

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

May 16, 2005

- CALL TO ORDER** The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor David Meier on Monday, May 16, 2005 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 808 South Michael Street. Notice of this meeting was sent to Council on May 12, 2005 and posted at City Hall. Notice of this meeting was also published in the Daily Press.
- ROLL CALL** Present: Mayor David Meier, Robert Roberts, Dennis Nero, Mark Kopp, Thomas Farley, Gelindo Bonfardine, Steven Skok, David Greene, City Manager and Solicitor Stephen French
- VISITORS** Visitors included: Daniel Hasselman, Chris Woodward, Randy Woodward, Vicki Knight, Joann Struble, Wally Struble, Andy Swasta, Roger Annis, Mike Annis, David Struble, Mary Lee Struble, Dave Sorg, Ann Sorg, Lester Calla, Deann Calla, Ned Jacob, Dan Sorg, Dave Micale, Sharon Delorme, Rose Sorg, Jude Vavala, Ron Snelick, and Maurus Sorg
- Removed from Agenda Guest Shawn Thomas was removed from the agenda, he was unable to attend.
- APPROVAL OF MINUTES
MAY 2, 2005** A motion was made by Gelindo Bonfardine to approve the minutes of May 2, 2005, seconded by Mark Kopp, and all were in favor.
- CITIZEN COMMENTS ON
NON-AGENDA ITEMS** Since, all the visitors who were in attendance wish to speak on road assessments and paving, they will be heard later on during the agenda when these items are discussed.
- MANAGER'S REPORT** Manager Greene presented the following report for May, 2005:
- Met with Randy Albert to discuss plans for the City's 2005 Paving Project.
 - Attended the ground breaking ceremony at Mountain Metals.
 - Met with Doug Scouran to discuss a marketing study for the proposed Airport Industrial Project.
 - Attended the North Central Regional Planning and Development Board meeting in Ridgway.
 - Met with Rob From Sekula Sign Co. in reference to the City Hall signage.

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- Attended a meeting with various State officials to discuss future economic plans for St. Marys.

Letter from Dickinson
Mental Health Center

Manager Greene stated a letter was received from Dickinson Mental Health Center, who will be occupying the 3rd floor of the Community Education Council Building. They are willing to purchase ten parking permits and would like to purchase them one year in advance for \$1,000. instead of \$1,200. as normally charged.

The Manager stated their programs service children and families in our community from prenatal to 12th grade. As a result of these programs, they will have a volume of staff utilizing the Municipal Parking Lot for the better part of the business day. In addition to their staff, they will have up to two program vehicles that will require 24 hour parking.

Thomas Farley made a motion to approve the request from Dickinson Mental Health Center for the ten parking placards for \$1,000. paid in full for one year in advance. The motion was seconded by Steven Skok and all were in favor, except Mayor David Meier who abstained. The motion passed by majority vote.

The availability of ten more permit parking spaces was discussed. If not available, ten more spaces would have to be created.

Letter from Chamber
of Commerce: re:
Concert on the
Diamond

Manager Greene read a letter from the St. Marys Chamber of Commerce stating that the Elk County Council on the Arts, Chambers of Commerce of St. Marys Area, Ridgway, and Johnsonburg, Marienstadt Corporation, the Heritage Council, and the Johnsonburg Community Trust are planning a county-wide summer concert series. Each community, St. Marys, Ridgway and Johnsonburg, will host one free public concert a month in June, July and August featuring a wide variety of musical acts. The purpose for these events is to provide free entertainment for the citizens and to allow additional income opportunities for local businesses through increased marketing and sales.

The Chamber would like permission from the City to hold the first of these concerts on Friday, June 3rd on the Diamond. The concert would run from 6:00 p.m. to 8:00 p.m., with additional activities prior to the concert which will begin around 4:00 p.m. They would like the City to consider closing off this area to all traffic during these hours. They would also like Council to consider free parking during the time of these activities.

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Dennis Nero made a motion to accept the Chamber's proposal to have the concert on the Diamond and to grant free parking. The motion was seconded by Thomas Farley.

Revised Motion

Dennis Nero revised his motion to approve free parking from 4:00 p.m. to 8:00 p.m. on Friday, June 3, 2005, for the one concert only. The revised motion was seconded by Thomas Farley, and all were in favor, except Mayor David Meier who abstained. The motion passed by majority vote.

The request regarding the closing of the area around the Diamond to traffic would have to be made to PennDOT. If PennDOT approves the request, the City will also agree.

APPROVAL OF EXPENDITURES

Mark Kopp made a motion to approve the Expenditures for the period April 16, 2005 thru May 11, 2005, seconded by Gelindo Bonfardine, and all were in favor.

