

KIRTLAND CITY COUNCIL MINUTES

April 18, 2022

The meeting of Kirtland City Council was called to order at 7:02 p.m. by Council President Jeffrey Ruple. Mr. Ziegler led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Scott Haymer, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Fire Chief Anthony Hutton, Zoning Inspector Rick Loconti and Senior Center Coordinator Teresa Szary.

Presentation by James Gotch – Eagle Scout Candidate

James Gotch, currently a Life Scout in Troop 286, said he is working to earn his Eagle Scout rank. To accomplish this, Mr. Gotch explained to Council he will build a flag retirement area as an addition to the Kirtland Veterans' Memorial. This flag retirement area will consist of a concrete poured base, topped with brick pavers and a fire pit burn area made with retaining wall blocks. Mr. Gotch presented to Council a handout, calling attention to the bottom right picture, which indicates the area he proposes to construct his project. The project is expected to include a 14 foot circle, with the concrete border matching the current memorial area. The paver bricks in the connector will be the same as in the memorial area, with the paver bricks in the 14 foot circle being different.

Mr. Gotch met with the Eagle Scout Board a couple weeks ago to receive approval for his project. Since then he has been working with Mr. McCrory and Mr. Fornaro on the project. The goal is to complete the project by Memorial Day so the area can be utilized in the Memorial Day ceremonies.

Council President Ruple asked how much funding is needed for the project. Mr. Gotch said the total cost of the materials is approximately \$1,400.

Councilman Ziegler inquired if he will be building the project on his own. Mr. Gotch stated he will be working with the City's Service Department, members from his troop, and other volunteers.

When asked for an estimated time it will take to complete the project, Mr. Gotch said the project could probably be completed in a day or two, possibly on a weekend. The concrete will have to be poured before any of the bricks can be placed.

Donations for Mr. Gotch's project can be made directly to the Boy Scout Troop, with any excess donations used to benefit the Troop as a whole. When asked, Mr. Gotch stated he has not yet begun his fund raising for the project, to which Council members began offering donations.

Councilman Schulz said he has known Mr. Gotch for quite a while, and he believes this is a great project. The Scouts currently dispose of flags that have been left at the Community Center, sometimes joining with other troops for the disposal ceremony. He went on to say this is needed in the community, as many residents fly the American flag and need to dispose of retired flags respectfully.

Councilman Lowery said he has also known Mr. Gotch for some time, and he echoed Councilman Schulz's comments. He noted he has attended flag disposal ceremonies and they are quite impressive; and he is glad to see an area constructed in the community, for use by Kirtland and surrounding communities.

Councilman Ziegler asked Mr. Gotch to explain the process of properly retiring a flag, for those in attendance who may not know.

Presentation by James Gotch – Eagle Scout Candidate (continued)

Mr. Gotch explained that the process of retiring a flag consists of cutting the flag by the stripes, separating each stripe and the stars. There are different ways flags are retired, sometimes it is one stripe at a time, sometimes one flag at a time. Flags cannot be simply burned or thrown away. Mr. Fornaro added that once the flags are retired the ashes are buried.

Mr. Fornaro said the City has always been supportive and involved with the Boy Scouts and will be responsible for laying the project out, pouring the concrete border, and the base for the pit.

Councilman Haymer asked if Council will need to vote to approve the project, as it will be constructed on City property. Mr. Fornaro confirmed that Council approval is being requested.

Mr. Lowery moved to approve the project as presented, with the help of the Service Department and community volunteers. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

Mayor Potter and Council thanked Mr. Gotch for attending the meeting and explaining his project.

MINUTES OF THE APRIL 4, 2022 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

MINUTES OF THE APRIL 4, 2022 COUNCIL MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report has been distributed. Chief Hutton updated Council on the hiring of part-time help. There are some applicants going through the interview process, with two that will probably move through the process. Chief Hutton's goal is to hire four people by mid-May so they can be placed on the summer schedule. The applicants have been a mix of inexperienced and experienced people.

