

The regular meeting of the Kirklin Town Council was held on Monday, August 13, 2018 at Kirklin Town Hall at 7:00 p.m.

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

Also present were: Darren Wells, Matthew Myers, Billy Walker, Patricia Quick, Kellie Rossman, Kent Schuch, & Mary King.

The meeting was opened and the Pledge of Allegiance and prayer were led by Walt Minnick.

MINUTES - The Minutes were approved as written.

WATER PROJECT - Darren Wells provided the Town Council with a written update on the planning phase for the water project. The items listed in the update are as follows: 1) A list of work that has been completed and work that is anticipated to take place by Sept. 10th. The list of items to be completed are: Complete preliminary design services & geotechnical services. 2) Meet with the town to discuss preliminary design submittal. 3) GRW will begin the final design phase for the project. Darren reported that the new date for the announcement of OCRA projects funded will be Aug. 23rd.

WASTEWATER/WATER - Billy provided the Council with a written monthly report prior to the meeting. Items in the report are as follows: 1) The ammonia problem seems to be solved and the plant has been in compliance with the IDEM permit for the past couple of weeks. 2) The issue with ecoli numbers being high, due to the effluent chamber, seems to be solved; we have been in compliance for a week. 3) The UV system is working properly. 4) The ponds have been pumped out and we are waiting to hear from IDEM to see if enough has been removed. 5) The drying beds are at 90% capacity and need cleaned out. 6) The last major work project that needs to be finished by Crosby Construction is the lift station and valve structure for the ponds. This project is supposed to be completed within the next couple of weeks. 7) Billy has attended the Aero-Mod training. 8) A drip-system to control the midge fly population at the WWTP needs to be ordered. 8) Price Excavating repaired a 4" cast iron line that caused a water leak on W. Jefferson Street near Illinois Street. 9) Billy will be on vacation Oct. 5th-17th and will return to work on Oct. 18th. Drew will handle both water and wastewater operations while Billy is gone.

WASTEWATER PROJECT - All Council Members received an email prior to the meeting with the most recent weekly project report that gets submitted to IDEM. Jennifer Rustin asked why the lack of activity on the project. Jennifer expressed her frustration over the amount of days that Crosby Construction and Triad (Engineers) have not shown up at the job site. Kent said that the date for substantial completion is Aug. 15th. Kent will talk to Jim Frazell tomorrow to get a punch list together with a cost estimate. Kent Schuch stated that Crosby Construction is trying to find another excavating company so that the substantial completion date on the project can be met. She is also frustrated that they have caused the town to have issues with IDEM by not making sure the plant was operating properly during construction. Kent said that he only comes to the job site on days that Crosby is there working. Kent reported that he has spoken with the Project Manager at Crosby and they are supposed to be in later this week. Global Excavating is the subcontractor and they have not been able to get them back to the site. They have said that they will use their own forces if Global doesn't make it back this week. Billy reported that the subcontractor, Global Excavating is dragging their feet on coming back to finish work for the lift station and valve structure. He recommended that the town write a letter to Crosby. Walt Minnick also expressed his frustration and stated that it is unacceptable that Crosby had no representation on the job this week. He stated that he feels that it is the fault of Crosby that we had the trouble with IDEM, that they moved the most important segment in the project back and it through up a red flag. In light of last week, and what appears to be a repeat this week, Kent suggested that Jay write Crosby Construction a pretty stern letter if the Council wants to approve it. Jennifer feels like Triad should write the letter. Kent said that if the Council wanted them to, Triad would write the letter. Jennifer expressed frustration that it feels like Crosby & Triad keep passing the blame on each other. After further discussion, it was decided that Jay will send a letter to Crosby Construction stating the town's displeasure with their lack of work, and that they need to get in and do work, or we will view it as a default of the contract. Billy said that there will be an amendment to the old UV system and he is waiting for final plans and the change order to cover that work. Jay said that when we do that change order, we need to be sure and also include the deletion of removing the trickling filter in the same change order. Mary King reported that Change order #4 has been approved by the SRF. We don't know at this time what the additional remaining SRF/OCRA grant funds will be used for. Billy thinks it's possible that we will need to spend more money on the ponds. He also feels that additional money will be spent when we reconfigure the effluent structure to eliminate the ecoli problem we are currently experiencing. Billy also reported that he had gotten three bids and forwarded them to Kent for tree trimming that needs done to prevent foliage from falling in to the existing structures. Billy asked Kent if additional loads from the ponds would be handled as a change order and Kent stated that they would. Mary King said that all future change orders need to be submitted by the September Town Council Meeting so that the OCRA grant can be closed out on time. A tentative meeting of the Town Council was scheduled for August 27, 2018 at 6:00 p.m.

