claims last year, I worked with Walt Moeller, Gerry Wiedmann and the Chief to get a driveway design standard ordinance together so that we had something to follow here in the City. I just wanted to make sure the residents knew what we were voting on.

The motion to suspend with the third reading passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to adopt Ordinance No. 59, 2007 as read. Motion passed 7-0.

Mr. Walden – On Inauguration Day we had a motion to hold over the first reading of Ordinance No. 1, 2008 until this evening. So I will ask Mrs. Kathman to read the first reading of Ordinance No. 1, 2008.

ORDINANCE NO. 1, 2008. AN ORDINANCE TO MAKE APPROPRIATION FOR EXPENSES AND OTHER EXPENDITURES OF

THE CITY OF ST. BERNARD, STATE OF OHIO DURING THE FISCAL YEAR 2008 AND DECLARING AN EMERGENCY.

Motion by Mr. Zix, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 1, 2008.

REMARKS

Mrs. Brickweg – The one reason that I had asked for this to be put off until this meeting is first of all we do need to pass a budget, not this budget even if we do a partial budget so the employees can get paid tomorrow, but as I had stated at the Inauguration, I'm having a difficult time with this budget because it includes some things that I had thought in the past that we had agreed on and then one of the instances is that apparently when we passed the ordinance in December about the Service Director and the Tax Commissioner not getting a 3% raise, the raise from last year, they would have got a raise on their starting day. We did not have enough votes apparently and so now they're going to get a raise. I'm having a difficult time when people coming into a brand new job getting a 3% raise on their first day, that's just not the way it works. I'd also, we did get rid of the longevity pay for the Tax Commissioner and the Service Director and actually the Service Director even agreed to not take the raise so I think we need to look at that because from what I'm being told that ordinance will go into effect in the part of January and that it is the City's Auditor's Dept. said and Walt, you can correct me if I'm wrong, that they will go ahead and get those raises for the next four years because it's not going to totally go into effect until January 19th.

Mr. St. Clair – From what I understand, and as was mentioned in those letters that we were presented this evening, once a term is started it's not legal to raise or lower salaries so if the raise is already in effect then it would be being changed during their term. We probably have to get some legal advice on that but off the top of my head I would think that would stay that for their whole term.

Mrs. Brickweg – I'd also like to comment that it was discussed at the Inauguration, Eddie said I misunderstood, I'm not real sure about that, I will go with that, Mr. Zix, at that meeting, asked if we had enough votes and everybody knew what we were doing. The goal was to not have the 3% raises. Mr. Geiser, the attorney at that time said yes you do. Ok. We didn't, and now he's going to get a 3% raise. Go ahead Eddie, you can say I misunderstood but you knew what we were doing, Mr. Zix asked you a question, and now you're going to get a 3% raise, so you can go ahead and comment now.

Mr. Geiser – The comment that I made at that last meeting was, you keep saying we're going to get a 3% raise, I want everybody to know that all the members of Council are getting a raise, every other official in this City is getting a raise so to single the Service Director and the Tax Commissioner, my only comment that night was that you need to be fair. I think that's important. What happened at that meeting was after the vote was taken, Mr. Zix turned to me and said, "Did it pass?" I said, "You had 4 votes, it passed." It didn't even dawn on me until a few minutes later that you only

had 4 votes and it wouldn't take effect until 30 days. When I turned to Walt, and Walt can verify this, a few minutes later I said to Walt, this won't take effect until January 20th. You made it sound like at Inauguration that I was intending to mislead you and that is nothing but a fabrication. I did not intend to mislead you. Mr. Zix looked at me and simply said, "Did it pass?" I said, "Yes, you had 4 votes." That's all I said. I did not intend to mislead anybody. You've been on Council four years, you should know the rules and the laws. All I was asked was one simple question, did it pass, it didn't even dawn on me until after a few minutes that it isn't going to take effect until January 20th.

Mrs. Brickweg – If it dawned on you and it dawned on Walt, why did you not inform Council at that moment because you knew what we were trying to do. Why did you wait until we could not do anything until a new year? Why did you not inform us at that meeting?

Mr. Zix –I think the vote was made already when that question was asked. The Finance Committee recommended that there was no raise at that point. We voted for no raise and the people voted against no raise and essentially gave the raise out. That's what it was.

Mrs. Brickweg – Could I ask Mr. Geiser that question again? When he realized the right answer to that question during the Council meeting, you did not inform us?

