

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, August 22, 2011

6:30 P.M.

CALL TO ORDER

The regular meeting of Sidney City Council was called to order at 6:30 P.M. Monday, August 22, 2011, with Mayor Barhorst presiding.

ROLL CALL

The following Council members were present and answered roll call: Mike Barhorst, Katie McMillan, Tom Miller, Mardie Milligan, and Steve Wagner.

Also attending were: Interim City Manager Tom Judy, Law Director Mike Smith, Public Works Director Chris Clark, Police Captain Rod Austin, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Finance Officer Ginger Adams, and Community Services Director Barbara Dulworth. Also in attendance was WWTP Superintendent Brian Schultz.

APPROVAL OF MINUTES

Councilman Wagner moved to adopt the minutes of the August 8, 2011 regular meeting and August 15, 2011 special meeting. Motion was seconded by Councilman Miller; motion passed unanimously by voice vote.

CITIZEN COMMENTS

Rick Sims, 921 E. Parkwood, Sidney addressed Council. Mr. Sims expressed his concern about the enforcement of the City codes (i.e. weeds, grass, junk vehicles) and whether the City has a part-time Code Enforcement Officer. ICM Judy clarified that the Code Enforcement Officer is full time, although new to the position and getting familiar with the various codes and regulations. Kirby King is making rounds and following up on the complaints received by his office. Mayor Barhorst commented that the system relies on the citizens to make known their concerns and do their part in keeping the neighborhoods cleaned up.

ADOPTION OF ORDINANCES

A-2689 AN ORDINANCE ASSESSING THE COST OF REPAIR OF A DANGEROUS BUILDING

Law Director Smith presented a brief overview of the recent repairs made to the Ohio Building due to loose and/or missing mortar and resulting falling brick. Hearing nothing from the building owner or building manager, the City issued an Order to Abate Dangerous Building, with service to the Secretary of State. No repairs were made by June 18, 2011 deadline and the City proceeded with a contract with Midwest Maintenance. Total cost to repair was \$22,163, which will be assessed on the property taxes by the County Auditor.

There being no questions, Council member Milligan moved to adopt Ordinance A-2689; motion seconded by Councilman Wagner. Motion passed by voice vote. Ordinance A-2689 was adopted.

A-2690 AN ORDINANCE AMENDING SECTIONS 1309.11(c) 1323.01, AND 1323.09 OF THE CODIFIED ORDINANCES REGARDING PRIVATE SWIMMING POOLS

CSD Dulworth presented Council with the amended regulations to Section 1323.01 dealing with safety concerns for private swimming pools. The proposed amendments would define a temporary pool as all other pools not fitting in the description of a swimming pool. Only temporary pools using an electric pump would require a permit and inspection of the electric connection. The effective date of this ordinance has been proposed as January 1, 2012.

Councilman Miller moved, and Councilman Wagner seconded, to adopt Ordinance A-2690. Upon voice vote, motion passed unanimously. Ordinance A-2690 was adopted.

A-2691 AN ORDINANCE AMENDING SECTIONS 105.02, 105.03, 105.04 AND 105.05 OF THE CODIFIED ORDINANCES REGARDING THE BOUNDARIES OF CITY WARDS

As a result of the 2010 census, the staff is proposing to re-draw the ward boundaries to reflect as close as possible 5,307 residents in each ward ($21,229 \div 4$ wards). CSD Dulworth provided Council with a map of the proposed wards and description of the boundaries. The proposed changes affect approximately 621 residents in 224 households, primarily near/in the downtown area. Appropriate notifications will be sent to the Board of Elections and the affected residents.

Council member McMillan moved to adopt Ordinance A-2691. Motion seconded by Council member Milligan and passed unanimously by voice vote. Ordinance A-2691 was adopted.