The following pay applications were submitted prior to the Council Meeting: Crosby Construction \$34,400.00, Triad Associates \$16,200.00-Construction Observation, Cornerstone Grants Management-Grant Administration & Labor Standards \$1,750.00. The Town Council had hesitations with approving the Crosby Construction payment. Jay Moore reviewed the pay application and discussed each item with Billy. It was determined that all of the work that was included in the pay application has been completed. The town still has \$142,000.00 in retainage and balance to finish. A motion was made by Melinda Jobe to approve payment of \$34,400.00 to Crosby Construction, \$16,200.00 to Triad & Assoc., and \$1,750.00 to Cornerstone Grants Mgmt. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

50/50 SIDEWALK PROGRAM - Byron and Jody Padgett, 307 E. Madison Street, have submitted an application to participate in the 50/50 Sidewalk Replacement Program. An estimate for the work has been submitted by Metzinger Construction and the total cost is \$1,800.00, with the cost to the property owner being \$900.00. Valerie Pearson made a motion to approve the application and the cost. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

PARK BOARD - Patti Quick gave a report of the maintenance at the park. She also reported still having issues with the floor drain in the women's restroom. The plumber has been to the park twice and put seals in. Patti reported that Douglass Sewer & Septic came and has said the drain isn't stopped up. Patti has been told that plumbing at the park has been hooked up wrong for years. Patti stated that the women's restroom holds water and is a hazard and the Council might want to think about getting it taken care of. The problem seems to escalate when it is raining. Melinda asked that Patti bring a cost to have it taken care of back to the Council. Jerry Faucett asked Billy if he has ever seen anyone put a check-valve in a drain like that. Billy said that he has only seen it in flood prone areas. Jerry thought that this could be an easy fix. Billy stated that restroom lines, from sinks, toilets, and floor drains are tied in together and run under the walkway between the restrooms. Kent Schuch thought it could possibly be a vent problem. Kent said that there could be a problem with the vent on the women's side being clogged or maybe there isn't one. If a vent has not been installed, installing one could help and would be cheaper than digging up all the lines. Jerry Faucett suggested possibly plugging the line in the women's restroom to see if it comes up in the men's room. Kent had Jerry draw a diagram of the layout of the two restrooms and said that he would be willing to take a look at it. Patti thought that repairs could wait until next year. Mary King reported that the park still has \$9,900.00 that could be used on the project for this year, but stated that this year's budget could also be reduced so that the money can be spent next year in addition to the \$7,500.00 normally budgeted for the park. Patti said that she needs liners for the trash cans that were purchased because they didn't come with liners. Patti reported that the Kirk's Crossing Festival Committee has split the cost of new doors on the pavilion. The doors have come in, but have not been installed yet. She is unsure of the total cost for half of the doors and installation.

STORM WATER UTILITY BOARD DRAINAGE ISSUES - Billy stated that he didn't have anything to report. Jerry Faucett reported that he looked at the issue at the corner of W. Jefferson & N. Main Street. He says that it appears to be an abandoned storm drain or cistern and is awful close to the street. He does not think it is a fuel tank. Billy said that it is outside the state's jurisdiction and the town's easement. Jerry stated that if it is an old storm sewer, then it's our problem. Billy said that he doesn't have a problem taking care of it if it's our problem. Jerry said that he called Dennis (Hollingsworth) and Dennis said he didn't know anything about it. Jerry felt like Walt or Billy should have contacted him. Billy said that Bennii Weldy at the Fire Dept. was handling all of it. Jerry said the Fire Dept. only put cones around it. Billy said that Bennii and Mike Goff were supposed to be handling it. Jerry told Dennis to call in locates and go from there. Jerry said that it is real wet inside it to the southeast. Billy said that he has looked at it and there is a lot of brick and debris. Jerry covered it with plywood and put the cones up closer so that no one could step on it and fall in. Jerry said that Dennis is upset that the Fire Dept. put all the millings on his lot. Billy said that issue is between Dennis and the Fire Dept. Dennis is supposed to call in locates tomorrow. Jerry said he hates to just fill it in and that it should be dug up. Billy said that the storm drains in that area are either near the street or in the street. Jerry said to wait on locates and see what they say.