Mr. Geiser – First of all, I don't think it's my duty to inform you on the rules of Council since you should know them, but when I turned to Walt, I said, Walt, I think there's only 4 votes, it doesn't go into effect for 30 days. I had to go home that night and check it out myself just to make sure I wasn't wrong. I wasn't 100% sure. I did go home and I did check before I went to bed and I was correct. If I was supposed to inform you, if there is some rule that I'm supposed to tell you, to go back and vote, the vote was done. The ordinance was passed. Now don't put the blame on me for what you did. You voted, it went 4-2, don't sit here and say I was obligated to say, oh wait a minute, no, no, you have to go back vote that again so I don't get the raise. That's ludicrous.

Mrs. Brickweg – First of all, the reason I was confused is because Mr. Asbach didn't vote, because he was part of it and second of all, it is your duty to know the laws when you were asked a question by Council. You work for Council. At that same meeting if you know you did not give the correct answer, Eddie, I'm sorry, you had every right and it was you're duty to tell us the correct answer. I'm sorry.

Mr. Geiser – I was asked if it passed. And I said yes, you had four votes. That is what I was asked. I gave the correct answer.

Mrs. Bedinghaus – Could I make a motion that we continue on with going through the budget and see if we can get it to pass.

Mr. Peck – I'll second that.

Mr. Walden – We have a motion by Mrs. Bedinghaus, seconded by Mr. Peck to proceed with the motion to suspend with the second and third reading of Ordinance No. 1, 2008. Mrs. Kathman, could you please call the role on that vote.

The motion to proceed with the vote on whether or not to suspend with the second and third reading passed 6-1. Mrs. Brickweg voted no.

Mr. Walden – We will now take a role call vote on the motion to suspend with the second and third reading of Ordinance No. 1, 2008.

Mrs. Bedinghaus – Isn't that what we just did?

Mr. Walden – That was the motion that Mrs. Bedinghaus just made to proceed with the vote on the motion to suspend with the second and third reading.

Motion to suspend brought a 5-2 vote.

Mr. Walden – In order to suspend with the second and third reading $\frac{3}{4}$ of Council needs to vote aye, we have 5 ayes and 2 nay votes, so the motion to suspend with the second and third reading does not carry.

Mrs. Brickweg – I did want to ask one question, and I'm glad you knew that, but my question is, how many votes, somebody had asked me before, how many votes is required, I'm assuming it is 6 to pass this budget because it's a money issue. Am I correct?

Mr. Walden – In my reading of my rules of Council, before the meeting tonight because I suspected this issue would come up, in order to suspend the second and third reading of an ordinance, Rule of Council B-2-9 states; $\frac{3}{4}$ of Council is required and Rule of Council E-14 defines $\frac{3}{4}$ of the vote of Council as 6 votes. In order to suspend with the second and third reading, we would need 6 votes. Rule B-2-11 concerns votes going emergency and the ordinance taking effect immediately, and Rule B-2-11 states that $\frac{2}{3}$ of Council is required for an ordinance to take effect immediately and the Rule E-4 defines $\frac{2}{3}$ of Council as 5 votes. So its 6 votes to suspend with the second and third reading are required and 5 votes to have an ordinance go into effect immediately. As far as passing, the ordinance itself, only 4 votes would be required. That is my understanding. I would refer to anyone else's opinion if they have a different opinion.

At this point Ordinance No. 1, 2008 would be scheduled to take it's regular course unless anyone wants to make a motion to revote on the motion to suspend with the second and third reading.

Mr. Zix – I think since we need to pass this Ordinance to get the employees paid tomorrow, I would like to make a motion to suspend again with the second and third reading of Ordinance No. 1, 2008.

Mrs. Bedinghaus – I'll second that.

Motion by Mr. Zix, seconded by Mrs. Bedinghaus to suspend the second and third reading of Ordinance No. 1, 2008.

Motion to suspend with the second and third reading of Ordinance No. 1, 2008 failed 5-2. Ms. Hausfeld and Mrs. Brickweg voted no.

Ms. Hausfeld – I don't understand why we have to pass this Ordinance when we can actually, I guess pass a different Ordinance, enough to have in the budget to at least pay the employees. We've done it in the past when we couldn't agree on the budget.

Mr. Zix – I guess to answer you, Patty, is that as Finance Committee Chairman and as Finance Committee we work with the Administration, which did a fine job giving us their thought of what would work with the City. In turn, we worked on it for many months and brought it back to Council, all of Council except for Mr. Meier was at the one final meeting. Again, at the COW meeting we reviewed everything. That Ordinance was to be put up on the table and voted by everybody. This is why this Ordinance is up there. We're fulfilling our commitment to have an Ordinance, a budget, a guideline, a financial guideline ready for the City. That's why.

