

MINUTES FROM DECEMBER 13, 2023 BANCROFT MEETING

The regular scheduled meeting for the City of Bancroft, KY was called to order by Mayor Ed Evers at 7:01 P.M. on Wednesday, December 13, 2023 at St. Albert the Great School, Louisville, Kentucky. Those present: Mayor Ed Evers, Commissioner Jeff Magers, Commissioner Jaimie Schapker, Commissioner Gerrie Leppert, Treasurer Arnold Shaikun, Clerk Shannon Tuthill, Chief David Mudd. Absent: Commissioner Paul Chumbley

REVIEW MEETING MINUTES:

Mayor Evers proceeded to review the November meeting minutes. Commissioner Schapker made a motion to approve the minutes. Commissioner Leppert seconded. Discussion over wording on the amended budgets under Finance and Administration. Clerk will make changes. All in favor and the minutes were approved.

REPORTS:

Clerk

Clerk Tuthill gave the following report. I met with Treasurer Shaikun to sign checks and provide month end reports. Created and distributed November newsletter with Mailchimp.

Notices were mailed to all homeowners that had not paid their property taxes and reminding them they were due by 12/1. Two different residents called stating they did not receive original tax bill and asked to pay the discounted amount even though it was past the discount date. I informed them it was up to the commission. I also reminded them that the taxes go out the same time every year and there is a reminder in the newsletter for several months so if you don't get your bill, you should contact me.

I have successfully transferred all information to new laptop as well as installed all necessary programs and software. I still need to work with Treasurer Shaikun to set his up.

I have spent a substantial amount time updating the new city directory. With this, I have been able to contact many residents to obtain email addresses and phone numbers. I was able to remove eight residents from the mailing list for newsletters by adding them to the email list. I also cross-referenced the email list and mailing list for newsletter and realized there are 21 homeowners that are not on either list. I am mailing them a copy of the newsletter this month with a note on the outside of the envelope asking for an email address so that future newsletters will be emailed.

Other standard monthly city business as needed. Nothing further to report.

Mayor's Report

Mayor Evers reported that he received a letter from the Jehovah's Witnesses legal counsel in New York. Mayor had asked that they receive a permit to solicit in neighborhood but he was informed by the counsel that they have a legal right to be in the neighborhood.

Nothing further to report other than in new business.

City Maintenance

Commissioner Leppert gave the following report. Routine maintenance completed including leaf removal. Commissioner walked Bancroft Road with arborist, Russ Stevens. Four trees were identified as needing removal due to deteriorating condition.

Bids for work were obtained from tree different Contractors. Robert Lopez chosen to do work as he was about \$1000 less than all others. Trees were removed along with stumps making way for new plantings

New trees have been ordered and will be planted in December.

Florist installed Christmas décor and will remove after holiday. Price has increased since last year.

Commissioner Magers reminded everyone that snow removal is coming and need to be ready to contact Matt Meiners to clear roads when necessary.

Communication and Public Outreach

Commissioner Schapker had nothing new to report.

Public Services

Commissioner Chumbley was not present and did not leave a report.

Police Department

1. The new police radio was received and set up by the Louisville Metro radio shop. Chief Mudd reports that it is a considerable improvement over the old radio, as it provides additional capabilities for communication with surrounding agencies.

2. Chief Mudd initiated an investigation of counterfeiting temporary license tags based on traffic stops of vehicles with counterfeit tags. Chief Mudd, showing extraordinary initiative, developed investigative information that led to the arrest of two people on various charges (see Chief Mudd's End of Month report for November 2023). Chief Mudd wrote the affidavits for search warrants for a home, business, and computers related to the illegal activity. He wrote affidavits for arrest warrants for the suspects. Here is a synopsis of the events. On 11/21/2023, after several weeks of investigation, the Bancroft Police Department, along with deputies from the Jefferson County Sheriff's Office and officials from the National Insurance Crime Bureau, executed two search warrants on properties belonging to Annier Lobaina of 6709 Cooper Chapel Road, Louisville, KY 40229. Mr. Lobaina was arrested on an outstanding felony warrant for two counts of Criminal Possession of a Forged Instrument 2nd Degree and Obscuring the Identity of a Machine \$10,000 or More. Mr. Lobaina was also charged with additional counts of Criminal Possession of a Forged Instrument 2nd Degree, Obscuring the Identity of a Machine \$10,000 or More, plus two counts of Receiving Stolen Property \$10,000 or More, stemming from items found at his home, as well as not having a Motor Vehicle dealer license. Mr. Lobaina's wife, Yunisley Espinoza-Jorge of the same address, was also charged with Criminal Possession of a Forged Instrument 2nd, Obscuring the Identity of a Machine \$10,000 or More, Perjury 2nd Degree, and Official Misconduct 1st Degree. The investigation of this case continues, and additional victims come forward. Chief Mudd's initiation of this investigation was based on traffic stops inside the city limits of Bancroft. There appears to be an aspect of these crimes related to the exploitation of undocumented migrants for profit. Later, based on news media interest in the case, Chief Mudd did an on-camera interview with WDRB News.

