

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

MARCH 19, 2012

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, March 19, 2012 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on March 15, 2012, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

Present: Mayor Sally Geyer, Daniel Hepner, Richard Dornisch, Nedward Jacob, Gregory Gebauer, Gary Anderson, Manager David Greene and Solicitor Thomas Wagner. Bob Roberts was excused.

VISITORS

Visitors included: Warren Stewart, Steve Michuck, Yvonne Michuck, R. Sadley, Brad Brunner and R. Bills.

APPROVAL OF MINUTES
March 5, 2012

Nedward Jacob made a motion to approve the minutes of March 5, 2012, seconded by Richard Dornisch.

Mayor Geyer stated that under the PennDOT Special Presentation the year was incorrect on the sentence "The project is scheduled to begin in full in March of 2012." It should have stated 2013.

Motion Passed

All were in favor to approve the minutes with the above noted correction.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

MANAGER'S REPORT

February 21- Matt Pfeufer and I met with representatives from Lee-Simpson and Associates to discuss any future plans that the City may have for the Airport Industrial Park.

February 24- Met with Susan Goetz to hear her plans for starting a Heritage Council for St. Marys.

March 5- Met with Gabe Uljon from ATA to discuss security cameras for the Parking Garage.

March 7- Met with representatives from North Central Regional Planning and Development about a potential client for the St Marys Airport Industrial Park.

March 8- Met with representatives from North Central Regional Planning and Development and representatives of an existing industry to discuss their future expansion plans.

March 14- Councilman's Hepner, Gebauer and I attended the Leadership Elk County Government Day in Ridgway. The three of us had an open discussion on the duties and responsibilities of managing a third class City.

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March 14- Met with representatives from North Central Regional Planning and Development and local industry representatives to visit two available buildings for expansion of their company.

Mayor Geyer questioned if the potential client for the Airport Industrial Park was a new or existing industry and Manager Greene responded it was an existing industry.

APPROVAL OF EXPENDITURES

Daniel Hepner made a motion to approve the Expenditures from February 13, 2012 to March 14, 2012, seconded by Nedward Jacob.

Councilman Jacob questioned the expense to St. Marys Auto Body for police cars and Manager Greene responded he would provide an explanation to Councilman Jacob.

Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

Mayor Geyer gave the following Treasurer's Report as of February 29, 2012:

Total Revenue for the General Fund was \$386,203 or 6.38 percent of budget and total Expenditures were \$777,726 or 12.9 percent of budget. Last year at this time Revenue was at \$406,827 and Expenditures were \$678,072. The City should be receiving a portion of the real estate tax revenue by the end of March. Pension Plans continue to climb in market value.

LEGISLATIVE ACTION

Appointments to Authorities, Boards and Commissions

Golf Authority

Nedward Jacob made a motion to appoint Stephen Bagley to the Benzinger Township Golf Authority to fill the unexpired term of Paul Schaut, seconded by Gary Anderson and all were in favor.

Requests from St. Marys Ministerial Association

Brad Brunner, Pastor of the Faith Baptist Church presented the following requests to be held on the Diamond:

1. Sunrise service at 6:30 a.m. on April 8th, 2012 (Easter).
2. National Day of Prayer Event on May 3rd, 2012 at 6:00 p.m.

Councilman Dornisch gave a brief history of the National Day of Prayer Events and offered his assistance.

Mayor Geyer wanted to clarify the request was only for the use of the Diamond and Pastor Brunner responded yes.

Motion Passed

Richard Dornisch made a motion to approve the above requests, seconded by Daniel Hepner and all were in favor.

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Kaul and Hall Leases

Solicitor Wagner explained the Kaul and Hall Company was offering to convey to the City all of their Oil, Gas and Mineral rights the Company owns within the City. Kaul and Hall was in the process of going out of business and they were trying to "finish up" any outstanding loose ends. They had stated they would prefer to provide some public benefit with the conveyance.

Council had a brief discussion regarding liability, who owns Kaul and Hall, and if it would be a benefit to the City.

Solicitor Wagner stated if the City did not act on the offer it would then be offered to the County and they would act on it.

Motion

Richard Dornisch made a motion for the Solicitor to pursue the offer, seconded by Daniel Hepner.

Discussion

Nedward Jacob wanted to clarify the rights would be within the City only and Solicitor Wagner responded yes.