Mrs. Bedinghaus – Within this budget, this is guiding principle and in any point in time it can be changed throughout the year. It's not only to pay the employees, but also we have obligations to our vendors outside and a lot of their bills are paid on a quarterly basis or a monthly basis and I think that to keep those relationships without making them not get their money on time or just a portion of their money is critical.

Mr. Tobergte – I don't know if it's appropriate but I'd like to make a motion to pass 1/6 of the budget so payroll can be met and properties can be purchased and until we can work on the budget more.

Mrs. Brickweg – I'll second that.

Motion by Mr. Tobergte, seconded by Mrs. Brickweg to pass a 1/6th version of Ordinance No. 1, 2008.

Mrs. Brickweg – Can we have, it seems like we're not letting people talk in between motions, can I please make a comment to that?

Mr. Walden – Yes, maam.

Mrs. Brickweg – Cindi, just from the past 4 years, I wish what you just said was true, that's it's just a guideline. Trust me, when those numbers are in there, they don't get changed. Rarely, and when they do, it's probably not the best way that they should be changed so I've learned from experience, two years ago I was promised things by the Finance Committee and I'll be darned, they didn't come true. They told me to trust them, I did, I'm not going to fall for that ever again. We also did this in 2006. We voted on a partial budget so the employees and the bills would be paid. There is no reason we can't do that. The sad thing is in this City, when this budget gets passed, everybody pretty much knows when the money is in the line item, it's spent, so it's sad to say, I wish I could trust again but after being let

down again so I really want to stick by my guns and make sure this is worked out the correct way.

Mr. Zix – It's a shame that Mrs. Brickweg feels like that, that trust factor. She has been on Council for 4 years. She should know how to bring these changes up and it's there, it's like Cindi said, I even wrote it down, a guiding principle is what a budget is. It's a guide to the City's financial future. There's nothing set in stone there that can't be changed and I think by passing 1/6 is a bad move. You can pass it and amend it. We could pass this budget and then go back and amend this entire budget. At the next COW we can go through it again, the changes that need to be made can be made and voted on again as an amended Ordinance No. 1.

Mrs. Brickweg – OK, Mr. Zix, I'm going to give you this one. You are the one and you did not make the changes and you told me to trust you one more time. If you're saying that we can look at this budget and possibly amend it, then I will go ahead and vote for it but I hope I'm not a fool a second time.

Mr. Walden – We have a motion on the floor to pass 1/6th of the Ordinance No. 1, 2008. It sounds like if the motion is withdrawn there maybe a vote to pass Ordinance No. 1, 2008 as is.

Mr. Tobergte – I will withdraw my motion.

Mr. Walden – Thank you sir. Now we need a motion to revote on the motion to suspend the second and third reading of Ordinance No. 1, 2008.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 1, 2008.

REMARKS

Mr. Tobergte – Does this by suspending the second and third, does that mean it will pass emergency so that it will take effect immediately?

Mr. Walden – Going back to the discussion earlier, you need 6 votes to suspend with the second and third reading pursuant to Council's rules. Once that happens you would need five votes to take effect immediately and that would be 2/3rds of Council. So we need 6 votes to suspend with the second and third reading and then 5 votes for it to actually effect immediately once it's passed.

Mr. Tobergte – So there's no vote required on the emergency thing?

Mr. Walden – To pass on emergency and it states in the Ordinance that we're declaring emergency in the Ordinance and that would take 5 votes. I understand where you're coming from, a lot of new people on Council and certainly there's no problem with going over the rules, they are somewhat complex.

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

Motion by Mrs. Brickweg, seconded by Mr. Zix to adopt Ordinance No. 1, 2008 as read. Motion passed 6-1. Ms. Hausfeld voted no.

Mr. Walden – To answer anyone’s question, this will take effect immediately.

OLD BUSINESS

Mr. Meier – We had some discussion about possibly televising the COW. I did contact ICRC and they are the ones that actually handle the taping of the meetings and the replay back on the public TV channels. Because they are already set up on Thursday nights it would be possible for them to televise the second and the fourth meetings or the first and the third, however we wanted. When I asked about having them tape COW, most likely what would happen is that we would replay those on Sunday mornings after playing the tape of Council. That’s the time when it would be played. Council asked me to find out, I went, I asked and that’s what they came back with so that’s my report.

Mrs. Bedinghaus – Kevin, do you know what the cost of that would be?

Mr. Meier – I did not ask them if there would be a cost of it. I just asked if there would be a time available for taping and for replay.