Jerry said that he hasn't had time to look at the other issues from last month at 608 N. Ohio St. and 208 N. Ohio St., other than Mike Wallace at 114 S. Main Street. Jerry understands some of Mike's frustration, but feels that what little the town can do is not going to fix his problem. Jay stated that Mr. Wallace wants the town to change the grade of the lot next to him that the town doesn't own. The town doesn't have any right to go in and change the grade on that property. Jerry still thinks leveling the alley out might help. Jay stated that is about as far as the town can go. Jay also said that Mr. Wallace doesn't want to do any digging or trenching that would allow water to flow. He needs to get the angle of his storm water flow lower so that he can drain. Jerry stated that even Mr. Wallace's own driveway on the west side, going east drains downhill to his building. Jennifer and Melinda questioned if Mr. Wallace had installed guttering on his building. It appears that he has guttering, but it hasn't been installed. Jerry wants the town to grade the alley down and at least make it level to show that we are doing our part. He thinks the other issues are with Area Planning and not the town. Jay said that we also talked about putting a drain in the alley, but Mike will have to excavate because the drain will be lower than what he is draining. Jerry has concerns that the drain Billy wants to tie into on the south side of Monroe Street doesn't have much fall and is shallow. Billy said that it drains quickly after the rain is done and goes straight into a county tile that runs across Billy Scott's impound yard.

Jerry thinks Dave Fruits installed a dry well there, but doesn't remember anything being connected to a drain that runs through Billy Scott's lot. Billy stated that Dan Sheets said that the county has a tile going across there and that is why Billy couldn't build on the property. Jerry asked if it went to the open ditch at the corner of Illinois St. Billy said that was correct, or to the open ditch on the highway, one of the two. Jerry is concerned that if we tie into the existing structure, we will flood Gearheadz because it sits low. He thinks maybe we should go east and tie in at the highway. Billy said that it would be more costly. Jerry said that we would have the right fall and it would work without flooding someone else out. Billy said we could also increase the size of the drain going in to the county tile and be able to tie more people in. Jerry said that they need to get together and look at the issue.

TOWN MARSHAL - Matt reported that the Charger needs to be taken in because the a/c isn't working. He is still working on getting rid of the military equipment; it is a slow process. Jennifer asked what we have left. Matt said that we have two vehicles, M-16's and miscellaneous equipment. After discussion, it was decided that the 1990 Ford truck still listed on the insurance policy needs to be removed. Matt will check on the 1992 General truck. Jerry Faucett stated that we don't need liability on any of the military vehicles if they are sitting at the sewage plant.

A motion was made by Walt Minnick to bring the issue of hiring a Town Marshal off of the table. The motion was supported by Jennifer Rustin and carried with a unanimous vote. Melinda reported that she had done some follow-up and contacted people in the Spencer area. She spoke with a town person and got just general information about Richard Hanlin. She then sat down and made lists of negative and positive things about the two applicants. Melinda Jobe made a motion to hire Anitra McKinney based on the information she has studied. Jennifer Rustin supported the motion. Discussion - Valerie asked about the conflict with Anitra and Matt working the same shift and schedule for the Clinton County Sheriff's Dept. Following a discussion about scheduling conflicts, Melinda amended her motion to include adding a directive to the contract that work schedules for the Police Department not be overlapped unless there are special events or emergencies. The contract change will also require that, when she has the opportunity at the end of the year, Anitra bid off the same schedule as Matt Myers as long as he is a Deputy for Kirklin. Jennifer Rustin continued to support the motion with the changes. The motion was carried with the following vote: Melinda Jobe-yes, Walt Minnick-yes, Jennifer Rustin-yes, Jerry Faucett and Valerie Pearson abstained. A motion was made by Melinda Jobe to include in the contract that the Town Marshal must work a minimum of 40-hours and a maximum of 58-hours in each pay-period. The motion was supported by Jennifer Rustin and carried with a unanimous vote. Jay Moore will make changes to the contract and send to Town Council Members and Anitra McKinney. If needed, the issue can be further discussed at the Council Meeting on August 27th.