TREASURER'S REPORT

Mayor Meier presented the Treasurer's Report as of April 30, 2005. As of the end of April, the City collected 34% of the Real Estate Tax Revenue and 25% of Earned Income and the Emergency Municipal Service Tax. Revenue collected was 25.67% of the budget and expenditures were 25.9% of the budget. Liquid Fuels Tax money was received in April in the amount of \$301,558.82. This money will be used to maintain roads, drainage, and signage.

LEGISLATIVE ACTION
Subdivision Application
SMC Powdermetallurgy,
Wilson Road

Robert Roberts made a motion to approve the Sub-division Application for SMC Powdermetallurgy, seconded by Steven Skok, and all were in favor. This application is a property addition to Harold Lanzel for residential use.

Land Development
Application
PM National

A Land Development Application was presented for PM National for information purposes only. The application is for a new powder metal facility at 210 Grotzinger Road. No action was needed.

Quit Claim Deed
City/Smiths

A Quit Claim Deed was presented between the City of St. Marys, Grantor, and Raymond V. Smith, Jr. and Mary Lynn Smith, Grantees, for a small piece of land owned by the City off of State Street leading into an abandoned car wash business.

A motion was made by Mark Kopp to approve the Quit Claim Deed between the City and Raymond & Mary Lynn Smith, seconded by Dennis Nero, and all were in favor.

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Consider for Adoption
Resolution No. 05-10 re:
Elm Street Application

Resolution No. 05-10 was presented authorizing the filing of a proposal for funds with DCED for the first year of planning for the Elm Street Program in the amount of \$25,000.

Robert Roberts made a motion to adopt Resolution No. 05-10, seconded by Steven Skok, and all were in favor.

A Public Hearing will be held regarding the Elm Street Project on Friday, May 20, 2005 at 10:00 a.m. at City Hall.

Road Assessments

Mayor Meier stated that after the last meeting Council requested staff to put together various number of options regarding paving assessments,

A memo was received from the Street Superintendent, explaining breakdowns of proposed paving assessments for each of the roads that were bid out. When calculating assessments, there will be a lot of variation. This is due to the fact that the property assessment maps do not always match up with the actual footage of the property. The only cost assessed the property owner would be for the placement of pavement. They will not be charged for any preparation or completion work which is to be performed by the City Crew and/or contractor.

There are three options in which a property could be assessed for paving, such as; assessed values based on lineal feet, benefit assessment based on the quantities for each road divided by the number of properties along each road thus assigning individual assessments, or placing a cap on assessments of either \$2,000. or \$5,000.

Mayor Meier pointed out that Summar, Baumer, and Thunder Roads do not qualify for the Special Improvement Districts.

**CITIZEN COMMENTS
ON AGENDA ITEMS**

Visitors opposing
Assessing of Property
Owners

At this time, Mayor Meier invited the guests to speak.

The following visitors spoke against assessing property owners for the paving of roads; Ron Snelick, Wally Struble, Jude Vavala, Mike Annis, Lester Calla, David Struble, Vicki Knight, and Chris Woodward.

Dave Micale felt there should be a fairer way of assessing property owners.

Dan Sorg applauded Council for its efforts to improve the City, but also felt there should be a fair assessment.

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Maurus Sorg

Maurus Sorg felt West Theresia Road should be paved but should be fairly assessed.

Visitors in favor of
Assessing Property
Owners

Ned Jacob and Dan Hasselman both spoke in favor of assessing property owners for the paving of roads.

Mayor David Meier made a motion that the City not assess any of the roads that are going to be paved with the \$1,000,000. The motion was seconded by Steven Skok.

On a roll call vote, Dennis Nero, Steven Skok, and Mayor David Meier voted in the affirmative and Thomas Farley, Mark Kopp, Gelindo Bonfardine, and Robert Roberts voted in the negative. The motion was rejected by majority vote.

Thomas Farley made a motion, per the recommendation of City staff, that the Special Improvement Districts should include South Michael, Benzinger, West Eschbach, Rosely, West Theresia 1 and West Theresia 2 and that assessments should be set at \$10.00 per foot with a maximum assessment of \$5,000. The motion was seconded by Gelindo Bonfardine.

On a roll call vote, Thomas Farley, Robert Roberts, Mark Kopp, and Gelindo Bonfardine voted in the affirmative and Steven Skok, Dennis Nero, and Mayor David Meier voted in the negative. The motion passed by majority vote.

Award of Bids:
Paving Program

Gelindo Bonfardine made a motion to proceed with the paving program for Benzinger, West Eschbach and West Theresia Roads, removing Thunder, Baumer, and Sumar Roads, and adding Rosely and South Michael Roads over a two year period, if the contractor will agree. The motion was seconded by Robert Roberts.