Mrs. Brickweg – Correct me if I’m wrong Walt, I guess you would know because you would pay the bill, they don’t charge you to tape our meetings, do they?

Mr. St. Clair – Not that I’m aware of, I think it’s a public service of the public access fees and so on.

Ms. Hausfeld – Could we put that on the COW agenda for next week?

Mr. Walden - Certainly.

NEW BUSINESS

Mayor Burkhardt – I would just like to take this opportunity to thank Peggy for passing that budget. I know Judy would have and Walt would have a heck of a time with 1/6th and I think we can work on this. We’ll make it right.

Mr. Meier – This doesn’t have anything exactly to do with laws or ordinances but I was reading through this and I know everybody in the City is very anxious to move this City forward. I read this quote and you’re going to hear me read this from time to time throughout the next two years. This is from Dorothy Hight, she was a social activist back in the early 1900s and her quote is: “Progress comes from caring more about what needs to be done than about who gets the credit.” I think if we keep that in mind, we can move this City forward.

AUDIENCE WISHING TO ADDRESS COUNCIL

Mr. St. Clair – I would just like to publically thank and commend the Deputy Auditor, Judy Witzeman for her efforts in closing out the payroll for 2007 and getting everything set up to process payroll for 2008. It included

changes to tax tables, federal and state. Changes to deductions for health care, FOPDs, PERS deductions, as well as pay rate changes occurring in the pay period. All these things took a lot of time for her to be putting in new employees, all this took a tremendous amount of time and she did put in some extra hours yesterday and today so I would like to publically thank her and commend her for her efforts.

Joe Kempe, 4264 Minmoor – Just to respond to what was said tonight, the purpose of this letter basically is; City Hall employees, whether elected or appointed or Civil Service, their only recourse, if they feel something was done incorrectly or wrong, their only recourse is to go to Council. I look at this procedure as sort of the same thing as a grievance procedure where if you feel something was done illegally or against the contract, then you have a procedure where you can state your case. It is reviewed and an answer is given, and that is basically what I am asking of Council on this subject. I do agree that there were a lot of people that made concessions that year. There's no doubt to that and City Hall employees as well as elected officials also made concessions in order to work within the budget and I would most certainly be willing to even consider that within this letter. But what I'm asking from Council is to review the situation and if something was done illegally, be accountable for it and correct the problem. That's all I'm asking from Council. That's the reason for the letter and all I'm asking for is if Council did do something wrong, let's fix the problem and let's get this matter situated.

Mrs. Brickweg – Could I please ask Mr. Kempe a couple questions? One of my questions is, you were right, people do file grievances, but this is from 2005, my curiosity makes me wonder why it came up in 2008 when you and John were no longer in office. If it was illegal, why didn't you say something in 2005?

Joe Kempe, 4264 Minmoor – Well, because we weren't aware of it at that time. This was brought to our attention about a month ago at a COW meeting.

Mrs. Brickweg – May I ask why you didn't say anything then, you waited until you were out of office?

Joe Kempe, 4264 Minmoor – Well, I wanted to research it and type it and put it together. By the time I got that process done, my first chance would have been at the Inauguration Meeting and I didn't think that that was the proper place to do it.

Mrs. Brickweg – One more question, and I know we're going to go over this next week so we won't go into great detail, I am having a hard time, a lot of these things were Mr. Estep's recommendations, these were Mr. Estep's and your recommendations to take a pay freeze.

Joe Kempe, 4264 Minmoor – Again, I'm not opposed to taking a pay freeze in that year. A lot of people did that and I put all three years down here just to explain what the situation was, that's all that is. The bottom of the letter, I've got on here, I'm happy to meet with Council and discuss this issue and I'm not opposed even freezing the wage that year but what should have been

done after that as was done with the other departments that made concessions, is those wages should have been back in place in 2006, that's what was done with the other departments.

Mrs. Brickweg – No it was not. Excuse me, I'm married to a Fireman and I do know the contract.

Joe Kempe, 4264 Minmoor – The Firemen didn't make any concessions.

Mrs. Brickweg – Oh really, let's ask those working there if they made any concessions.

Joe Kempe, 4264 Minmoor – The Service Dept. did, the Police Dept. did.

Mr. Walden – We can only have one person speaking at a time.

Joe Kempe, 4264 Minmoor – OK, when the Service Dept., they froze their wages for a year and in 2006 they got a 6% increase which is what they gave up, 3% the one year and they got a 3% raise the next year.