INSURANCE - The Town Council reviewed and discussed the premium summary and annual insurance renewal quote from Patriot Insurance to provide property, liability, workers comp, and cyber options for the town. Jennifer Rustin asked how much the town paid in 2017. Mary King checked the records and the general insurance premium last year was \$22,569.00. The premium for renewal for this year is \$22,412.00 + various cyber options. Mary King will speak with the agent about removing both the 1992 General truck and the 1990 Ford Flatbed. A motion was made by Melinda Jobe to accept Patriot group quote in the amount of \$22,412.00 and the cyber option in the amount of \$256.00. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

LEAK ADJUSTMENT REQUESTS - The following leak adjustments were presented for approval: 1) David Cacy Water \$154.84+ Sewer \$281.58 = \$436.42 (customer only had service in his name for two months prior to leak and was not eligible for the summer sewer discount). An additional request to remove the penalty for the bill in David Cacy's name in the amount of Water - \$15.48 + Sewer \$28.16 = \$43.65 today. 2) Pool fill- Daniel Premeaux - sewer only - \$96.70 (did not receive summer sewer rate on pool fill). 3) Gary Jobe (water leak) - requesting water only adjustment in the amount of \$24.95. Melinda Jobe made a motion to approve all of the above listed adjustments. The motion was supported by Jennifer Rustin and carried with a unanimous vote.

2019 BUDGET - 2019 Budget Estimates with changes, were given to the Town Council prior to the meeting. There were no questions or changes requested at this time. The council approved the Budget Hearing to be held on September 10, 2018, with the Budget adoption date being October 8, 2018.

FUND, APPROPRIATION, REVENUE, & REGISTER OF CLAIMS, BILLING ADJUSTMENT REGISTER, RECONCILED BANK STATEMENTS - Fund, Appropriation, Revenue, & Register of Claims Reports were made available to all Town Council Members prior to the meeting. Reconciled Bank Statements for month ending July 31, 2018 were given to the Town Council for review and signed by Walt Minnick. The Register of Claims and Billing Adjustment Registers were reviewed and signed by all Council Members.

TRANSFER RESOLUTION #2018-8-1 - A transfer resolution was presented to cover the shortfall in Attorney fees for 2018. A motion was made by Jennifer Rustin to adopt Resolution #2018-8-1 approving the transfer of \$6,000.00 from General Apr. #101001113.000-Town Marshal to General Apr. #101001311.000 Attorney Fees. The motion was supported by Valerie Pearson and carried with a unanimous vote.

AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN ORDINANCE - Mary King read the proposed Amendment to the Capital Improvement Fund Ordinance. A motion was made by Jennifer Rustin to approve, on first reading, the ordinance amendment which dedicates \$25,000.00 for downtown revitalization and development for use as matching funds for a streetscape grant, which sum shall be appropriated in the 2019 Budget. The motion was supported by Melinda Jobe and carried with a unanimous vote.

BEER GARDEN APPROVAL REQUEST - Valerie Pearson requested that the Town Council approve a Beer Garden to be held during the Block Party Flea Market. The Beer Garden will be located in the grassy area between W. Madison St. and the Farmers Bank parking lot. Valerie is in the process of getting formal approval from the President of the Farmers Bank. Valerie said that Jennifer Ferguson will be monitoring, and will set up the insurance and security part. Jennifer Rustin made a motion to approve the Beer Garden in the grassy area by the Farmers Bank on Sept. 8, 2018. Valerie asked if it was appropriate for her to vote since she was making the request. Jay stated that she could vote since she is not profiting from the event. The motion was supported by Melinda Jobe and carried with a unanimous vote.

TOWN HALL ROOF - Jerry Faucett reported that he had spoken with contractors who specialize in roofing, but none have submitted proposals for replacing the roof on Town Hall. Jerry has spoken with Aaron Weaver- Top Gun Construction, Bruce Evans, & Crews Roofing. Jerry said that each contractor may have a different idea on how the work should be done. After discussion, it was decided that we should develop specifications and bid out the job. Three possible ways to have the work done are as follows: 1) Screw metal over the existing roof. 2) Put matting over the roof and screw metal over that. 3) Tear off old roof and put down black paper and frame up with 1X4's. Jay suggested that we do a request for proposals and say that we want a metal roof and that we want contractors to submit proposals as to how it should be done with a bid. They could give a proposal for all three possibilities.

TOWN COUNCIL - VEHICLES & WEEDS - Jennifer Rustin asked if there were any updates on the issues with 207 N. Ohio Street. