

**SALEM CITY COUNCIL
REGULAR MEETING
JUNE 28, 2005**

PRESENT: Laura Yokochi, Councilwoman
Brad Eddy, Councilman
Mary Dolly, Councilman
Sheldon Dolly, Mayor
Jackie Ritter, City Recorder
Fredette Leda, Councilwoman
Ken Yost, City Manager

ABSENT: Daniel Daquilante, Councilman
Kevin Bender, Councilman

The Salem City Council met on Tuesday June 28, 2005 for its regularly scheduled meeting. Mayor Dolly called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance and Prayer:

Mayor Dolly opened the meeting with the Pledge of Allegiance and offered prayer

2. Review and Approval of Council Meeting Minutes:

The minutes for the April 12, 2005 regular council meeting were reviewed. A typographical error was noted on page 3 and other corrections were made to Item 20 on page 4 and under new business on page 5. Corrections were noted under Item 22 on page 5. Councilwoman Yokochi made a motion to approve the minutes for the April 12, 2005 regular council meeting with the noted corrections. Councilwoman Leda seconded the motion. Carried 5/0. The minutes for April 26, 2005 were reviewed. There were no noted corrections to the minutes. Councilman Eddy noted variances in the procedures used for this meeting. Councilwoman Leda made a motion to approve the minutes for the April 26, 2005 regular council meeting. Councilwoman Yokochi seconded the motion. Failed 3/1/1 with Councilman Eddy opposing and Mayor Dolly abstaining. The minutes for the May 10, 2005 regular council meeting were reviewed. Councilman Eddy made a motion to approve the minutes for the May 10, 2005 regular council meeting. Councilwoman Leda seconded the motion. Carried 5/0. The minutes for the May 24, 2005 regular council meeting were reviewed. Typographical errors were noted on page 2 and 4. Councilwoman Dolly made a motion to approve the minutes for the May 24, 2005 regular council meeting. Councilman Eddy seconded the motion. Carried 4/0/1 with Mayor Dolly abstaining. The minutes for the June 13, 2005 election canvass were reviewed. Corrections were noted in the first paragraph. Councilwoman Leda made a motion to approve the minutes for the June 13, 2005 election canvass. Councilwoman Dolly seconded the motion. Carried 4/0/1 with Mayor Dolly abstaining.

**Councilman Eddy made a motion to alter the agenda to allow two citizen petitions. Councilwoman Dolly seconded the motion. Carried 5/0

**Mr. Bill Ayers spoke about his request to place a garage on his property. He would like to place the garage within 5 feet of the rear property line and has the approval of the adjoining property owner. He has had the issue heard by the Zoning Appeals Board whose decision was to allow the garage within 15 feet of the rear property line. There was discussion of the next appeal available to the property owner circuit court. Another option is to petition council to change the section of the zoning ordinance that pertains to this issue.

**Ms. Billie Ash spoke about a storm drainage problem at her home. She presented the option of a French drain that was not previously discussed. Mr. Rick Cobos, her neighbor, also has the same problem and agrees the French drain would work. They offered an easement to the city to access their property to make the necessary repairs. The City Manager stated the easement would work if time and budget allow and will direct the Public Works Director to assess the situation. The City Manager will send the easement agreement to Ms. Ash and Mr. Cobos to sign. Councilman Eddy made a motion to allow this alternative to be explored with the appropriate easements and as the city budget allows. Councilwoman Yokochi seconded the motion. Carried 5/0.