Mrs. Brickweg – Just so the public knows, the Fire Dept. did have concessions and they can come speak with them. I'm not on themselves because I'm not here to represent the Fire Dept. How you can not say that 4 people getting laid off of their job is not a concession is ridiculous and secondly and I'm not really sure at heart but in their contract they didn't get a raise in 6 months they got .75 and then 2 and 3. So I beg to differ that, and plus the other depts. they got 3% raises, they never did get back up to, they never did get added money, I'm sorry.

Bob Hausfeld, Bertus St. – I'll tell Joe the same thing I told John today when I talked to him. I think asking for that money is ridiculous. I lost about 50 to 60,000. during that time. But Peggy, to defend Joe. A month ago I was at the COW when our Law Director, don't quote me on it yet because I will let you know word for word what was said, but you were talking about reducing salaries of new employees and I remember, I believe it was the old Law Director saying that we reduced peoples' salaries during the lay off period even though we knew it was illegal, we did it because nobody seemed to mind. It just blows me away, I mean I'm sitting here hearing you say that you were supposed to reduce these, they weren't supposed to get a raise in January and now, now you're misunderstanding what was said, I guess my question is, is the Inauguration meeting, is that taped? Do we have a tape recording of that?

Mrs. Brickweg – Yes, we do.

Bob Hausfeld, Bertus St. – It just blows me away to hear the old Law Director saying we knew it was illegal but we went ahead and did it anyway. Which leads me to another, one last thing is, we're buying properties up and down Vine St. right now from what I hear and we're doing the same old way of hiring our Tax Commissioners and our Service Director, I don't mean to attack you, but it's ridiculous that we're not moving forward on this. You know, it's the good ole boy system of taking care of everybody so their pensions are OK and it's ridiculous that our City's working that way.

One last thing is, I'm hearing that a certain City Official is going to the Tax Office asking to find out what businesses on Vine St., how profitable they are so they can use that to determine what to go after the properties for and I think that's unethical and I would like that to be stopped.

Mrs. Brickweg – Bob, I thought the same thing so actually today when I was doing a little research, I went and pulled up some of the older minutes that were about the time that we passed that ordinance and one is from that week and I'm not going to read it all but I did highlight a couple things and I got and I know Ed, you're the new Tax Commissioner but maybe you can help me with me with some of this because I think you did explain what we were doing in these minutes. In the Feb. 3rd, 2005 minutes, that ordinance, Ordinance No. 5, 2005 was brought up. We did not vote on it because there were questions with it. Mr. Stegman had asked that we wait a week and discuss it at the COW or possibly put it back on the table which would have been on Feb. 17th. Just one thing they said, Mr. Stegman had said, you cannot take a raise or take a decrease in pay at the elected or appointed positions and there is some vital sections that are left out, which are sections that we were going to discuss. Then when I went to the Feb. 17th, this is from the Law Director, it says, just one comment on Ordinance No. 5, this is different from the last ordinance that was before you two weeks ago, and this same ordinance but procedurally we will have to make a motion to amend the ordinance that was on the table last week to reflect the new ordinance that is before you. This ordinance has more language in it and explains in more detail the Ohio Law and why we have this ordinance in front of you. It also has an effective date. Bare with me here. Then when you go back into remarks when you were actually discussing the ordinance, Mrs. Kalb had said, the purpose of this ordinance is to freeze the salaries of members of Council, the President of Council, the Mayor, the Auditor, the Treasurer and the Law Director. The reason for this is because State Law says that we cannot change our salaries while we are in office. So we as Council members cannot vote to either increase or decrease our salaries during our current term of office. The best we can do is freeze our salaries, which is requiring us to change some of the percentages since we make a percentage to the Hamilton County Commissioners. That is the purpose of this ordinance so that we do not get a raise. We have not taken a raise for the last year and we are not taking one now. And one more thing, on Mr. Geiser said, Years ago State Legislators came up with this to protect political officials who were in office so they cannot, can't be demoted or their salaries can't be increased or deflated. I guess we can't even live with this explanation because we froze them, that's the question that maybe we can discuss it next week but in defense of Mr. Geiser it was discussed at that Feb. 17th meeting.

Phil Stegman, 19 Orchard – Since my name is getting thrown around up there I thought I better come up here and say something. That is correct, I did ask for some legal advice about increase and decrease and that's why it was froze not decreased, it was froze. On a better note though, since we got a new Administration it's a thought that I've been holding for the last couple months. I'd like to see the Administration or Al Kanters or Council to go to Cincinnati and ask for the properties or what they call annexing Kessler, Wuest, part of Mitchell to the expressway, try to pick up those residences, we have a two year window to pick up about 400 residents here in St.

