

KIRTLAND CITY COUNCIL MINUTES

May 29, 2019

The meeting of Kirtland City Council was called to order at 7:25 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Mary Kovalchik, City Engineer Philip Kiefer, Service Administrator Duane Martz and Fire Chief Anthony Hutton.

MINUTES OF THE APRIL 25, 2019 WORK SESSION:

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

MINUTES OF THE MAY 8, 2019 WORK SESSION:

Mr. Skrbis moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Skrbis moved to approve the Minutes, as presented, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: KIREK).**

MINUTES OF THE MAY 8, 2019 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Schulz noted that a correction is needed in the last paragraph on page 5; "curved ramps" should be corrected to "curb ramps". Mr. Lowery moved to approve the Minutes, as corrected, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: KIREK).**

MINUTES OF THE MAY 8, 2019 FINANCE COMMITTEE MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: KIREK).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported that the written portion of the Captain's exam was held today, and the oral assessment will be on June 8. Chief Hutton advised that tomorrow he will be attending an active shooter training and full scale drill at Mentor High School. The Fire Department is in the process of putting together a similar training for Kirtland Schools. Sergeant Valenti is heading that project, and the department is working closely together to get it done.

DEPARTMENT REPORTS (continued):

The staffing summary requested by Mr. Lesnick has been distributed, and Chief Hutton said if there were any questions to give him a call for clarification.

Service Administrator Duane Martz had no formal report, and no questions were asked of him.

City Engineer Philip Kiefer did not present a formal report.

Answering Councilman Smolic concerning the project on Route 306, Mr. Kiefer stated there has not yet been a final out-of-pocket cost reported. The approximate reimbursement is a little over \$300,000.00 of the \$440,000.00. Mayor Davidson requested that the City Engineer prepare for Council a detailed explanation of what will be reimbursed from the county. Mr. Kiefer agreed to provide a detailed explanation to Council as soon as possible. Answering Councilman Lowery, Mr. Kiefer stated the \$1.2 million project discussed during the work session is not related to this project.

Finance Director Mary Kovalchik reported that she authorized a non-filing letter with RITA, and she is additionally looking into a subpoena program for 2020. The process will begin with RITA reaching out to all non-filers, sending a gently worded letter requesting they reach out. These non-filers may potentially be retired, have moved from the community, or have recently moved into the community and aren't aware they should be filing. The last time the City participated in the program was 2017, and there were 1700 non-filing letters mailed; liabilities of over \$400,000.00 were identified, of which \$147,000.00 was collected. The program has no cost, and Mrs. Kovalchik has authorized the program for 2019. The Finance Department expects to recover a good portion of the liabilities this year by participating in the program.

Mrs. Kovalchik said a subpoena program takes a bit longer and may be too aggressive for the situation. There will be discussion with the Mayor and Council to determine if the City will participate in the subpoena program, if there is not a good response to the non-filing letter.

On May 20 the City of Kirtland's application for credit enhancement with the state treasurer was approved for a BAN issue. Mrs. Kovalchik expects to have the rating by Friday, May 31. Additionally, in the spirit of shared services, the City has been paying \$2.00 per \$1,000.00 on these issues and the associated underwriting; Mrs. Kovalchik stated she was able to negotiate it down to \$1.50. This will save approximately \$826.00. Mrs. Kovalchik noted that the idea is to leverage as much shared services as possible across the board, and the underwriter was a good start. Mrs. Kovalchik praised all involved, saying everyone has been very cooperative.

Governor Mike DeWine has proposed giving \$1.5 billion to Ohio employers in Workers Comp costs. The marketing release claims approximately \$114 million will go back to local governments, and around \$50 million to public schools. Mrs. Kovalchik does not yet know what Kirtland will receive, but will inform Council when the information is available. Mrs. Kovalchik noted they will ask that some of the funds be applied to safety issues for employees and within the community. She will look to see what has been done in the past, and look to the safety forces and Service Department to make sure they have the correct safety equipment.

Mrs. Kovalchik stated that she and Mr. Slapnicker met with the GASB converter and the 2018 financial report was completed. Mrs. Kovalchik signed off as the fiscal officer, despite not holding the position for the year it represents. The report is solid, and will show a reduction in net assets. Concerning GASB Regulations, the GASB64 required the unfunded portion of pro-rated, or proportionate costs, to pensions to be represented on financial statements. GASB75 states unfunded proportionate share of benefits also need to be represented (healthcare). Unfortunately, when these numbers are represented in financial reports, the report is skewed. The City is not responsible, under Ohio Revised Code, to pay those funds should the state decide these are underfunded. It is not clear why these numbers have to be reported,

DEPARTMENT REPORTS (continued):

however it is mandated and therefore has been included. Mrs. Kovalchik will review the financials and make a more detailed report in the future.

Responding to a question from Councilman Lesnick, Mrs. Kovalchik stated that City Council will see a report that is cash basis, because that is how the decisions are made by Council. Mrs. Kovalchik went on to say she will meet with Mr. Lesnick, as he is the Finance Committee Chairman, and there will be discussions concerning the types of reports that would benefit Council the most.

Law Director Daniel Richards had no formal report, and there were no questions asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson informed those in attendance that Duane Martz has been appointed the interim Service Administrator following Mr. DiCillo's resignation. Mr. Martz is well qualified for the position, as he has seven years of experience with the department and a background in concrete construction.

There is an open position for Zoning Inspector, which has been advertised online on "Indeed" and in the News Herald. Over 30 resumes have been received, and Mayor Davidson and Councilman Lowery will be reviewing those. Mayor Davidson hopes to have legislation before Council on June 3.

The Mayor noted that May 17 was government day at City Hall with the third graders from Kirtland Schools. Members of the Police, Fire and Service Departments, and Jenna Hull from the Community Center, were involved and on hand to answer questions from the children.

STANDING COMMITTEE REPORTS:

Councilman Smolic noted that there will be a Service Department Standing Committee meeting following the Council meeting.

Mayor Davidson advised that, upon the Public Relations Standing Committee recommendation, he signed a contract with the website vendor E-Gov, after confirming with Mrs. Kovalchik the funds were available. He noted that the website will be useful for passing along information to the residents. The Mayor thanked Councilman Skrbis, who spearheaded the project.

Councilman Skrbis said the features mentioned in the last meeting, which were important as far as the system request management systems, are a potential add-on for zoning issues and such. On behalf of the Committee, Mr. Skrbis stated he is extremely confident in E-Gov and their ability to design what Council is looking for, along with the ability to change and tweak as needed.

Mr. Skrbis stated that now that the contract is complete, assignments can be sent via email, noting that he spoke with the Mayor and briefly with Councilman Lesnick in regard to potential next steps. Mr. Skrbis hopes to speak with Julie in the next few days, to retain her as an informal project manager. The most critical aspect of the project, in terms of the contract, is a point person at the City being available to the point person at the vendor's location. Answering Council President Potter, Mrs. Kovalchik advised that the final cost after the design process and additional features is \$9,940.00 for a total one-time fee; total annual fees are \$3,738.00. Answering Councilman Smolic, Mr. Skrbis stated that current expenditures are approximately \$200.00, so this will be a slight monthly increase. Council President Potter thanked Mr. Skrbis for spearheading this effort; he also thanked Councilman Lesnick for his time involved.

STANDING COMMITTEE REPORTS (continued):

With regard to the strategic planning event, Council President Potter noted that a list of assignments were discussed at the last Committee meeting. With the next Council meeting right around the corner, Mr. Potter suggested that the Committee meet the following week; he requested that the Committee look at their calendars and a date will be determined.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, applauded the Mayor on the Memorial Day Service, noting the (unarranged) flyover was awesome. On another note, he stated that Markell Road still needs striping. Mayor Davidson stated that the City will continue to look into this, noting that it is difficult to find the edge of that road without the striping. Mayor Davidson stated he would work with Mr. Martz and Mr. Kiefer to resolve the problem.

