

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

SEPTEMBER 17, 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, September 17, 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 September 13, 2012, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

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

VISITORS

Visitors included: Warren Stewart, Carl and Helen Green and Richard Sadley.

APPROVAL OF MINUTES
August 20, 2012

Richard Dornisch made a motion to approve the minutes of August 20, 2012, seconded by Gary Anderson and all were in favor, except Daniel Hepner who abstained.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no citizen comments on agenda topics.

MANAGER'S REPORT

August 16- Tim Brennan and the Manager met with Jack Gabler about a sewer problem on Market and South Michael Street.

August 16- Matt Pfeufer and the Manager met with Representative Matt Gabler to discuss various issues dealing with the City.

August 17- Manager attended the Elk County Farm Bureau tour of the Woodbed Company on Delaum Road.

August 22- Manager attended the North Central Regional Planning and Development Board of Directors meeting in Ridgway.

August 23- Manager attended the ribbon cutting for the new offices of the Elk County Community Foundation and received a check for \$3500.00 for the St. Marys Heritage Group.

August 24- Manager attended a meeting of the West Creek Rails to Trails Association to discuss plans for the upgrade of the trail from Emporium to St. Marys.

September 7- John Reilly and the Manager met to discuss contract negotiations for both unions representing the City.

September 12- Manager met with Gabe Uljon to discuss parking of buses at the new ATA Transit Center.

Mayor Geyer questioned what parking issues the ATA had at the Transit Center and Manager Greene responded they were trying to accommodate more buses within the garage and were considering

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acquiring additional spaces on the lower level of the garage. He suggested the ATA submit a written request for Council's consideration.

APPROVAL OF EXPENDITURES

Motion

Daniel Hepner made a motion to approve the Expenditures from August 16, 2012 to September 13, 2012, seconded by Bob Roberts.

Discussion

Gregory Gebauer questioned a line item regarding reimbursement of taxes and Manager Greene responded it was a request from the Elk County Assessment Office.

Nedward Jacob questioned a line item for the parking garage fund and Manager Greene responded it was the last payment due to the general contractor.

Nedward Jacob commented he noticed a transfer from the Capital Reserve Fund to the Parking Garage fund and Manager Greene responded because the City is still waiting for reimbursement of expenses from the RACP grant the transfer was needed to cover the payment for the general contractor. Once the reimbursement was received from the State the funds would be returned to the Capital Reserve Fund.

Gregory Gebauer believed one of the line items should not have been paid from tax dollars.

Gary Anderson questioned a line item for the SEO and Manager Greene responded it was for the Sewage Enforcement Officer.

Richard Dornisch questioned a line item for Eckert Seaman and Manager Greene responded it was a law firm. He also questioned a line item regarding the Community Education Council and Manager Greene responded it was a course for a police officer.

Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

Mayor Geyer gave the following Treasurer's Report as of August 31, 2012:

Total Revenue for the General Fund was 71.45 percent of budget, compared to last year's 73.68 percent of budget. Expenditures for this year were at 54.97 percent of budget for the General Fund and 2011 was 52.65 percent of budget. Cash flow for the General Fund as of August 31, 2012 was \$2,404,478 compared to 2011 of \$2,653,798. Market value for the pension plans increased this month and was still above market value as of the end of August, 2011.

Discussion

Manager Greene stated the City would still be receiving Earned Income Tax money from CENTAX but was also now being collected by Berkheimer.

Gary Anderson questioned if those uncollected EIT funds were reflected in the \$250,000 reduced amount of cash flow for the General Fund and Manager

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Greene responded yes. He also questioned if the City was losing interest because of the uncollected EIT funds and Manager Greene responded yes. He then questioned if the City would file a claim for the lost interest and Solicitor Wagner responded notice has been sent to the bonding company for CENTAX and a claim could be filed at a later date.

Nedward Jacob questioned the expenditure from the Fire Loss Escrow fund and Manager Greene responded it was for improvements to the side of the now exposed Elk County Real Estate building due to the demolition of the Mullaney (former Dimitri) building. The balance of the fund will be transferred to the Redevelopment Authority. Council had previously agreed to this distribution of funds.

LEGISLATIVE ACTION:

Consider for publication::

Ordinance No. 276, re: Amending the Non-Uniformed Pension Plan for recent changes to the IRS Code

Ordinance No. 276 was presented for publication amending the City of St. Marys Non-Uniformed employees Pension Plan to update the Plan for recent changes to the Internal Revenue Code applicable to the Plan.

Manager Greene explained this was considered the HEART Act Amendment also known as the Heroes Earnings Assistance Relief Tax Act. It was a necessary amendment under the IRS Code.

Motion Passed

Richard Dornisch made a motion to publish Ordinance No. 276, seconded by Daniel Hepner and all were in favor.

2013 Minimum Municipal Obligation (M.M.O.) for City Pension Plans

The 2013 Minimum Municipal Obligation report was presented for the City's pension funds. Act 205 requires that it be submitted and approved by the governing body of the City by September 30, 2012. Total requirement for the Police Pension was \$171,550 and \$133,164 for the Non-Uniformed Pension, or a total of \$304,714.