Bernard because we have a 2010 census coming up and since we need building property, we need to build our housing stock. I think that would be a very interesting quest to go after that especially with the Vine St. property maybe putting some of that, the businesses down toward Mitchell Ave. developing that and also picking up that housing stock so I'd like to request to Council and the Administration take a look at that. I know the City of Cincinnati is not going to give it to us, but I think there's some avenues out there that we could look at on Este, that we adjoin properties with Cincinnati that's might entertain them to trade off so that we could pick up that extra property down there. I do have some other ideas but I only got five minutes and I don't want to waste them on that topic.

John Estep, 120 Delmar – I must be getting slow if Phil beat me to the mike. Anyhow, I do have a couple of “thank you”. As you know I was Mayor for the past 4 years and Curtis, as usual, you run a good meeting, you had a lot of stuff thrown at you tonight, you were prepared and you're always professional up there. Cindi, you've been up there about an hour and it's a shame you weren't up here the previous two years, I can see you're going to be an attribute up there. Greg, you did a nice job on the Finance Committee. You worked well with the Administration and I personally want to thank Joe Kempe. He worked a lot of long hours and I think he did a lot of good things. When we came in 4 years ago you know we were 1 million in the red. As we left we were 5million to the good. We did make some reductions and they were painful. I'm not trying to run for any office, election is over. I'm really happy for all the people that went through some tough times, some left on their own, some were laid off, three are out there, weren't called back yet, have all landed on their feet and I hope they're in a better situation now than what they were before. These were tough, tough decisions, none of them were planned, I have never had any plan or any idea that there would be lay offs. That was not in my plan of action and just one last thing. I missed the last two meetings, as you know, and I mentioned here on Council floor, I made Council aware that I am going through some cancer problems with my Prostate so I thought we were aware of that, I know that we were and for that last Council meeting for somebody to take a shot and say, why is John not here? I missed one Council meeting, the one prior to that because I had to go to a second biopsy where they found more cancer. The last Council meeting, my daughter was dehydrated, deathly ill, I had spent 5 ½ hours at Children's with her holding her arm while she had an IV bag on her. When we got home my wife had had a commitment she couldn't be there and I was getting ready for Council and she said, where are you going? I said, My last Council meeting. She said, Won't you sit with me, dad?" So I did stay home with her. For somebody to take a shot to miss two Council meetings, I think I have a pretty good attendance record over 4 years. It's not only unprofessional, it was disgusting and I had a suggestion for that person, if they want to improve things, but I won't even say what I felt like saying. I want to be above that. But I want to thank everybody out there for all their hard work.

Ms. Hausfeld – Just so the public knows, I am the one that, I didn't take a pot shot, I did what I was elected to do and citizens were asking me, you guys, especially the ones that are sitting in the audience, and the ones watching TV, where has our Mayor been since the election? And John, I beg to differ with you, you missed every meeting from Nov. 6th on except

for one COW Meeting and I wasn't taking a pot shot at you and you had said, way back when that you were having problems, you never once said recently that you were going through problems. If you would have communicated with us, it would have been totally different. Furthermore, you were the Mayor, you could have at least given a report. You didn't even give a report. I was not taking a pot shot at you and I'm sorry that you're going through health because every single one of us have health issues and stuff but I just want you to know, I was not taking a pot shot, I was doing what I was elected to do and the people were asking where you were, I was asking other Council members and they were like, no, I don't know, I'd like to know too. So you know what, instead of hiding about it, I came out in the open and asked and if you take that as being a pot shop, so be it.

Bob Hausfeld, Bertus St. – John made me think of something and I'd just like to ask to do the right thing here. Lay offs were almost 3 years ago. March 4, March 5 will be 3 years. At the end of 3 years, the people that have not been called back loses the right to come back, so that means in 3 years and 1 day they can hire somebody brand new off the street. I know I'm going to hear it's Civil Service Law, but I also know that we can change, make some ordinances and do some different things too and I don't have the answers, maybe the Law Director can figure them out, but I'd like to see Council do the right thing and come up with some kind of ordinance to extend that 3 years, I don't care if its 20 years. I just believe that the people that were laid off, sent packing, should have the right to come back to these jobs before anybody off the street gets those jobs. I would like to see Council step up and do the right thing on that if they need to talk about it at COW or something instead of shaking their head and never hearing it again, I would really appreciate if people would look into that and see what they need to do to at least make sure the 3 people laid off have the opportunity down the road to get rehired.