3. Flock is making some adjustments in some of the cameras in Bancroft.

4. The end of our one-year contract with Flock is May 2024. However, effective January 1, 2024, a price increase will be to \$3,000 per camera. We can renew the contract before the end of the year, and the cost would be \$2,500 per camera, but it will require a five-year contract. If we plan to keep Flock cameras,

that would be a savings of \$4,000. According to Morgain Patterson, Director of Municipal Law at the Kentucky Leagues of Cities, if we sign a five-year contract, it must include a cancellation clause to not obligate funds for the City Commission beyond the terms of the current members. A new City Commission could cancel the contract if they chose to do so. I asked if we could pay the entire five-year contract upfront with ARPA funds, would that comply with the ARPA requirement to have all ARPA obligations spent by the end of 2026. We could, but if a future City Commission canceled the contract after 2026, the City of Bancroft would have to pay back to the U.S. Treasury the expended ARPA funds for the remainder of the contract. Director Patterson said they could be a problem. She recommended not using ARPA funds for the cameras beyond the end of 2026. We need to decide at this meeting.

5. We received a written proposal from the City of Old Brownsboro Place to provide police services to Old Brownsboro Place for twenty hours per month. I forwarded all relevant information to City Attorney Richard Schiller for legal review. Further discussion of this proposal will be taken up as an agenda item.

6. With the approval of the City Commission, I would like to explore the potential purchase of a safe to use as a temporary secure place to store evidence until it is transferred to LMPD evidence. The safe would be large enough to preclude it being easily lifted so that theft would be less likely. Also, the safe would be eye-bolted to the floor in our off-site storage space for additional security, provided we received permission from the storage site management. Such an arrangement would meet the standard requirement for triple-level barrier security. Again, this would not be for long-term storage but only temporary storage of evidence and seizures. Such a safe would cost about \$1,600.00 and some additional cost for installing an eye bolt. ARFA funds could be used.

7. Chief Mudd and I received an information Open Records request for body camera footage of a traffic stop made by Chief Mudd, where he issued a written warning citation for failure to stop at a stop sign. The complainant was directed to the city website to complete the Open Records request.

Commissioner Magers added to his report that the Flock contract is up for renewal in May. Price increase January 1. \$3000 per camera. We can renew at end of year and pay \$2500 per camera. Would be \$4000 savings but need a five-year contract. JCLC legal said would have to have a cancellation clause because you cannot obligate future commissions. ARPA funds need to be obligated by end of 2024. Washington times article on ARPA money says that treasury published before Thanksgiving municipalities can obligate funds beyond that date. Commissioner Magers recommendation is not to do the five years but just wait until the contract end. Commission feels we should try and negotiate contract. Mayor Evers will speak to Flock to negotiate extending same rate for new contract and not commit to five years. At a minimum we should be able to wait until April 30 to decide and keep existing rate. Mayor Evers made a motion to negotiate with Flock to either extend our current contract one more year May 2024 through May 2025. If this is not accepted than we need to have until April 30 to make decision at the same rate. Commissioner Magers seconded. All four in favor and motion passed unanimously.

Commissioner Magers also added the need for a place for temporary holding of evidence until sent to LMPD. We do not currently have a holding place for evidence. An option would be to get a safe to place in storage unit on Lyndon Lane. This would be size of gun safe and would need to be I – bolted to floor. Liberty Safe is approximately \$800 at Cabella's. Clerk will check with storage until to see if safe can be installed with a I-bolt installed. This would be drilled in concrete floor. Commissioner Magers will continue researching safes and the size for storage unit.

Chief Mudd gave the following report. There were 21 days of patrol in the city (7 days of vacation taken during month). There were 13 Radar/Stop Sign details performed for high police visibility. There were 4 calls for service. There were 45 traffic stops made for traffic infractions. There were 5 traffic citations issued - charges included: Improper Registration - 3, No Operators License - 2, No Insurance - 2, Failure to Register Transfer of Motor Vehicle - 2, Disregarding Stop Sign - 1, Reckless Driving - 1, Residents

Not to Use License of Other State – 1. There was 1 Written Warning issued. There were 39 verbal warnings issued. There were 0 motorist assists. There were 2 arrests: See Below. There were 0 written warnings given for parking infractions. There were 23 visits to resident’s homes for the “House Watch” program. There were 5 vehicles towed. There were 3 assists to other agencies: Lyndon:2 Northfield:1 There were 0 ordinance investigations: I attended the November Commission Meeting. I received the new portable radio from Motorola, had it programmed and put into service. Several Flock LPR cameras were serviced and one was replaced with a newer model.

