

KIRTLAND CITY COUNCIL MINUTES

December 16, 2013

The meeting of Kirtland City Council was called to order at 7:07 p.m. by Council President R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Fire Chief Anthony Hutton and Police Chief Wayne Baumgart.

MINUTES OF THE DECEMBER 2, 2013 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart requested that Sgt. Ronald Andolsek come forward, noting that he is being promoted to the Executive Officer position according to Contract (Lieutenant) and will be sworn-in at tonight's meeting. Chief Baumgart spoke highly of Sgt. Andolsek, noting that he was responsible for the convictions in the Lundgren case and many other cases over the years. Mayor Tyler administered the oath, and Lieutenant Andolsek received the applause and congratulations from all those present.

City Engineer Philip Kiefer advised that his monthly report for November has been distributed.

Finance Director Keith Martinet advised that he has prepared the November financial statements, noting that they will be posted and distributed this week. With regard to the budget, Mr. Martinet stated that he and the Mayor met with all of the Department Heads and that the budget will be presented early next year.

Mr. Martinet noted that the amended appropriation is on tonight's agenda. Mr. Martinet advised that he distributed a memo regarding the changes, noting that additional funding was received and disbursed for several capital projects; he stated that there were no changes to the General Fund or any of the Operating Funds.

Law Director Daniel Richards did not present a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler offered his congratulations to Lieutenant Andolsek.

The Mayor noted that he and the Finance Director have completed one round of budget hearings with the Department Heads.

Mayor Tyler wished all of Council a Merry Christmas and a happy and healthy new year.

STANDING COMMITTEE REPORTS:

Council President Umholtz noted that Council's Recreation Standing Committee will meet following the regular Council meeting.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 13-O-57 - (Third Reading) - AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.
(Mayor Tyler)

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

ORDINANCE NO. 13-O-58 - (Third Reading) - AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2014.
(Mayor Tyler)

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

ORDINANCE NO. 13-O-59 - (Third Reading) - AN ORDINANCE AMENDING §1240.07, §1242.06, §1244.035, §1244.04(b), §1244.10, §1244.14(b)(7), §1246.01, §1246.02, §1246.03, §1246.04, §1246.05(a), §1246.06, §1246.10(i), §1246.11, §1246.14(b)(4), §1248.05, §1248.08 and §1248.10(a) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO APPROVED PRIVATE DRIVES, TO PROVIDE CONSISTENCY WITH ZONING AMENDMENTS APPROVED BY THE ELECTORATE IN NOVEMBER OF 2010.
(Council President Umholtz)

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

OLD BUSINESS (continued):

ORDINANCE NO. 13-O-60 - (Third Reading) - **AN ORDINANCE AMENDING §1261.02(u), §1261.07, §1261.08(e)(1), §1268.07(b), AND §1268.15 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO APPROVED PRIVATE DRIVES, TO PROVIDE CONSISTENCY WITH ZONING AMENDMENTS APPROVED BY THE ELECTORATE IN NOVEMBER OF 2010.**
(Council President Umholtz)

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 13-R-65 - **A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.**
(Council President Umholtz)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

ORDINANCE NO. 13-O-66 - **AN ORDINANCE AMENDING ORDINANCE NO. 13-O-24 RELATING TO THE APPROPRIATION FOR THE YEAR 2013.**
(Mayor Tyler)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. Responding to an inquiry from Councilman Powell regarding the amendments, Finance Director Martinet advised that the budget amount was increased, based on additional funds received for capital projects. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

ORDINANCE NO. 13-O-67 - **AN ORDINANCE LEVYING LIENS FOR DELINQUENT SANITARY SEWER CHARGES, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. Finance Director Martinet advised that every attempt to collect these charges has been taken, noting that statements have been sent throughout the year and a final statement was sent by certified mail to the property owners advising of the action the City would take if the charges were not paid. Mr. Martinet advised that this legislation needs to be adopted tonight so it can be certified to the County Auditor to place these charges on next year's tax duplicate. Responding to an inquiry from Councilman Davidson, Mr. Martinet stated that these charges are at least three months delinquent. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

NEW BUSINESS – ORDINANCE NO. 13-O-67 (continued):

Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Responding to an inquiry from Councilman Skrbis, City Engineer Philip Kiefer advised that the homes in Temple View are connected to the County sewer system, and the others are connected to the City's treatment plants.

RESOLUTION NO. 13-R-68
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. JAMES H. PORTER TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-69
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF WENDY C. HUTTON TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-70
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF KEVIN D. EILERMAN TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-71
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT B. MURCH TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 13-R-72
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. JAMES H. PORTER TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Schulz noted recognition of the 24 Kirtland students who were inducted into the National Honor Society in Council Chambers last week, noting that the embodiment of that honor is their service, character, leadership and scholarship.

Councilman Davidson stated that due to the weather, the striping was not able to be done (on a portion of Route 306) at the south end of the City, but the Service Department put up “unmarked no passing zone” signs, which is appreciated.

Noting that a combined meeting will be scheduled with the Planning and Zoning Commission and the Board of Zoning Appeals, Mr. Davidson stated appreciation of Mr. Eilerman’s and Mr. Murch’s commitment.

Councilman Skrbis noted that the Planning and Zoning Commission provided two potential dates for the combined meeting. Upon discussion, it was Council’s preference to schedule the meeting for Wednesday, January 22, 2014, following the regular Council meeting, and the Clerk was instructed to notify the Planning and Zoning Commission. Councilman Powell suggested that if there is a topic that any Council members would like to discuss, they should advise the Clerk so it can be placed on the agenda.

Council President Umholtz wished everyone a Merry Christmas.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Davidson. The motion of Council passed by unanimous vote and the meeting adjourned at 7:31 p.m.

President of Council

Clerk of Council