RESOLUTIONS

44-11 A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH CLINTON REALTY XIII LTD AND ENERGIZER PERSONAL CARE, LLC

CSD Dulworth presented the amended Enterprise Zone Agreement as requested by Clinton Realty XIII Ltd and Energizer Personal Care, LLC. The original Agreement dated January 24, 2011 will be amended to reflect a change in the scope of the project as a result of reduction in the amount of machinery and equipment investment and the number of jobs created. The proposed amendment would reduce the percent of abatement from the original 75% per year for ten years to 67% per year for ten years. The Tax Incentive Negotiating Committee recommended the amendment to the Agreement.

Council member McMillan moved to adopt Resolution 44-11. Councilman Miller seconded the motion; motion passed unanimously by voice vote.

45-11 A RESOLUTION ACCEPTING THE PLAT TITLED “STORM SEWER EASEMENT PLAT”

PWD Clark reviewed with Council the dedicated perpetual easement for the operation, maintenance and replacement of a 36” storm sewer on property owned by the Fergus Companies, location of Advance Auto (Michigan Street). The Public Works Department has televised and visually inspected the existing 36” concrete pipe and has determined that it is in excellent condition. The storm sewer handles a large public drainage area and is in the City’s interest to operate and maintain the storm sewer system.

Councilman Wagner moved to adopt Resolution 45-11; motion seconded by Councilman Miller. Upon voice vote, motion passed unanimously. Resolution 45-11 was adopted.

DISCUSSION – Wastewater Treatment Plant NPDES (#2 of 3)

Wastewater Treatment Plant Superintendent B. Schultz presented the second of three presentations regarding the National Pollutant Discharge Elimination System (NPDES) permit for the City of Sidney. The presentation addressed the planning, design, construction timetables and the alternate scenarios for compliance. The City staff is beginning the selection process for a consultant who will assist in the identification of best options to achieve compliance with the permit and a comprehensive review of the collection system and make recommendations.

Council members expressed their trust in the finance staff to monitor the requirements and expenditures. Finance Officer G. Adams advised that the first step is selecting the consultant who will guide the staff through the crucial evaluation steps to meet the deadlines of the NPDES permit.

PWD Clark indicated that although the city has spent funds in public infrastructure, there is still a lot of I&I coming from private property. He is conducting a study with other communities.

Councilman Wagner inquired if this was another unfunded mandate. Law Director Smith confirmed and indicated that it falls under the Clean Water Act of 1972 to protect the river streams; Congress has the right to regulate the water.

The third and last presentation regarding the NPDES Permit will be presented to City Council at the January 2, 2012 Workshop meeting.

DISCUSSION – Refunding of Municipal Court and WWTP GO Bonds

Finance Officer G. Adams reported to Council that the City has two general obligation (G.O.) bonds that are able to be refinanced and would likely benefit the City, namely the Series 1998 Municipal Court Improvement Project G.O. bond and the Series 2001 Wastewater System Improvement G.O. bonds. Refinancing these bonds would reduce interest payments by approximately \$50,000 per year through maturity (Municipal Court – 2018; WWTP – 2022).

It is Council's consensus that staff should proceed with the recall and refinancing, following the direction of bond counsel (Peck, Shaffer and Williams) and financial advisor (Sudsina & Associates).

Staff will bring the appropriate ordinances to Council authorizing the refinancing of the long-term debt at the September 12, 2011 regular meeting.

COUNCIL COMMENTS

Council member McMillan moved to excuse Councilmen Mariano and Pellman from the meeting. Motion seconded by Councilman Miller and passed by voice vote.

Mayor Barhorst welcomed guests to the meeting. WWTP Asst Superintendent Barry Zerkle was in attendance with his family (wife Kelly, children Emma and Dillon).

INTERIM CITY MANAGER COMMENTS

ICM Judy reminded Council members of the Applefest parade scheduled for Sunday, September 11. Those wishing to participate in the parade should advise Clerk Goubeaux.

ADJOURNMENT

There being no further business, Council member Milligan moved to adjourn, seconded by Council member McMillan. Motion passed unanimously and the meeting was adjourned at 7:27 p.m.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor