

## KIRTLAND CITY COUNCIL MINUTES

December 21, 2009

The meeting of Kirtland City Council was called to order at 7:05 p.m. by Council President R. Robert Umholtz. Councilman Webbe led the prayer which followed the Pledge of Allegiance. The members of Council present were: Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

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

### PRESENTATION OF MAYORAL PROCLAMATIONS:

Mayor Tyler welcomed Royal Brettrager II, requesting that he come forward to receive the proclamation acknowledging his extraordinary accomplishments in wrestling during the 2008 – 2009 wrestling season at Kirtland High School. Mayor Tyler read the proclamation in its entirety and offered his congratulations. The Mayor presented the proclamation to Royal Brettrager II, and he received the applause of all those present and the congratulations of Council.

Mayor Tyler then welcomed Coach Jim Pilewski and the following members of the Kirtland Hornets Men's Track and Field Team at Kirtland High School: Pete Davidson, Dan Gornik, Julius Pilijevas and Dom Samf. The Mayor requested that they come forward to receive proclamations acknowledging their extraordinary accomplishments during the 2009 season. Mayor Tyler read the proclamation in its entirety and offered his congratulations. The Mayor presented the proclamations to the Coach and each team member, and they received the applause of all those present and the congratulations of Council.

### MINUTES OF THE DECEMBER 7, 2009 WORK SESSION:

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

### MINUTES OF THE DECEMBER 7, 2009 COUNCIL MEETING:

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

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** reported on the recent fire on Raccoon Hill Drive, noting his appreciation for the quick response in mutual aid from neighboring communities. Chief Hutton advised that neither the family nor the firefighters were injured, noting that there was a great deal of damage to the house. Chief Hutton advised that the community raised over \$3,000 for the family, and he publicly thanked those involved in raising the funds.

**DEPARTMENT REPORTS (continued):**

**Police Chief Wayne Baumgart** presented an award to Amy Buchanan for the 2008 Employee of the Year. Mrs. Buchanan came forward with her family and received the award and the applause of those present at the meeting and the congratulations of Council.

Chief Baumgart then presented an award to Officer Al Faraguna for the 2008 Officer of the Year, noting that this is the first time that this award has been presented to a part-time officer. Officer Faraguna came forward and received the award and the applause of those present at the meeting and the congratulations of Council.

**Service Administrator Carm Catania** did not present a formal report. Councilman Schulz stated his appreciation to the Service Department crew for putting up the holiday display.

**City Engineer Philip Kiefer** gave no formal report and no questions were asked of him.

**Finance Director Keith Martinet** did not present a formal report and no questions were asked of him.

**Law Director Daniel Richards** thanked the City for the opportunity to serve as Law Director again this past year; and he wished a Merry Christmas and Happy New Year to all those present.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

**Mayor Mark Tyler** offered condolences on behalf of the administration to Mrs. Roelle and her family.

Mayor Tyler offered congratulations to all of tonight's honorees.

With regard to the recent house fire on Raccoon Hill Drive, Mayor Tyler commended Chief Hutton and the Fire Department for an outstanding job.

Mayor Tyler advised that a bid opening was held last Wednesday at the Lake County Commissioners' Office for the last contract of the sewer project, noting that the last contract should be awarded within the next few months.

Mayor Tyler expressed his wishes for a Merry Christmas and a Happy New Year.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. Memo dated December 21, 2009 from the Planning and Zoning Commission suggesting that the combined meeting of City Council, the Planning and Zoning Commission and the Board of Zoning Appeals be held on Monday, January 25, 2010 at 7:00 p.m. It was noted that Council members were in agreement with the meeting date as proposed.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

**OLD BUSINESS:****RESOLUTION NO. 09-R-53**  
(Mayor Tyler)

- (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 09-O-54**  
(Mayor Tyler)

- (Third Reading) - AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2010.

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

**ORDINANCE NO. 09-O-55**  
(Council President Umholtz)

- (Third Reading) - AN ORDINANCE AMENDING CHAPTER 1446 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO FLOOD DAMAGE REDUCTION.

Read by title only. Mr. Davidson moved to amend the ordinance to delete the word "(resolutions)" in two instances of Section 1446.01(g), and to delete the wording "(Variance Board for Counties)" in Section 1446.03(h), as noted in City Engineer Kiefer's memo of December 14, 2009. Mr. Skrbis provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

Mr. Skrbis moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Skrbis moved to adopt the legislation as amended, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

**RESOLUTION NO. 09-R-60**  
(Mayor Tyler)

- (Second Reading) - A RESOLUTION DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.

Read by title only and placed on Second Reading.

**RESOLUTION NO. 09-R-61**  
(Mayor Tyler)

- (Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2010 MCCOY MILLER MEDIUM DUTY AMBULANCE FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**NEW BUSINESS:****RESOLUTION NO. 09-R-63**  
(Mayor and Council)

- A RESOLUTION COMMENDING ROYAL A. BRETRAGER FOR HIS SERVICE TO THE CITY OF KIRTLAND AS A MEMBER OF COUNCIL.

The commendation was read in its entirety by Council President R. Robert Umholtz. Mr. Davidson moved to waive the three readings and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

The commendation was presented to Mr. Brettrager, and he received the warm applause of all those present.

**RESOLUTION NO. 09-R-64**  
(Mayor and Council)

- A RESOLUTION COMMENDING THEODORE O. WIESE FOR HIS SERVICE TO THE CITY OF KIRTLAND ON THE PLANNING AND ZONING COMMISSION.

The commendation was read in its entirety by Council President R. Robert Umholtz. Mr. Kirek moved to waive the three readings and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

The commendation was presented to Mr. Wiese, and he received the warm applause of all those present.

**RESOLUTION NO. 09-R-65**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. F. MARVIN BAHR TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 09-R-66**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. ROLLAND J. STANDISH TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

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

**NEW BUSINESS (continued):****RESOLUTION NO. 09-R-67**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. ROY HENDRICKSON TO THE CEMETERY BOARD OF TRUSTEES, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 09-R-68**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE APPOINTMENT OF MR. RONALD E. ROMIG TO THE CEMETERY BOARD OF TRUSTEES, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Davidson moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Powell moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mayor Tyler advised that Mr. Romig is the new Site Director for the Kirtland Temple, noting that he was introduced to Council at a previous meeting.

**RESOLUTION NO. 09-R-69**  
(Council President Umholtz)

- A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 09-O-70**  
(Mayor Tyler)

- AN ORDINANCE AMENDING ORDINANCE NO. 09-O-7 RELATING TO THE APPROPRIATION FOR THE YEAR 2009.

Read by title only. Finance Director Martinet referred to his memo dated December 13, 2009, regarding the change to the State Route 306 Widening Project and the Waste Water Treatment Plants reclassification. Mr. Martinet requested that Council waive the three readings and adopt the legislation at tonight's meeting. Mr. Webbe moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Webbe moved to adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

**NEW BUSINESS (continued):**

**ORDINANCE NO. 09-O-71**  
**(Mayor Tyler)**

- **AN ORDINANCE LEVYING LIENS FOR DELINQUENT SANITARY SEWER CHARGES, AND DECLARING AN EMERGENCY.**

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

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Skrbis thanked everyone in the audience for attending the meeting.

Council President Umholtz wished a Merry Christmas to all those present.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Davidson moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. The time was 7:45 p.m.

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President of Council

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Clerk of Council