Mrs. Brickweg – Bob, that is a great idea, and I'm assuming that when you say that, it's to ask, I mean they might have moved on and when you say 20 years, it's just to ask them, would you like to come back, is that what you're saying?

Bob Hausfeld, Bertus St. – Yes.

Mrs. Brickweg – OK, I don't know a whole lot about Civil Service law so if that has to be looked into, maybe we can ask the Civil Service to look into that but I will put it on the COW for next week. If they have not had a chance to look at it I will continue to put it on the COW until they get an answer.

Bob Hausfeld – The only problem with that is in two months they don't have that right anymore.

Mayor Burkhardt – Perhaps we can have Kate look into it and see what she can dig up in the meantime before next Thursday.

Marty Gruenwald, 4235 Zetta Ave. – I'm not going to come up here and talk about lay offs or anything like that but in light of these letters that came out yesterday, not to directly address these pertaining to lay offs but this was the

stinger to me. To hear this and then be thinking about what I was going to say to come up here but, you guys help me out, the word illegal keeps getting thrown around with this and the ordinance that was passed to freeze the pay or reduce the pay or whatever. If they fix their pay, they're going to have to fix all your pays too, is that right? Auditor, Eddie, Tax Commissioner, Service Director they're all going to have to get fixed, right, so that's going to be a substantial sum, correct?

Mrs. Brickweg – Yes.

Marty Gruenwald, 4235 Zetta Ave. – OK because that is pretty conflicting for the people that are going to have to talk about taking care of this. I just wanted to go on record as saying that because for people to argue this either way, the Administration is going to argue, should we take care of this to avoid future cost possibly but it's going to be the same people who are arguing this who are going to benefit from this and that's why I wanted to come up here and make that known that that's a thought that I thought of that I didn't know if anybody else thought of to this point. I said I wasn't going to talk about this but legality wise, you guys might want to look into the Ohio Revised Code also, when you guys did your lay offs because if Joe wants to make things right, legally, you guys laid me off because you said there was a lack of funds and at that time there was not so you did cite a projected lack of funds which everybody bought. That projected lack of funds never panned out, OK, you guys just said how good we're doing, John just said it. In defense of what Bobby said, you guys aren't going to call those positions back to work to help the staffing levels which is direly needed right now. Could you please consider that extension because, you know, I guess what I'm trying to say, if you're going to make that right, you need to make other things right, you know to move on in this City and that's pretty much it.

Rodney Chapman, 4265 Redwood Ter. – I wasn't going to make a comment at all because in regards to lay offs, I was one of the employees that received the lay off notice. In regard to that, I moved on. That's something that happened, something that I've experienced in the past. I've experienced that at a previous job that I worked, there was a demonstrated lack of funds and employees left. In this regard, much as Marty articulated to you there has not been to my satisfaction proof that there was a lack of funds. As I mentioned I was not going to comment but when I heard the comments that were made earlier like some of these guys have left that it was just a choice of changing the channel of the television. Irrefutable harm was done to a lot of families. I lost approximately \$40,000 a year. That type of irrefutable damage was done but we move on, we go forward, we're resourceful and we're blessed. I think here, in that same context, would we want my \$2,000 back or I want my \$9,000.00 back, I think that really is a kick in the butt and I think that is really insulting to everyone in the City who buckled down, rolled up their sleeves and made sacrifices. I'm not talking about myself, this is not a personal issue. Everyone in this City made sacrifices. Even if you do not get a check that has the City of St. Bernard on it, you did receive harm because you lost services. You lost the standard of what St. Bernard used to be and was because of a projected loss of funds. I just wanted to point that out that that is really insulting to all of us.

Joe Lengerich, 622 E. Ross – First let me say that Council is doing a wonderful job. The ones that were reelected and the ones that were newly elected, you're doing what we wanted you to do. So, don't listen to the snickers whether they're good or bad. Question everything, fix the budget I'll hold you to it Greg because a lot of us don't agree with what went on here. I have a quick statement, I was glad the other guys got up here ahead of me.

Dear citizens of St. Bernard,

Can you believe the utter arrogance, greed, and disrespect that the ex-Mayor, ex-Service Director, and current Auditor have for all of us. How dare they ask for concessions for themselves, when these are the very people who preached a fake crisis then accepted concessions from employees, raised taxes, cut our services, then still laid people off. Talk about the lowest of the low. And don't even quote some bogus ordinance when justifying this because you all agreed to the pay freezes in good faith and of course now are trying to go back on your word. I guess all the laid off employees are going to get their jobs back and all concessions the employees gave are going to be returned too, not to mention all the services we lost. I say let them sue and if they win just keep appealing the ruling, just like they have been doing to Bill Helton, on his wrongful termination lawsuit, and he was wrongfully terminated.

