

## **MINUTES OF THE REGULAR MEETING OF CITY COUNCIL**

Held on Monday, October 26, 2009

6:30 P.M.

### **CALL TO ORDER**

Mayor Barhorst called the regular meeting of Sidney City Council to order at 6:30 P.M. Monday, October 26, 2009. Mayor Barhorst opened the meeting with a moment of prayer, followed by the Pledge of Allegiance.

### **ROLL CALL**

The following Council members were present and answered roll call: Mike Barhorst, Mike Burns, Frank Mariano, Katie McMillan, Tom Miller, Mardie Milligan., and Terry Pellman.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Asst. City Manager-Administrative Services Tom Judy, Police Chief Kevin Gessler, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Human Resource Manager Vickie Allen, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the October 12, 2009 Regular Meeting were presented for approval.

Council member McMillan moved, with Councilman Pellman seconding a motion to accept the minutes as presented. The roll call vote was unanimous and the minutes were approved.

### **PROCLAMATION – American Legion Auxiliary Poppy Days**

Mayor Barhorst read a proclamation establishing November 5-6-7, 2009 as American Legion Auxiliary Poppy Days in Sidney and presented a copy of the proclamation to Linda Nuss and Pat Mullen.

### **ADOPTION OF ORDINANCES**

(A-2625) AN ORDINANCE ESTABLISHING A SCHEDULE OF FEES TO BE TAXED AS COSTS IN ANY CIVIL, CRIMINAL, OR TRAFFIC ACTION IN THE SIDNEY MUNICIPAL COURT FOR THE PERFORMANCE OF CERTAIN DUTIES BY THE SIDNEY POLICE DEPARTMENT

Law Director Smith explained this ordinance would authorize the Municipal Court Clerk to charge as court costs, for certain services performed by the Sidney Police Department on behalf of the Court. He compared the current charges with the proposed amounts; noting no changes have been made to these amounts in almost 30 years. Smith commented the Clerk has estimated approximately \$25,000 could be realized as additional revenue annually from these charges.

It was moved by Councilman Miller, seconded by Councilman Burns to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2625 was declared adopted.

## **RESOLUTIONS**

(63-09) A RESOLUTION TERMINATING THE ENTERPRISE ZONE AGREEMENT WITH CARGILL, INC. AND CARGILL CUSTOM DRESSINGS, LLC

Community Services Director Dulworth explained this resolution would rescind the Enterprise Zone Agreement between the City of Sidney and Cargill. She explained Cargill has determined the value of the tax abatement is not enough to justify the cost associated with continuing the abatement.

Council member McMillan advised Council because of her employment with Cargill, she would abstain from voting on this legislation.

Councilman Mariano then moved and Councilman Miller seconded a motion to adopt this resolution as presented. The roll call vote was as follows: Barhorst – yes, Burns – yes, Mariano – yes, McMillan – abstain, Miller –yes, Milligan – yes, and Pellman – yes. Resolution 63-09 was declared adopted.

(64-09) A RESOLUTION COMMENDING THE VOLUNTEERS WHO SERVE ON THE CITY’S VARIOUS BOARDS AND COMMISSIONS

Mayor Barhorst explained the success of City Council and staff in part depends upon dedicated volunteers who serve on the many Boards and Commissions. He noted traditionally, Council expresses their appreciation to these members at a recognition dinner. Because of the present economic downturn, expenditures have been reduced and this proposed legislation would celebrate the contributions of these volunteers in place of the dinner.

City Council expressed their thanks to each of the volunteers. Councilman Mariano voiced his appreciation for what these individuals do to assist the City and urged reinstating the banquet once the economy improves.

Councilman Miller commented you can really see what a service these people do for the community; adding we owe them a debt of gratitude.

Council member McMillan agreed it is important to recognize volunteers and suggested a couple of alternate ways to celebrate the service these individuals give.

It was moved by Councilman Mariano, seconded by Councilman Pellman to adopt this resolution as presented. The roll call vote was unanimous and Resolution 64-09 was declared adopted.

## **MISCELLANEOUS**

## **Discussion – Adjustment of Water Plant Investment Fees**

Utility Director Clark explained the background of the Plant Investment Fee as a “buy-in charge” for new water connections as an equitable way to pass the capital value of the assets used to the new customer. Clark noted the present fees will expire the end of 2009 and reviewed proposed new charges. He explained these fees would provide a basis for future planned expansion and main construction and extensions. Clark explained the proposed fees are reduced from the 2009 fees as the water plant debt has been paid off.

## **MOTIONS**

Councilman Mariano moved and Councilman Burns seconded a motion to establish a December 1, 2009 Special Council Meeting for the purpose of swearing in the newly elected Council as well as selection of Mayor and Vice-Mayor. The roll call vote followed unanimously.

Councilman Mariano then moved and Councilman Pellman seconded a motion to cancel the December 28, 2009 Regular Council Meeting. Again, the roll call vote was unanimous.

## **Council Comments**

Councilman Pellman commented he has enjoyed serving as Vice-Mayor the past two years, but would encourage someone else to seek this position for the next two-year period.

Mayor Barhorst thanked Pellman for serving as Vice-Mayor.

Councilman Burns commented he had attended the recent Snow Plow Rodeo and enjoyed the event. Mayor Barhorst added it is good experience for the drivers; adding two employees from Piqua also attended this year. City Manager Stilwell thanked Mayor Barhorst and Councilman Burns for attending.

Council member McMillan introduced her sister Terry, visiting from California.

Councilman Miller questioned when leaf pickup would start and City Manager Stilwell commented it will begin Monday, November 2.

## **Staff Comments**

Law Director Smith recognized High School Junior Zach Yinger for finishing second in Saturday's 84<sup>th</sup> Annual Boys Division 1 State Golf Tournament and commended him for his fine performance.

## **City Manager Comments**

City Manager Stilwell recognized Water Supt. Larry Broughton for obtaining a Class IV Water Treatment Plant Operating License from the Ohio EPA. He noted for the first time in Sidney's history the City now has three Class IV licensed personnel.

City Manager Stilwell also reminded Council of the upcoming Winter Wonderland Parade on November 20, and urged Council to advise Fire Chief Crosley if they want to participate.

### **EXECUTIVE SESSION – Collective Bargaining**

At 7:08 PM, Councilman Miller moved and Councilman Pellman seconded a motion to adjourn into Executive Session to discuss Collective Bargaining. The roll call vote followed unanimously.

### **OPEN SESSION**

At 7:35 PM, Councilman Pellman moved and Council member McMillan seconded a motion to return to Open Session. The roll call vote was unanimous.

### **RESOLUTION**

(65-09) A RESOLUTION REJECTING THE SERB FACT FINDING REPORT INVOLVING THE CITY OF SIDNEY AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. (COMMUNICATION TECHNICIANS)

Asst. City Manager-Administrative Services Judy explained this resolution would accept the Fact Finders Report and this would be the basis for the new contract for the Police Communication Technicians.

Councilman Miller moved the adoption of Resolution 65-09. The motion died for lack of a second.

City Manager Stilwell advised he would notify Sidney Daily News that the Fact Finders Report didn't seem to match the present economic challenges of the community and there was not sufficient interest in authorizing a contract.

### **ADJOURNMENT**

At 7:40 PM with nothing further to come before Council, Councilman Burns moved and Councilman Mariano seconded a motion to adjourn. The voice vote was unanimous and the meeting was adjourned.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

M. Jocene Fahnstock  
City Clerk

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Mayor