Steve Michuck approached and stated researching back to 1928 was good but when moving forward it should have to be done by a Deed, not just a letter from the Solicitor. Each and every property had to be "dealt with". The land and rights were originally laid out by warrants which go back to the 1850's.

Mayor Geyer stated Council was only approving to pursue the matter.

Motion Passed

All were in favor for the Solicitor to pursue the offer from Kaul and Hall.

TOPICS FOR DISCUSSION: Oil and Gas Regulations

Matthew Pfeufer, Zoning Officer, explained the Planning Commission had been directed by Council to review the Zoning Oil and Gas Regulations and revise them to be in compliance with the recently passed Act 13. However, at the Planning Commission's March 6th, 2012 meeting they required further clarification from Council as how the Ordinance should be changed due to the time constraints from the State. There was only enough time to change the Ordinance once in order to be in compliance and be eligible to receive money from the Impact fees. There were two avenues to pursue:

1. Remove any regulations regarding restrictions on Oil and Gas Development within the entire Zoning Ordinance replaced by an exemption clause.
2. Revise the Zoning Ordinance and all other City Code to be in compliance with the standards within Act 13.

Councilman Hepner questioned what the "drop dead" date was for compliance and Solicitor Wagner

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responded the City would have until August 13, 2012 to amend the City's Ordinance.

Solicitor Wagner recommended the City revise the current Zoning Ordinance to be in compliance. He was unsure if Council would choose to use a consultant or his services to amend the Ordinance.

Council, Mr. Pfeufer, and the Solicitor had a brief discussion regarding the above options.

Solicitor Wagner commented if the City acted expeditiously on the matter it would have enough time for the P.U.C. to review the changes and revise the Ordinance to meet the necessary time frame.

Motion

Nedward Jacob made a motion to direct the Solicitor to revise the Zoning Ordinance to be in compliance and present the revisions to the Planning Commission, seconded by Gary Anderson.

Comments

Daniel Hepner commented that Mr. Pfeufer prepared an excellent summary for Council.

Solicitor Wagner commented he had used the summary and he really appreciated the work that Mr. Pfeufer did.

Motion Passed

All were in favor to have the Solicitor draft revisions to the Zoning Ordinance.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**
Steve Michuck

Steve Michuck commented he didn't agree that the Solicitor represented all of the parties involved with the Kaul and Hall leases.

Solicitor Wagner responded there is an incipient conflict of interest, but the rules of professional conduct require the conflict be disclosed to all the parties involved. If anyone believes the conflict creates a detriment to the client then that client has the option to obtain other counsel.

Mayor Geyer stated the Solicitor would represent the County only if the City turned the offer down.

Mr. Michuck stated there were other conflict of interest issues within the City.

Mayor Geyer commented the issue of a conflict of interest was discussed when the Solicitor was hired.

Tom Wagner

Tom Wagner stated he was contacted by the Benzinger Township Golf Authority regarding a refinance of their existing debt. Since the current debt is guaranteed by the City he was instructed to ask if Council would be interested in providing a guarantee for the new loan.

Council agreed more information was needed before they could consider the matter.

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COUNCIL COMMENTS

Councilman Jacob

Councilman Jacob commented that on the Complaint Report there was a no parking 2 – 6 a.m. sign that was damaged on Washington Street and the issue was turned over to the Manager. It was the same issue that resident Mrs. Friedl had complained about at a prior meeting. He wanted the signs replaced and enforced.

Manager Greene asked if Council was in agreement with the signs being replaced and enforced and Councilman Jacob stated the City Code states the signs should be there and Councilman Anderson and Mayor Geyer agreed.

Mayor Geyer

Mayor Geyer commented the City received another \$20 anonymous donation to help fix up the Diamond Street Park. It would also be forwarded to the Recreation Board. She had spoken to a representative from that Board and they had stated the improvements to the park would begin soon.

Councilman Hepner

Councilman Hepner commented the recent grand opening of the E.M.S. Center was held and it was a very impressive operation and had a good turnout.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

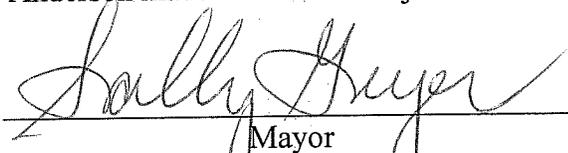
- The next Council worksession will be held Monday, April 2, 2012 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting.



Recording Secretary



Mayor