Yeah these people really care about the City, my butt, they're only worried about lining their pockets and getting some pay back, for losing the election, this is exactly what is wrong with our City, personal politics, political parties and the good old boys system. When is it going to end?

Mr. St. Clair – I'm just a little flabbergasted, I don't know about Mr. Lengerich's evidence of the current Auditor asking to get his money back, where does that come from?

Mr. Lengerich – You just stated it tonight, Walter, you said, correct me if I'm wrong, you said it wasn't 9% it was 4.67.

Mr. St.Clair – I'm sorry, I don't mean to laugh, Joe. That was a request I made to the budget committee, or the Finance committee in reference to the budget where I had asked to be put back in the 2002 level. It was not passed and I said that is fine, I just, and the comment was made that it wasn't given because it would have been a 9% increase and I looked at it today and it wouldn't have been a 9% increase, it would have been a 4.76% increase. But to go back to the 2002 level is not moving forward, it wasn't asking for anything in the past.

Mr. Meier – I would just like to make a quick comment to some of the people that spoke. I think one of the signs of the leadership is that you don't ask people to do things that you would not do for yourself and I think that in the process of asking people to take a pay cut or to lay people off or to give people notice so that they would resign or take other opportunities. I think that you are asking them to do something and to ask for money back that you would have gotten is not leadership. I think that it is wrong to ask for it back. I think the way it was done, and I wasn't here when it was done, a member of Council but I think that Peggy was right that pay was neither increased or decreased, but it was frozen and it seems like doing that there was not political influence and I don't think that, like I said before, I'm not

going to vote for any back pay. I think the people that were let go should have the opportunity to be, should we have the position, those people should have the opportunity to come back if they want it and if they don't want it to, then, let that be their decision to make that rather than let the people up here do that. I think that in order to move this City forward we need to get this behind us as quickly as possible so I appreciate everybody and making their feelings known and I've been through lay offs myself and I know exactly what you're talking about when you go through it, it is not pleasant. Next to losing a spouse or, I think it's one of the hardest things that somebody has to do is to lose a job, particularly if it's a job that they love and a job where you're providing a service to other people. I think it's a, like a punch in the gut when you're told that you're no longer needed or wanted and I certainly would not want to do that to somebody and if there is an opportunity to bring somebody back then I think that would be the right thing to do so those are just my feelings. Aside from that Mr. President I think we need a motion to go into Executive Session to discuss contracts and new business so I'd like to make that motion.

Mr. Brickweg – I'd like to make a motion that we go into Executive Session to discuss the Fire Dept. contract and the possibility of a new business coming into our City.

Ms. Hausfeld – I'll second that.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to go into Executive Session to discuss contract matters and acquisition of new business after the regular course of the Council meeting this evening.

Mr. Walden – Can I have ayes for people in support of that motion. The motion to go into Executive Session carries. Before we do go into Executive Session is there anyone else in the audience wishing to address Council this evening.

Mary Lynn Brickler, 4617 Vine St. - As a business on Vine St. I'm concerned about the comment that I heard tonight about checking into our income taxes. As far as I know, that's directly against the Privacy Act, that is afforded to all Americans. Of course I'd have to do research to find that out but I can guarantee you unless I give you permission, you do not have, in my opinion the right to look at my income taxes for my business and if that is being done, I certainly want to know about it. I would like to have an answer to that, I don't know who that is directed to, but even if it's legal, I should be afforded the courtesy to me to let me know that you are looking into them.

Mrs. Brickweg – It is illegal.

Mr. Geiser – I've only been on the job two days, but no one has approached me so I don't know where that came from, I never even heard of it so, maybe somebody else but nobody has approached me about any information whatsoever.

Mr. Walden – Mrs. Brickweg could you give us the date of the next COW meeting?

Mrs. Brickweg – The next COW meeting will be January 10th, 2008 @ 7:30pm.

Mayor Burkhardt – Just to inform Council in case they don't know, I won't be in town that week due to my son's surgery.

Mr. Walden – At this time we will go into Executive Session.. We will reconvene after Executive Session if anyone wants to wait. At this time we will go into Executive Session.

Mr. Walden – Council went into Executive Session to discuss purchase of property and Contract negotiations.

Motion by Mr. Tobergte, seconded by Mrs. Bedinghaus to adjourn. Motion passed 7-0.