I prepared, submitted, and executed (with assistance of JCSO and NCIB) three Search Warrants and Affidavits, as well as two Arrest Warrants on the following subjects: Annier Lobaina aka Annier Lobaina Chaveco: RSP (F) x 2, Obscuring Identity of a Machine (F) x 2, Criminal Possession of a Forged Instrument 2nd Degree x 3 (F), No Motor Vehicle Dealers License (M) Yunisley Espinosa Jorge: Obscuring Identity of a Machine (F), Criminal Possession of a Forged Instrument 2nd Degree (F), Perjury 2nd, Official Misconduct 1st. This investigation stemmed from several traffic stops made in and around Bancroft where forged Kentucky temporary tags were found on vehicles. Upon execution of the search warrants, officers found two stolen vehicles with cloned VINs, nearly 80 fraudulent Kentucky temporary tags, hundreds of other vehicle transfer documents, including nearly two hundred fraudulent insurance documents, computers and printers used to make the forged documents, and nearly 35 motor vehicles on a used car lot which has no license to operate. Officers also recovered approximately \$2000 in US currency believed to be proceeds from the illegal sale of the documents and vehicles. Officers also found compelling evidence of state and federal tax evasion.

Finance and Administration

Treasurer Shaikun contacted auditor and he will send a letter to Mayor to do letter of acceptance for the fiscal year audit. No letter has yet been received but we will have to check with him because audits are due in February.

OLD BUSINESS

1. Update Regarding 7616 Old Salem Road

Mayor Evers reported waiting for a new attorney to be hired by Corn Island that is in bankruptcy. So, nothing else new to report on that.

2. Update on 2318 Tavener Complaint

Work needs to be completed and then lien filed. Mayor Evers will order this.

3. City Directory

Mayor Evers asked status. Clerk still working on preparing. Need to confirm approval on publishing email addresses.

NEW BUSINESS

1. First Reading of Ordinance No. 4, Series 2023 – An Ordinance Adopting an Amended Budget for the City of Bancroft, Kentucky for the fiscal year ending June 30, 2022.

The need for the amendment is the \$1.82 difference in line item so needed to amend. Treasurer and Mayor said to place \$10.00 to cover everything and make it accurate.

Commission decided to table 2022 budget amendment until January meeting. We need to make corrections to make sure it is accurate.

Clerk needs to send Mayor copy of the first amended budget ordinance for fye June 30, 2022. This should be changed to read as second amended budget.

2. First Reading of Ordinance No. 5, Series 2023 – An Ordinance Adopting an Amended Budget for the City of Bancroft, Kentucky for the fiscal year ending June 30, 2023.

We will change number and this will become Ordinance No. 4, 2023. Mayor proceeded to read the amended budget. Roads and maintenance changed to \$35,000 to have it exceed actual cost.

Commissioner Magers will double check numbers to make sure that the amendment is sufficient. Commission will vote on the amended budget in January.

3. Proposal from City of Old Brownsboro Place

Commissioner Magers provided a copy of proposal for everyone to review. Commissioner Schapker noted that the proposal included police officer attending some city commission meetings for update on security. Does not feel that this is a good use of our police chief's time and takes away from our city. The proposal offered \$35.00 an hour for the police coverage but this does not cover our expenses for his service. It would take \$40.00 an hour to cover our expense. \$50.00 an hour would be acceptable.

League of cities attorney said they would need their own insurance. When Lyndon patrolled for them they did not require them to have own insurance. They also charged them \$54.00 an hour.

Commission is not in agreement to the proposal at this time. We need to discuss more with OBP in the meantime. We need to be ready to vote at the January meeting.


4. Proposed Municipal Order No. 5 2023 – A Municipal Order Requiring City Accounts Not to Exceed FDIC Insurance limits of \$250,000 per bank, per EIN.

Passed for everyone to review proposed order. We need to not exceed the 250,000 per bank per EIN at any time. Directs city treasurer to create a report at every meeting demonstrating the monthly balances in each and all city accounts.

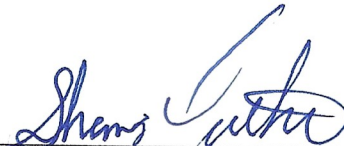
Mayor Evers made a motion to approve the municipal order as created by Commissioner Magers and changes made by Mayor Evers. Commissioner Schapker seconded. All four in favor and motion passed unanimously.

With regard to our LAGIT insurance policy, we canceled policy and we need to get refunded money. Clerk to provide Mayor Evers with policy so he can request refund.

Commissioner Schapker made a motion to adjourn the meeting and Commissioner Leppert seconded. With no further business, the motion was approved unanimously and the meeting was adjourned at 9:08 p.m.



Mayor



City Clerk