OLD BUSINESS:

ORDINANCE NO. 18-O-31 - **(Third Reading) - AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.**
(Council President Potter)

The legislation was read by title only. Mr. Lowery stated that an updated version of the document was attained through the Law Director, amending Section 1468.03, which relates to the questions the Mayor had concerning geothermal energy. In Paragraph (d) it currently states, "Alternate energy systems except as provided..." and it is proposed to add language so it reads: "Alternate energy systems, except for geothermal, as provided...". Mr. Lowery moved to amend the Ordinance as described, adding the wording, "except for geothermal," to Section 1468.03(d), with the second by Mr. Smolic. For clarification, Mr. Potter inquired if the language "except for geothermal" will relate to the requirement for conditional use permit only, but would still require residents to pull a permit for geothermal, without having to appear before the Planning and Zoning Commission for a conditional use permit. Law Director Richards responded affirmatively. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** As a result of the amendment, the legislation reverts to Second Reading.

Discussion ensued concerning penalties and grandfathering in current solar power units. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to adopt as amended, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

Council President Potter thanked Mr. Lowery and Mr. Richards for all their work on this Ordinance. He also thanked the Mayor for his input and concern relating to the geothermal energy, and the Planning and Zoning Commission and former Assistant Law Director for bringing this matter before Council.

OLD BUSINESS (continued):**RESOLUTION NO. 19-R-15**
(Mayor Davidson)

- **(Third Reading) - A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CURRENT LEVY OF TWO (2) MILLS FOR FIVE (5) YEARS FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Skrbis. Mayor Davidson advised that following the Council meeting there will be a Service Department Standing Committee meeting to discuss the expenditure and the plan for the use of road funds for this year's road improvement plan. Mayor Davidson urged Council to put the issue before the residents to make the decision of renewal.

Mr. Lowery read a prepared statement, stating that for the past year and a half, he and other members of Council have continuously challenged the leadership, asking for accurate and timely financial data that clearly reflect the current status of Kirtland's financial strengths and weaknesses. He stated that the questions were meant to help understand the City's fiscal whereabouts. He noted that controlling costs, reducing expenditures, and managing labor are a few of the unanswered questions. He stated that answers to these financial issues have fallen short of his personal expectations. He questioned whether the status quo is what is wanted. Regarding 19-R-15 and 19-R-16, Mr. Lowery stated there is a lack of financial direction on where the City should go. He stated that although he has voted for the past two budgets, he can no longer rubber stamp these important issues without getting the data and a clear understanding of the status of the finances. He stated that in order to vote for either of these levies, he must feel confident he is doing what is right on behalf of the community and its members. He stated that to support another road levy that has not produced the positive impact necessary to repair the roads as it was intended to do, and to ask the community to continue to support the same status quo formula does not sit well with him. Mr. Lowery stated that to vote for replacement of an existing 2.5 mill police levy without a clear understanding as to what the added revenue will be used for does not sit well with him. He stated he is not confident that approval of either of these resolutions will provide the appropriate amount of revenue going forward to resolve any potential shortfalls of the roads or police. He requested that Council and the leadership have open and honest communications to make the challenging decisions necessary to resolve any shortfalls for roads, budget, and fiscal accountability.

Mayor Davidson stated the City's fiscal health is weak, and was weak when the current Council members were brought onboard, as reflected in the State Auditor's measure of fiscal health. He stated that the General Fund and credit rating are weak. This is the reason the Fiscal Review Task Force was created, with people selected by Council; to make recommendations on cuts to expenditures, and suggest additional revenues. One of the recommendations was a change in income tax and renewal of other levies, to allow the City to have sufficient funds to do business. Mayor Davidson suggested that Council may amend the Resolution if necessary to make it larger, to meet the need. The Mayor stated that taking a year off of paving will not benefit the residents, and he believes it should be the residents' choice. Mayor Davidson acknowledged the concern being expressed, noting that the ability to report better will be included in the new approved software system. Personnel and methodology has been changed, by request of Council, from internal paving to contracting external paving. The Mayor noted that cuts are being made, including staffing in the Service Department, as the City works on finding a more efficient way to do business. He went on to say he believes with Mrs. Kovalchik and others onboard, the right team is on staff.

