

The regular meeting of the Kirklin Town Council was held on Monday, November 13, 2017 at 7:00p.m. at Kirklin Town Hall.

On the call of the roll the following Council Members were present: Jerry Faucett, Melinda Jobe, Walt Minnick, Valerie Pearson, & Jennifer Rustin

Also present were: Alicia Albertson (until Jay Moore arrived), Darren Wells-GRW Engineers, Tom Hedde-Candidate for State Rep. District 38, Matthew Myers, Billy Walker, Andrew Miller, Josh Chapman-Triad Associates, Jay Moore, & Mary King

MINUTES- The Minutes from Town Council Meetings held on October 2, 2017, October 5, 2017, and October 9, 2017 were approved as written.

PETITIONS OR COMMENTS FROM CITIZENS PRESENT-There were no petitions or comments from citizens present.

PARK BOARD/RECREATION BOARD-There were no representatives from the Park Board or Recreation Board present. Billy reported that the shelter house had been winterized and the water has been shut off. Billy is waiting on Billy Scott to winterize the building back at the ball diamonds.

STORMWATER UTILTIY BOARD DRAINAGE ISSUES-Billy reported that Eco-Infrastructure will be here Monday & Tuesday to clean storm lines that the Board has selected. Jerry said that drainage has improved around town. Valerie noted that, following the last rain, Francis Street was very flooded.

WASTEWATER-Billy introduced Josh, the project inspector from Triad. Walt stated his concerns that the project be completed in a timely fashion. A motion was made by Valerie Pearson to pay Crosby Construction invoice in the amount of \$106,830.00. The motion was supported by Jennifer Rustin and carried with a unanimous vote. Melinda Jobe made a motion to pay Cornerstone Grants Mgmt. invoice in the amount of \$1,750.00. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

WATER PROJECT-Mary King reported that the town has been approved for an OCRA Water Planning Grant in the amount of \$35,000.00 and that all paperwork has been signed. A motion was made by Jennifer Rustin to sign a contract with Cornerstone Grants Mgmt. in the amount of \$4,000.00 as Grant Administrator for the grant. The motion was supported by Valerie Pearson and carried with a unanimous vote. A motion was made by Melinda Jobe to sign agreement with GRW Engineers for engineering services in the amount of \$35,000.00. The motion was supported by Jennifer Rustin and carried with a unanimous vote. Darren Wells reported that GRW will begin work immediately and plan to have a draft of the water needs to submit to the Council in February. The final draft should be ready by March 13th. Jay noted that he had reviewed the GRW contract and wanted to be sure that the Town Council understood that the fee in the contract does not include any water testing. Darren stated that they would review and current water testing results, but that Jay is correct, the town will pay for any needed tests.

50/50 SIDEWALK ENHANCEMENT APPLICATION 101 S. MAIN STREET-A 50\50 sidewalk application and plan to install a sidewalk and trees was submitted by Dan Mann, 101 S. Main Street. The trees will be planted by the property owner and is not considered part of the 50/50 match request. Jerry Faucett has received complaints about the stairs that have been added to the old loading dock at this location and questioned if they had a permit to do the work. Building permits are issued through Clinton County Area Plan Commission, so the town does not have a record. He also brought up the issue that he believes the Mann's did not get permission to do the work in the alley and has concerns about moving forward with the sidewalk project. Jerry has concerns about a wheelchair getting past the steps on the sidewalk. Jerry feels that the work that has been done in the downtown is phenomenal, but still has concerns about the issues in the alley. He stated that the Mann's had been sent a letter concerning the air handler issue and questions if they installed the stairs without a permit. Jennifer Rustin questioned if all the awnings installed needed permits. Jay suggested contacting Mark Timmons concerning the awnings and the stairs and whether they are in the town right-of-way. Jay agreed to check with Mark Mills about the awnings that have been installed and a permit for the stairs. Walt Minnick made a motion to table the application and the opening of the two bids received for the project until more information can be gathered. The motion was supported by Jerry Faucett and carried with the following vote. Walt Minnick-yes, Valerie Pearson-yes, Jennifer Rustin-yes, Melinda Jobe-no.