Thomas Farley briefly summarized a statement issued on Special Improvements Districts in 1996. Under Evaluation Factors, streets classified as arterial or collector streets should be designated as high priority, streets with a high percentage of road frontage developed should receive a high priority, and where an unpaved road is isolated among many paved roads, it should receive a high priority. Mr. Farley felt Sumar, Thunder, and Baumer Roads would qualify as Special Improvements Districts.

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Mayor Meier explained that under Section 1702 of the City's Home Rule Charter, more than 50% of property must be developed and that Sumar, Thunder, and Baumer Roads do not qualify as Special Improvement Districts.

Chris Woodward

Chris Woodward questioned if the property owners behind her house, whose driveways exit onto the West Eschbach, would be assessed? Solicitor French will review.

Amended Motion

After a lengthy discussion, Gelindo Bonfardine amended his motion to include only Benzinger, West Eschbach South Michael, and West Theresia 1 & 2. The amended motion was seconded by Robert Roberts and all were in favor, except Mayor David Meier who opposed. The motion passed by majority vote.

Plate Arch

Mayor Meier stated the following bids for a plate arch were opened during the May 2, 2005 meeting:

- Lane Enterprises, Inc.....\$58,000.
- Contech Construction Products...\$35,100.

The Street Superintendent recommended that the bid for the plate arch be awarded to Contech Construction Products in the amount of \$35,100.

Mark Kopp made a motion to award the plate arch bid to Contech Construction Products, seconded by Steven Skok, and all were in favor.

CITIZEN COMMENTS ON NON-AGENDA ITEMS
Solicitor French

There were no citizen comments on non-agenda items.

Solicitor French stated he needs someone to call an Executive Session to discuss litigation regarding Gary Eckert vs. the City of St. Marys.

Executive Session

Robert Roberts made a motion to adjourn into an Executive Session, seconded by Mark Kopp, and all were in favor.

Mayor Meier stated Council will adjourn into an Executive Session and will come back to reconvene the meeting.

Reconvened

Council returned and reconvened at 8:48 p.m. following the Executive Session.

Release Agreement
City/Eckert

Gelindo Bonfardine made a motion to approve the Release Agreement between the City of St. Marys and Gary Eckert as follows:

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I move for a resolution of the City Council approving the settlement of all claims brought against the City of St. Marys by former Police Chief Gary Eckert, as negotiated by the City Manager, the City's attorneys, and Coregis Insurance Company.

I further move that the City Manager be authorized to execute any written agreements or documents necessary to memorialize and conclude the settlement.

I further move that the City Manager be directed to issue a check from the City Treasury on or after the effective date on the Release Agreement to be executed by Mr. Eckert, said check to be in the amount of \$100,000. payable to Gary Eckert and his attorney.

Mayor Meier stated, a second to the motion is not necessary because it came from the Administrative Affairs Committee. All were in favor.

Public Statement

Mayor Meier stated the tentative settlement agreement reached between the City of St. Marys and former Police Chief Eckert, by its own provisions, will not be binding upon the parties prior to May 20, 2005. The terms of the tentative agreement will not be made public prior to that time. The City will publish a brief statement once the agreement becomes effective.

COUNCIL COMMENTS

It was noted that the flag on the Diamond was at half staff because of Police Memorial Day.

Robert Roberts felt some crosswalks were painted during the peak hours of traffic, thus the lines are almost gone already. He suggested that the contractor be contacted.

Manager Greene stated that the contractor did paint some of the crosswalks during the late evening hours. He also stated that in the future imbedded crosswalks or 4" wide tape could be a solution.

Mayor Meier questioned if traffic could be stopped around the Diamond for about one hour during the Memorial Day Ceremony on May 30th. The Manager will look into this request.

Mayor Meier stated the Planning Commission is concerned about parking at the new City Hall Building. Their main concern was what parking provisions will be made for the authorities, boards, and commissions whose members are volunteering their services to the City. No decision was made by Council at this time. The issue will be addressed in the future.

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ANNOUNCEMENTS

Mayor Meier made the following announcements:

- Next Council meeting will be held on Monday, June 6, 2005 at 7:00 p.m. at 808 South Michael Street
- Election Day is May 17, 2005
- Congratulations to SMAHS Baseball Squad, Elk County Tourney Champs, ECCHS softball Squad, Elk County Tourney Champs, and ECCHS Boys Track & Field Squad, 1st place AA West Central Coaches Invitational

ADJOURNMENT

Dennis Nero made a motion to adjourn the meeting, seconded by Thomas Farley, and all were in favor.

Mayor

Shirley Nicklas
Recording Secretary