Zoning Inspector Rick Loconti advised that all notices for pole signs and other signs not in compliance have been sent out. There has been a good response related to the temporary signs and flag signs. Of the 50 notices that were sent out, 26 are now in compliance. Others are in various stages of coming into compliance with the ordinance. The pole signs have been given until June 20 to come into compliance before moving to the next step.

Councilman Schulz said he noticed that Angelo's removed their sign from the utility pole but then placed a sign immediately adjacent to the pole; he asked if that is in compliance. Mr. Loconti said the owner seemed to not understand, and another notice was sent to him last Friday explaining the movement of the

DEPARTMENT REPORTS (continued):

sign to its present location is also a violation. The conversation is ongoing, and the business owner has been made aware he is not in compliance.

City Engineer Douglas Courtney had no formal report, and no questions were asked of him.

Finance Director Louis Slapnicker advised that the City had a successful note issuance sale. He noted that when he met with Tim Reidy in January, they were looking at 51 basis points, which is 0.05 percent for tax-exempt notes. The rates since January have increased dramatically; therefore the note sold at 1.9 percent, but the coupon is 2.25 percent.

Mr. Slapnicker said that to look more attractive at sale, the notes are sold with a coupon of 2.25 percent. This is at no additional cost to the City because it generates a premium that the City receives. The cost difference between the 2.25 percent coupon, which the City will actually pay interest on, and the 1.9 percent yield is offset by the premium received up front by the City. The coupon is still at 2.25 percent, which will be \$81,067.50 in interest due in 2023. The closing and the transfer of funds on the note issuance will take place on the 21st of April.

Answering Councilman Schulz, Mr. Slapnicker stated the interest is paid annually.

Service Director Joseph Fornaro announced that this Saturday from 8:00 to 10:00 a.m., as a part of the Keep America Beautiful program, Kirtland will be participating in the nationwide Great America Cleanup, by cleaning up roadsides. Those participating will be meeting at City Hall at 8:00 a.m., and Mr. Fornaro hopes to be done by 10:00 a.m. Volunteers are needed and welcome.

Councilman Lowery mentioned a gentleman by the name of Pete that he has noticed around the community cleaning up trash on his own. Mr. Fornaro said he's noticed a few residents doing that, and he would like to get them involved with the program because they should be recognized for the work they are doing throughout the year. Mr. Fornaro said there are volunteer awards in the program that can be awarded to such residents.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter began his report by saying he hoped everyone had a great Easter weekend. He thanked the Police Department, Fire Department, Service Department, Sharon and Teresa from the Community Center, and everyone else who participated in pulling off a terrific Easter Egg Hunt despite the weather.

Mayor Potter also thanked James Gotch for his participation and willingness to do good work at the Veterans' Memorial.

He noted there was a work session tonight in which the road funding was discussed. Next week there will be an open community forum for residents to attend in person and via the City's YouTube channel. Announcements have been posted on both the City's website and Facebook page, including an opportunity for residents to submit questions. Mayor Potter asked that residents submitting questions please include their name and address on the submission so it may be included in the record.

The Mayor noted that Jim Gibbs from Fairsite Technologies is in attendance tonight to discuss Resolution 22-R-31. Mr. Gibbs explained the resolution is for running fiber from Everstream. The fiber is currently running along the street and there are plans to get it run into City Hall. The reason for the change is the current dial tone provided for City Hall, and all the main numbers for other departments, is old technology from AT&T, and it is being provided by another provider.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mr. Gibbs explained that First Communications (the provider of the dial tone) has advised that prices will more than triple in June. Therefore, a current \$400 monthly service will increase to more than \$1200 for the same service.

The new system will be a fiber-based circuit where dial tone can be brought in over an internet provider method. Everstream will build the fiber, at which point First Communications uses that internet connection to provide the dial tone. Once the project has been completed, the net difference in cost to the City is approximately \$50 to \$60 a month. There will be a couple of overlap months while services are switching over and in those months the City can expect some added expenses. However, long-term this is a good move for the City, as fiber provides more stable service. Discussion ensued concerning upload/download speeds and power outages. Mr. Gibbs noted that steps are being taken to make sure it stays up and running in the event of a power outage.

Responding to Mayor Potter, Mr. Gibbs noted it would be helpful if the legislation is adopted tonight so the process can begin sooner. Mayor Potter thanked him for coming tonight to discuss the legislation.

Mayor Potter thanked the Easter Bunny for making an appearance at the Easter Egg Hunt, saying he rode in on the fire truck and was fantastic with the kids.

After speaking with Council President Ruple before the meeting, Mayor Potter requested Council go into Executive Session to discuss the potential sale of public property.

Responding to Council President Ruple regarding items on the agenda, Mayor Potter noted that Council will not meet again before Arbor Day and asked that Resolution 22-R-27 be passed tonight, since Kirtland is part of Tree City USA. With regard to the legislation recognizing National Public Works week, Mayor Potter noted it could go to third reading if Council desires. Addressing the items of New Business, Mayor Potter noted he can ask if Mr. Bailey is available to attend the next Council meeting, if Council has questions before voting on the legislation appointing him to the Board of Zoning Appeals. It was noted that the Board has a meeting scheduled for May 17. With regard to Resolution 22-R-30, the Mayor noted it would be helpful to move forward in the event a Public Utilities Commission meeting is scheduled soon.

STANDING COMMITTEE REPORTS:

Council President Ruple noted that an Economic Development Standing Committee meeting was held earlier this evening.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:**

None.

OLD BUSINESS (continued):

- RESOLUTION NO. 22-R-26** - (Second Reading) - A RESOLUTION RECOGNIZING AND APPRECIATING THE CITY OF KIRTLAND'S PUBLIC WORKS PROFESSIONALS AND DECLARING NATIONAL PUBLIC WORKS WEEK TO BE MAY 15-21, 2022.
(Mayor Potter)

The legislation was read by title only. Mr. Smolic moved to waive the third reading, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

- RESOLUTION NO. 22-R-27** - (Second Reading) - ARBOR DAY PROCLAMATION
(Mayor Potter)

The legislation was read by title only. Mr. Lowery moved to waive the third reading, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

NEW BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:**

None.

- RESOLUTION NO. 22-R-29** - A RESOLUTION CONFIRMING THE APPOINTMENT OF MARK BAILEY TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.
(Mayor Potter)

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

- RESOLUTION NO. 22-R-30** - A RESOLUTION CONFIRMING THE APPOINTMENT OF SCOTT HAYMER TO THE PUBLIC UTILITIES COMMISSION FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.
(Council President Ruple)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE. ABSTAINING: HAYMER).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. Mr. Schulz inquired if a time frame has been determined. Mayor Potter said he and Mr. Ruple, as co-chairs of the Commission, will discuss a meeting date and determine what is needed for a productive meeting. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE. ABSTAINING: HAYMER).**

NEW BUSINESS (continued):

RESOLUTION NO. 22-R-31
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EVERSTREAM SOLUTIONS LLC FOR THE UPGRADE OF THE CITY'S INTERNET SERVICES, AND DECLARING AN EMERGENCY.**

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

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COUNCIL COMMENTS:

Council President Ruple, with Council's agreement, scheduled a special Council meeting on April 25, 2022 at 7:00 p.m. for open discussion with the residents regarding road funding planning.

CONTINUING CONCERNS:

It was noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

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Mr. Smolic moved to convene an executive session to discuss the potential sale of City property, pursuant to Article I, Section 7(b) of the City Charter. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** The time was 7:46 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 7:57 p.m.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:58 p.m.

President of Council

Clerk of Council