UTILITIES-Billy reviewed highlights of the report that was submitted to the Council prior to the meeting. He gave a list of fire hydrants that need replaced. The replacement could be included in the project that GRW will develop or the town could begin to replace them. He explained that a leak was fixed by town employees within 12" of the water meter at 408 E. Pike Street. A motion was made by Melinda Jobe to allow a leak adjustment for Gina Telford in the amount of \$97.32 since the town was

responsible for the leak. The motion was supported by Jennifer Rustin and carried with a unanimous vote. Billy reported that he has solicited 3 bids for tree removal at the WWTP, but has not received any bids yet. Billy explained that he had been approached by a porta-potty company that would pay to dump at the WWTP. He stated that the request would have to be approved by IDEM and would have to start after the WWTP improvements, but could be a small source of additional revenue. Billy reported that he will be on vacation from Nov. 22nd-Nov. 26th and that Michael Earl would take care of the Wastewater Plant. Billy introduced Drew Miller as the new town employee and said that he would take care of testing at the water plant while Billy is gone. Billy reported that Drew has already received kudos from a town resident on the job he did picking up branches.

Walt stated that one thing he would like to see done is posts installed around the fire hydrant at the water tower. Jerry agreed to help Billy get that done.

STREET PAVING-The Council agreed to accept bids for the paving project that will be partially funded with the Community Crossings Grant on December 11, 2017. Billy explained that if the bids come in high, the town will have to pay the additional amount or cut out streets from the project. If there are any funds left over after the project is complete, all extra funds must be returned to the state.

TOWN MARSHALL-Matt Myers thanked the Town Council for having confidence in him to be the Interim Town Marshall. Matt suggested that the Town Council first decide if they want to keep the position full-time or change it to part-time. Matt's recommendation is to keep the position full-time. Matt will help the town out as much as he can and will help the Clerk-Treasurer develop a job description for the position. Matt told the Council that Mike Weingartner and Brandon Garber are willing to continue as Reserve Officers, but that Erin Dean my resign. Matt had concerns on the town's behalf with Josh Robertson. Matt reported that he has suspended Josh's authority until a new Town Marshall is in place. He also reported that Josh has not been released medically to come back to work for the town. Jerry stated that he would like to bring a Town Marshall on part-time until the Council decides if they want to keep them full-time. Jay will check in to the legal aspect of doing that. Jay will also look at probationary requirements as well as termination requirements for part-time. Jennifer Rustin made a motion to table the issue for now. The motion was supported by Valerie Pearson and carried with a unanimous vote.

REACH ALERT PROGRAM-Information and cost was provided to the Council prior to the meeting about the REACH Alert program that would notify residents by phone, text or email of important issues such as boil water notices, service disconnections, and water outages. The cost would be \$340.00 for the first year, after that it would be \$680.00. The fee is based on 340 service connections and would be \$1.00 for each connection the first year and \$2.00 after that. A motion was made by Melinda Jobe to try the program for one-year if the town has the option to cancel. The motion was supported by Jennifer Rustin and carried by a unanimous vote.

UTILITY BILL ADJUSTMENTS-After review of leak adjustment requests, a motion was made by Melinda Jobe to approve a leak adjustment request for David King in the amount of \$145.03, and George & Deborah Cooper in the amount of \$60.85. The motion was supported by Valerie Pearson and carried with a unanimous vote.

SALARY ORDINANCE AMENDMENT #2017-11-1-A motion was made by Walt Minnick to adopt Amendment to Salary Ordinance #2017-11-1. The motion was supported by Jerry Faucett and carried with a unanimous vote.

REGISTER OF CLAIMS & BILLING ADJUSTMENT REGISTER-Signed by all Town Council Members present

RECONCILED BANK STATEMENTS-Presented for Council review and signed by Walt Minnick

INSURANCE CLAIM 206 S. MAIN STREET-Mary explained that there had been damage in the town's right-of-way in front of Barth & Marie Hendrickson's home at 206 S. Main Street. The damage was due to a car accident that Erie Insurance is handling. The claims representative with Erie Insurance will only settle the claim with the Town of Kirklin even though the Hendrickson's planted the tree that was damaged. The Hendrickson's feel the tree will die and want replacement cost for the mature tree. Erie Insurance believes that the tree will be fine and has offered \$200.00 for damages to the tree, but has offered to wait to see if the tree dies before settling the claim. The Hendrickson's would like to hold the claim open for now. The Council agreed to wait to settle the claim, but Jay stressed that we needed to notify the Hendrickson's that it will be up to them to make sure the claim is settled prior to the Statute of Limitations running out and not the town.

INVOICE PAYMENT-A motion was made by Melinda Jobe to pay an invoice from Ryan, Moore, Cook, & Triplett in the amount of \$221.45 as reimbursement for obtaining medical records in the John Faucett disciplinary matter. The motion was supported by Jennifer Rustin and carried with a unanimous vote. A motion was made by Melinda Jobe to approve paying an invoice for Bergum & Johnson in the amount of \$5,928.00 for legal services in the disciplinary matter of John Faucett. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

TRANSFER ORDINANCE #2017-11-2- A motion was made by Jennifer Rustin to approve Transfer Ordinance #2017-11-2. The motion was supported by Valerie Pearson and carried with a unanimous vote.

RUSSELL EXCAVATING INVOICE-Two invoices for Russell Excavating were presented. One invoice was for the original amount bid to complete the project in the amount of \$3,950.00. The second invoice is for \$3,103.44 and is unexplained. Billy explained that Russell was the low bidder on the project, but he feels that he may not have included boring under the highway & steel casing. Billy explained that all contractors were given the same information and specs. Billy said that even with the additional invoice, Russell was \$800.00 cheaper than the next lowest bid for the project. Billy stated that there has been a history with this contractor of nickel-and-diming the town at the end. Billy approves the purchase of steel casing because the town agreed to pay for the job materials. Billy recommended that the town pay this invoice and make it clear that all future bids will be held to the bid. Jerry reported that he spoke with Kyle Russell about the project and the overcharge and invited him to attend the meeting. Jerry recommends that from now we bid projects with material included. Melinda Jobe made a motion to table paying invoice in the amount of \$3,103.44 until we have clarification on additional charges. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

TREE PLANTING ORDINANCE-The Council discussed developing an ordinance that would regulate planting trees in the town right-of-way. Jay will send Billy a copy of the Clinton County APC Line of Sight Ordinance.

ATTORNEY LETTER & FEES- A motion was made by Walt Minnick to approve the additional fee schedule presented from Ryan, Moore, Cook, & Triplett for the John Faucett appeal issue. The motion was supported by Melinda Jobe and carried with a unanimous vote.

DUKE ENERGY PROPOSAL-An evaluation of lighting was done by SmartWatt at Town Hall and a proposal was made to make the Town Hall more energy efficient by making various changes to the lighting. The town portion would be \$3,836.32 and the total project cost is \$5,965.51. The Council chose not to act on the proposal at this time.

COMPLIANCE PLAN-A letter was given to the Town Council that was received from IDEM dated October 12th approving the Compliance Plan for the Agreed Order.

CHRISTMAS-The Council and employees will meet at 6:15pm prior to the December Council Meeting for light refreshments.

Meeting adjourned at 9:21 p.m.

Walt Minnick _____

Attest: _____

A special called meeting of the Kirklin Town Council was held on Monday, November 20, 2017 at 6:00p.m. at Kirklin Town Hall.

Council Members present were: Jerry Faucett, Melinda Jobe, Walt Minnick, & Valerie Pearson. Jennifer Rustin was absent.