OLD BUSINESS

3. Progress Report Water System Improvements & Raw Water Impounds Dam Safety Projects:

The City Manager reports the video for the tank inspections are still not available. The inspection reports for the Nicholson and City Day tanks have been received. Some repairs are needed such as some rust and tri-annual inspections are recommended. The overall health of both tanks is good given the lack of regular maintenance and the structural integrity is intact. The water level is a little under capacity. The current repairs needed will take 7-9 hours. The certificate to begin work for the Lower Dog Run is still pending approval from Dam Safety. There was review of a request from Region VI for payment of the tank inspections and cleaning as well as for some Region VI administrative fees for a total of \$8,943.14. The fees to Liquid Engineering were \$4,055 and the other Region VI administrative fees totaled \$4,888.14. These monies will come from Small Cities Block Grant funds from the water project. There was also review of a budget project amendment. Councilwoman Yokochi made a motion to approve the payment of the \$8,943.14 requisition and the budget project amendment request from Region VI. Councilwoman Dolly seconded the motion. Carried 5/0. There was review of Task Order 12 from HNTB for additional time needed to negotiate with DEP and for other delays encountered.

4. Progress Report of PSC Certificate Case:

The sludge handling has been removed from the project therefore the overall cost should decrease, however, the operational costs remain the same. Other funding will be needed to address this issue. The backwash basin is to be cleaned out soon and this should be done every 1 or 2 years. There was discussion of the old debt of \$67,000 still owed on the old sewer plant. The FHA has not been inclined to grant parity. The PSC must approve paying off this old debt prior to getting more money. There was discussion of the possible use of loan or grant money to pay off this old debt.

5. Report on Wastewater I & I Plan of Action and WVDEP Consent Order:

The NPDES permit had required the city to belong to WV 104 technical assistance project. DEP recently completed a dye study for this project and the results were provided for council review. The plant operator is reviewing the information, too. The attorney is trying to remove the new requirement of periodic testing for certain city businesses as enforcement would be city responsibility.

6. Report on Pressure Tanks Lakeview Terrace:

The City Manager reports three tanks have been installed and one more to be installed. The situation and budget will need to be re-assessed prior to installation of any further tanks.

**At 8:05 p.m. council took a break and resumed at 8:18 p.m.

**The City Manager reported a new draft of the PSC consent order was provided for review. There are still problems with some issues in the scope of work, anticipated dates of completion and penalties.

**Councilman Eddy made a motion to approve the April 26, 2005 regular council meeting minutes. Councilwoman Leda seconded the motion. Carried 4/0/1 with Mayor Dolly abstaining.

7. Annexation of City Owned Properties:

There was no new information to report on this issue.

8. Property to Property Transfer to be use as Water Tank Road:

Councilwoman Leda reported the deeds have been prepared and received. Councilwoman Dolly made a motion to approve the Mayor signing the deeds. Councilwoman Yokochi seconded the motion. Carried 4/0/1 with Councilwoman Leda abstaining.

9. Sale of Property East End:

The City Manager reports receipt of a letter relieving the city of any obligation with the Solid Waste Authority. The survey platt has been received from Jackson Survey and the parameters of Lot 52 were clarified. The property is ready to offer for auction. The bid with a minimum of \$65,000 has been prepared and will need to run three weeks. The proceeds from this sale must return directly to the sewer department and will be used to make bond payments. The auction was set for July 19, 2005 at 7:00 p.m. at City Hall and is to be conducted by the Mayor. Councilman Eddy made a motion to approve the auctioning of the sewer property on the east end of Salem with the minimum bid of \$65,000 and following the ordinance, the proceeds to go directly for payment of bonds in the sewer department. This includes the proper advertisement of the sale to be conducted July 19, 2005 at 7:00 p.m. at City Hall. Councilwoman Dolly seconded the motion. Carried 5/0.

10. City Manager Report:

- A. An early warning notice was received from PEIA advising of an upcoming premium increase of \$39 per employee effective July 2005 and this will push this line item over budget for the next fiscal year.
- B. A report was received from West Fork Conservation Dist. on the seven flood control dams, which are outside the city limits. They would like the city to complete maintenance and install a drain system at one site; however, these items are not in the budget at this time.
- C. There was review of a letter from the office of the city attorney summarizing the legal actions currently in progress for the city.
- D. The City Manager reported on a car that got caught in a board on the Randolph Street Bridge and an insurance claim was filed. This bridge may need repaired this summer instead of the one originally slated to be repaired.