OLD BUSINESS – RESOLUTION NO. 19-R-15 (continued):

The Mayor stated that grant monies have been requested. He noted that stormwater funds are being used to fund as many of those stormwater projects as possible. Mayor Davidson reiterated he believes it is the residents' choice, and that the Resolution should be sent to the Auditor. Concerning the performance on the roads, Council was aware going into the last levy that it was too small but at least acted cohesively to get some funds coming in to begin repairs and moving in the right direction. This followed seven years of absence of appropriate funding where residents turned down two levies.

Mr. Lesnick stated in his term on Council there have been consistent discussions concerning the roads. From the beginning it was said if this levy was to be renewed the true cost would need to be made available, along with a plan of what is going to be done differently. He stated this has been requested for approximately a year and a half, many times, including recently when the levies were proposed. Mr. Lesnick suggested trying to find a portion of the funds in departmental savings or grants, to reduce the amount needed via levy. If the residents are asked to vote the Council needs to provide an accurate number, to avoid having to go back and ask for more.

Mr. Schulz stated his understanding of the Ordinance is to determine the dollars that would be received, and that at any point in time, Council could "pull the plug" on the matter. He stated he believes it is a good start in understanding the current millage and what can be expected. Mr. Schulz stated the next Resolutions would allow residents to come and hear the plans Council has made. He went on to voice concerns of missing the deadline for putting an ordinance on the ballot for the residents. Mr. Schulz suggested that Council send this to the Auditor to determine the dollar amount of the levy, noting that he would like to understand what dollars are going to come in, before moving forward.

Mayor Davidson noted that the previous Council raised the standard of new roads that go in the City of Kirtland. Councilman Schulz and the City Engineer worked to have the current standard codified, and now the roads are built to a higher standard. At the request of Council, the Mayor stated that CT Consultants was directed to provide a 2018 city-wide pavement condition rating and recommendations; this is a 10-year plan which needs updating. The Mayor stated there is a breakdown of the PCR conditions and the cost, and the approach was changed by Council. Mayor Davidson stated that this and prior Administrations worked hard to get OPWC funds for Eagle Road, Sperry Road, Tibbetts Road and Worrell Road. He stated he believes continued spending is needed to maintain the roads. Mayor Davidson stated he concurs with Councilman Schulz to send the Resolution to the Auditor and continue the conversation.

Responding to a question from Councilman Smolic, Councilman Schulz stated his understanding is at any point along the process of getting numbers from the Auditor the ordinance can be pulled. Any time there are three readings, there can be changes made, but the process will have to be restarted. He reminded Council the deadline to submit the ordinance for the ballot is the first week of August, noting that it is his understanding that even after legislation has been certified to go to the Board of Elections there is still an opportunity to pull it.

Mr. Skrbis noted that if it is altered, the process will start over. Additional things to consider would be the option of calling a special Council meeting if necessary. Mr. Skrbis stated that an unthought-out plan should not be pushed through; however, the new and previous Finance Directors have spoken on the subject, and he does not consider this ordinance a band-aid and believes it is something Council can work with. He stated his belief that the voters should have a choice. Mr. Skrbis noted that in the past 10 years the expense ratio of human resources, goods, and services have maintained below the CPI index, which shows some of the management the City has done, though it's not documented as everyone would like. Mr. Skrbis believes there will be a great deal of harm done if there is an additional year's wait to address this situation, including increased ratings on the bonds currently held. Mr. Skrbis asked that Council continue dialog between now and the next two meetings.

OLD BUSINESS – RESOLUTION NO. 19-R-15 (continued):

Mayor Davidson stated the reason this is on the agenda for renewal recognizes that people's appetite for tax increases is low. If Council got behind this renewal, he believes it could potentially pass. Recognizing the previous money was too small, the Mayor noted there will be monies received from the gas tax that will impact the ability to apply funds to the roads. He noted that the recent reduction in personnel should provide an additional \$200,000.00. The Mayor stated he appreciates the conversation by all sides, and asked that discussion continue and this be placed before the residents.