Also present were: Billy Walker, Jim Mann, Jay Moore, & Mary King

50/50 SIDEWALK ENHANCEMENT APPLICATION - DAN MANN-Jim Mann presented an architectural drawing from Browning, Day, Mullins, & Dierdorf for the sidewalk project and trees at 101 S. Main Street. He explained that Kirklin Main Street will not plant trees that are difficult to maintain or that will get large. He has an estimate that the cost will be \$50.00 each tree for trimming and that it would need to be done every two years. KMS will maintain these four trees. He said that he would need to come back to the Council for possible help when more trees are planted. Barth Hendrickson has suggested planting honey locust and serviceberry trees. Jim reported that Metzinger Construction, Mike Henry, and Phillips Greenhouse will donate various services for this project. He told the Council that it would not always be him that comes to the meetings from this point on and that it could be other KMS Board or Committee Members from the list he provided.

Walt Minnick opened the bids for sidewalk replacement at 101 S. Main Street. Bids were requested from S K Construction, Jim Michael Construction, Metzinger Construction, & Prater & Sons Concrete. The following bids were received: Prater & Sons Concrete \$16,300.00, Metzinger Construction \$7,965.50. The bids were reviewed for completeness. A motion was made by Melinda Jobe to accept the bid from Metzinger Construction in the amount \$7,965.50. The motion was supported by Walt Minnick and carried with a unanimous vote. A motion was made by Melinda Jobe to accept the detail & design on the sidewalk project at 101 S. Main Street. The motion was supported by Valerie Pearson and carried with a unanimous vote.

DOWNTOWN PROJECTS REPORT-Jim Mann wanted to answer questions and give the Council a report about the concerns raised at the last meeting. Jay told the Council that he had worked with Jim Mann on real estate transactions, but in this case he is representing the town. He has told Jim & Dan Mann that anything that is being done in the town right-of-way should be blessed by both the APC and the Town Council. Jim explained that a building permit had been obtained and the stairs were on the permit. The stairs were approved by Mark Timmons, the Clinton County Inspector and are ADA compliant. The awnings that have been put in for various businesses do not require a building permit, but they now know that they should come to the Council for approval before any new awnings are put in. A motion was made by Melinda Jobe to approve prior work that has been done which includes: staircase at 101 S. Main Street, 3 awnings, and hanging/removing snowflakes from light poles. The motion was supported by Valerie Pearson and carried with a unanimous vote. Jim discussed the concepts for downtown and how that process will work. KMS will seek design opinions, then they will go to specs. Design, and cost estimates will be created. Jim will send the Clerk-Treasurer an email and she will notify the Council about the sidewalk project schedule.

RUSSELL TRUCKING & EXCAVATING INVOICES-Billy explained that the invoice from Russell Trucking for \$3,103.44 consists of \$2,953.44 for material and \$150.00 delivery charge. An additional invoice in the amount of \$1,735.00 was received; \$285.00 for cutting down trees and \$1,450.00 charges for down time waiting on supplies. Billy feels that the town should pay for cutting down trees, but not the down time. Melinda Jobe made a motion to pay the invoice in the amount of \$3,103.44 for material & delivery since the town agreed to pay for the material for the job. The motion was supported by Walt Minnick and carried with a unanimous vote. A motion was made by Melinda Jobe to pay \$285.00 for cutting down trees only. The motion was supported by Valerie Pearson and carried with a unanimous vote. Jerry Faucett did not realize that the motion was to pay only \$285.00. Billy said that the material for the job was delivered before the project started and that he had to wait on the permit to bore under the highway. Jerry said that he is the one that told Kyle he should bill for his down time. Jerry said that he knows the crew waited for material because he went and picked it up. Billy stated that changes in the project were made due to the request of the homeowner. A motion was made by Jerry Faucett to pay the additional \$1,450.00. Minnick supported the motion and it was carried by the following vote: Jerry Faucett-yes, Walt Minnick-yes, Melinda Jobe-yes, and Valerie Pearson-no.

Meeting adjourned at 7:00 p.m.

Walt Minnick _____

ATTEST _____