Manager Greene explained notification was received that the City's State aid amount was \$236,023.24 leaving \$76,677.74 as the City's contribution.

Motion Passed

Daniel Hepner made a motion to approve the 2013 M.M.O. seconded by Nedward Jacob and all were in favor.

Subdivision Application:
Helen Green/Walter and Theresa Schatz, Rosely Road

A subdivision application was re-submitted from Helen Green/Walter and Theresa Schatz for property on Rosely Road. The subdivision proposes to divide a 0.83 acre lot with an existing single family dwelling from a 13.944 acre parcel. The lot is served with city water and an on-lot sewage disposal system. The subdivision had to be re-submitted because of an issue with the DEP Planning Module application and the final plan. The maps have been revised and Council was requested to approve the revised maps as submitted.

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Motion Passed

Bob Roberts made a motion to approve the Helen Green/Walter and Theresa Schatz subdivision, seconded by Gary Anderson and all were in favor.

Subdivision Application:
Eckert/Bressler, E. Eschbach Road

A subdivision application was submitted from Eckert/Bressler for property located on E. Eschbach Road. The subdivision proposes to swap pieces of property to clear an existing garage owned by the Bressler's from encroaching onto the Eckert property. The original property was a straight line from north to south, but after this subdivision it will have a "step" from east to west. The land swapped results in the resultant parcels being the same size as before the subdivision. According to the map scale, the existing Bressler garage is set back from the new side property line approximately 12 to 14 feet. The minimum side setback for an accessory structure in the RF zoning district is 3 feet. The Plan complies with the subdivision and zoning ordinances. The Planning Commission commented on a mistake in the suggested deed description that has been explained.

Motion Passed

Daniel Hepner made a motion to approve the Eckert/Bressler subdivision, seconded by Richard Dornisch and all were in favor.

TOPICS FOR DISCUSSION:
Manager's Evaluation

Mayor Geyer explained it was agreed by Council to discuss the Manager's Evaluation process in September and a committee of two Council members was needed. Once the evaluation forms were completed by all of Council the committee members would schedule an Executive Session to discuss the completed forms. The committee would then review their summarized findings with the Manager.

Daniel Hepner and Gary Anderson agreed to be on the committee.

Minor Zoning Ordinance Changes

Solicitor Wagner explained several months ago Matthew Pfeufer, Zoning Officer, had submitted a long list of suggested technical changes to the Zoning Ordinance from the Planning Commission. The changes were reviewed by the Solicitor and he had prepared a draft ordinance for Council's review of the majority of the suggested changes that were mainly grammatical or technical issues. He further explained there were additional items contained in the suggested changes that were more substantive in nature and needed to be addressed separately.

Council had a lengthy discussion and it was determined the Solicitor would review the draft of the ordinance for some of Council's concerns and present it again to Council. The other list of more substantive changes would be presented to the Planning Commission for their review and comment.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

There were no citizen comments.

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COUNCIL COMMENTS

Councilman Gebauer
Impact Fees

Councilman Gebauer questioned the status of the Impact fees and the expected amount and Matthew Pfeufer responded he believed the funds would be received in the Fall of the year and the fees will be collected from the existing unconventional wells. The amount was estimated around \$200,000.

Councilman Hepner

Councilman Hepner commented the calculation of the fees was rather complicated.

Councilman Gebauer
State Street Wall

Councilman Gebauer questioned the status of the retaining wall on State Street and Manager Greene responded PennDOT is now the owner of that portion of the property and plans on removing the entire wall as soon as possible.

Manager Greene provided an update on the Greenhouse property. The adjacent property owner was trying to take care of the weed and grass issue and had provided some contact information since the owner now resides in Greece.

Councilman Jacob
Downtown Hotel Project

Councilman Jacob stated because of the City Developer's inability to obtain the financial backing for the Downtown Hotel Project and the current property owners ongoing unfulfilled sales agreements he was requesting an Executive Session to discuss the issue.

Executive Session scheduled

After some discussion, it was determined to schedule the Executive Session for Monday, September 24th at 7:00 p.m.

Councilman Anderson
Route 255/S. St. Marys Street project

Councilman Anderson stated his concerns regarding the Route 255/S. St. Marys Street project. Phase One which is in Fox Township is already adversely affecting traffic within the City and he believed PennDOT needed to consider non-traditional construction techniques before beginning Phase Two which is from Tractor Supply on S. St. Marys Street to the intersection of Route 120 at State Street.

Manager Greene stated he would contact Dean Ball, from PennDOT, to attend Council's next meeting to discuss the issue.

Proclamation

Mayor Geyer read a Proclamation given to the local chapter of the Daughter's of the American Revolution declaring the week of September 17th thru September 23rd as Constitution Week because September 17th, 2012 marked the two hundred twenty-fifth anniversary of the drafting of the Constitution of the United States.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- The next Council worksession will be held Monday, October 1, 2012 at 7:00 p.m. at City Hall.
- Bavarian Fall Fest will be held Friday, September 21st, thru Sunday, September, 23rd.

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- Trick or Treat will be held on Wednesday, October 31, 2012 from 6:00 p.m. until 8:00 p.m.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting.

Lomio Levenduski
Recording Secretary

Sally Geyer
Mayor