Mr. Lesnick said the number in front of Council is approximately \$1.1 to 1.2 million a year for the next ten years; at \$500,000.00 it will take 20 years to get the roads fixed. He suggested including information from the PCR report Council ordered when this is sent to the residents. Mr. Lesnick said if the City needs a million, ask for a million, not half a million.

Mayor Davidson stated that during the last finance discussion, it was noted that the City is probably not capable of financing a bond in the amount that is needed to completely get the roads into condition. This should be recognized, along with the residents' reluctance for tax increase. The Mayor suggested getting a renewal and continuing to look for efficiencies.

Council President Potter expressed appreciation for the Council members' statements, and said it would take all members working hard to get the levy passed, given the current state of roads and the progress that has been made. He stated there are other mechanisms available, and once the amount of savings is confirmed, it can be decided how to approach the residents. Mr. Potter suggested a larger step back to determine the City's financial position.

Mr. Lowery said in the past 4.5 years, \$2.1 million was spent from the road levy, for a total 4.5 miles of completion; and to put this to a vote, Council will be asking residents for another five years to complete only 4.5 miles of road. Mr. Schulz noted that some of the work was reconstruction and some was resurfacing.

Discussion ensued concerning what amount of paving was expected versus what was accomplished, how the situation could have been handled differently, and the cost of putting the levy off another year.

Mr. Skrbis stated the current subcommittees are more active than he's ever seen, and he has faith in this Council to develop a plan, even if it is not 100 percent of the amount needed for the roads, and make sure things are handled in a fiscally responsible manner. He went on to say waiting is too costly to the City if it is to be a good steward of the City's funds and the residents that pay taxes.

Mr. Smolic said it seems reverse behavior, to approve the ordinance and then come up with a plan. The plan should have been presented in advance.

Mr. Schulz stated that with every project done in the City, there are usually multiple pots and funds. Funding the road program could be a road levy, a portion of borrowed funds, and a portion of saved funds. Noting that the levy may not pass, Mr. Schulz stated there still has to be savings, cost control, and a potential borrowing package. Mr. Schulz noted that the purpose of this legislation is to achieve the goal of determining the dollar amount that will be collected from the residents of the city, which should be approximately \$500,000.00 to \$600,000.00.

Discussion ensued concerning the options of borrowing \$1 million, bond ratings, and the City's ability to borrow. Mrs. Kovalchik discussed the time involved, noting that 6 to 8 weeks is needed to put together the official statement in order to acquire a bond rating, which is in addition to the time needed to bring it before Council.

OLD BUSINESS – RESOLUTION NO. 19-R-15 (continued):

Voting began on the motion to adopt. **ROLL CALL: MOTION FAILED 4/3 (VOTING NAY: POTTER, SMOLIC, LESNICK AND LOWERY. VOTING YEA: SCHULZ, SKRBIS AND KIREK).**

RESOLUTION NO. 19-R-16
(Mayor Davidson)

- (Third Reading) - A RESOLUTION DECLARING IT NECESSARY TO LEVY A REPLACEMENT OF AN EXISTING 2.5 MILL TAX LEVY, FOR A CONTINUING PERIOD OF TIME, FOR THE PURPOSES OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, FOR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, AND ALL THOSE OTHER PURPOSES THAT ARE SPECIFIED AND AUTHORIZED WITHIN SECTION 5705.19(J) OF THE REVISED CODE AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Skrbis. Mr. Skrbis noted this is just a request going to the tax auditor to certify the tax valuation of the City and the dollar amount of revenue that would be generated by the levy. **ROLL CALL: MOTION FAILED 4/3 (VOTING NAY: POTTER, SMOLIC, LESNICK AND LOWERY. VOTING YEA: SCHULZ, SKRBIS AND KIREK).**

RESOLUTION NO. 19-R-20
(Mayor Davidson)

- (Second Reading) - A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE TIBBETTS ROAD CULVERT REPAIR PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.

The legislation was read by title only and placed on Second Reading.

RESOLUTION NO. 19-R-21
(Mayor Davidson)

- (Second Reading) - A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE RACCOON HILL DRIVE OUTFALL IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Lesnick suggested the resolution be tabled, as there are only two to three business days until the next meeting to be able to look at anything from an executive summary that the administration brings to Council. There was brief discussion, and answering an inquiry from Council, Mr. Richards confirmed that Council can table a matter when it is on third reading. The legislation was placed on Second Reading.