**Councilman Eddy made a motion to allow full time police office and the public works director take home vehicles for city use in emergency situations to follow all proper use guidelines. Councilwoman Dolly seconded the motion. Carried 4/0/1 with Councilwoman Yokochi opposing.

NEW BUSINESS

**Councilwoman Leda requested update on status of invoices sent to the property owners whose property the city has maintained. The City Manager reports no payments have been received, however, some of the property owners have begun caring for their own properties.

**Councilwoman Leda requested the status of the city attorney annual report. The City Manager reports it is still a scheduling issue.

**Councilwoman Yokochi noted that the police manual is done. It needs reviewed by the police department and returned to council for approval.

**The City Manager reports the safety training has been completed and the safety manual has been received and is being followed for the most part. A safety director needs appointed. The safety director would be responsible for completing training and keeping safety training documentation.

**At 8:46 p.m. Councilman Eddy made a motion to move to executive session to discuss personnel matters. Councilwoman Leda seconded the motion. Carried 5/0.

EXECUTIVE SESSION

11. Personnel Matters:

**At 9:37 p.m. Councilwoman Dolly made a motion to return to regular session. Councilman Eddy seconded the motion. Carried 5/0.

**Councilwoman Dolly made a motion to reject the new city manager contract as presented by the city manager. Councilman Eddy seconded the motion. Carried 5/0. The City Manager requests the old contract be renewed with additional provision for severance pay and purchase of a life insurance policy. This request was rejected by consensus of council. The City Manager stated he is not willing to serve under the old contract in the current hostile working environment.

**At 9:42 p.m. Councilwoman Dolly made a motion to return to executive session to discuss personnel matters. Councilman Eddy seconded the motion. Carried 5/0.

**At 10:36 p.m. Councilman Eddy made a motion to return to regular session. Councilwoman Leda seconded the motion. Carried 5/0.

**Councilwoman Yokochi made a motion to use UDAG money for completion of restroom facilities at the Depot area of the Rails to Trails on city property at the west end of the stage. Councilwoman Dolly seconded the motion. Carried 5/0.

**Councilman Eddy made a motion to approve payment to the City Manager of the severance pay under the old contract with a signed agreement waiving liability of law suit with the city and council contingent upon dismissal of 6/21/05 charges with 40% to be paid from the water fund and 60% to be paid from the general fund to be effective 6/30/05. Councilwoman Dolly seconded the motion. Carried 5/0.

**At 10:44 p.m. Councilman Eddy made a motion to adjourn. Councilwoman Dolly seconded the motion. Carried 5/0.

TABLED BUSINESS

1. Policy outlining guidelines for WTP backwash, filter treatment, and WTP Discharges to WWTP
2. Policy restricting the addition of water customers above a certain elevation and distance from the WTP
3. Parking Lot Lease Agreement
4. Allegheny Power Street Lighting Agreement
5. Actions on Sponsor Grant Agreements
6. Internet Service
7. Award FEMA RPA George and Ross Street Repairs Water Line Stabilization
8. Consideration of Purchasing a Gate and Fencing for Water Dept.
9. Lakeview Terrace Pump Tank Installations
10. 2004-2005 Budget Digest Request Basketball Court
11. Demolition of Condemned Properties
12. Annexation of City Owned Properties
13. Consideration of Purchase of Power Washer
14. Completion of E-911 Mapping County Project
15. Workshop Committee Meeting Safety Committee and a Safety Director (Work Place Violence Policy; Public Health Security & Bioterrorism Preparedness & Response Act of 2002 Emergency Preparedness
16. Workshop Committee Meeting Personnel Committee (Personnel Handbook & Grievance Procedures) Committee Report
17. Workshop Committee Meeting, Police Committee (Police Dept. Rules & Regulations Operational Manual) Committee Report
18. Attorney Annual Report
19. Review of Storm Water & Street Repair Complaint Trainer & Traugh Streets

Mayor

Recorder