OLD BUSINESS (continued):

- RESOLUTION NO. 19-R-22** - (Second Reading) - A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE FOX HILL DRIVE DRAINAGE IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only and placed on Second Reading.

- RESOLUTION NO. 19-R-23** - (Second Reading) - A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE GILDERSLEEVE DRIVE CULVERT EXTENSIONS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only and placed on Second Reading.

- RESOLUTION NO. 19-R-24** - (Second Reading) - A RESOLUTION ACCEPTING THE BID OF JTO, INC., FOR THE ROCKWOOD DRIVE OUTFALL REPLACEMENT PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JTO, INC., AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only and placed on Second Reading.

- RESOLUTION NO. 19-R-25** - (Second Reading) - A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE WISNER ROAD STREAMBANK STABILIZATION PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only and placed on Second Reading.

NEW BUSINESS:

- RESOLUTION NO. 19-R-27** - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH SOFTWARE SOLUTIONS, INC., FOR FINANCE DEPARTMENT SOFTWARE FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Smolic. Mr. Lesnick thanked Mrs. Kovalchik for putting the information together for Council. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 19-R-28
(Mayor Davidson)**

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CORNERSTONE IT FOR ACQUISITION OF AND PROVISION OF PROFESSIONAL SERVICES RELATING TO FINANCE DEPARTMENT SOFTWARE INCLUDING MONTHLY ICLOUD SERVER FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. Mr. Schulz inquired about the history of monthly fee increases, to which Mrs. Kovalchik said there isn't really any movement in the monthly fees. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-29
(Mayor Davidson)**

- **A RESOLUTION ACCEPTING THE BID OF ARMS TRUCKING COMPANY FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Kirek. Mr. Potter asked what the material is needed for, and the repercussions of not passing it as an emergency. Mayor Davidson stated that the drainage work on Route 306, assigned to Mr. Martz to complete, cannot be completed without the 57 limestone. Mr. Martz stated that aggregates are used for all drainage work, piping work and driveway apron replacements. Mr. Potter inquired about the stone purchased last year for the Route 306 project, which was the reason stated for the emergency last year. Mayor Davidson stated that a large inventory of stone is not carried because of space constraints. He stated that an accounting of the aggregate can be provided, if Council desires. The Mayor stated that the pipe was purchased for the Route 306 project; because of stockpile space, it's possible that the total volume of aggregate was not purchased. Discussion ensued concerning the cost and use of the aggregate, along with the amount of aggregate included in the bid.

Voting began on the motion to waive the three readings. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-30
(Mayor Davidson)**

- **A RESOLUTION ACCEPTING THE BID OF ONTARIO STONE CORPORATION FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 19-R-31
(Mayor Davidson)

- **A RESOLUTION ACCEPTING THE BID OF OSBORNE CONCRETE & STONE COMPANY FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 19-R-32
(Council as a Whole)

- **A RESOLUTION IMPLEMENTING SECTION VII OF ORDINANCES NUMBER 17-O-25 AND NUMBER 17-O-26 CONCERNING COMMUNITY REINVESTMENT AREAS AND APPOINTING TWO REPRESENTATIVES OF THE CITY OF KIRTLAND TO THE COMMUNITY REINVESTMENT HOUSING COUNCIL, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. Responding to Mr. Lesnick, Mayor Davidson stated that these are the candidates selected by City Council. The Mayor noted that, upon passage of this legislation, both Boards related to the CRA will now be complete. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

Concerning the pick-up and delivery prices in Resolutions 19-R-29, 19-R-30 and 19-R-31, Mr. Smolic wanted to verify whether it is one or the other. Mr. Martz stated it is not beneficial to send out three road department trucks to pick-up material for each one of the delivery trucks to have the material delivered.

COUNCIL COMMENTS:

Councilman Schulz advised that he will not be available for the meeting on July 1.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 9:06 p.m.

President of Council

Clerk of Council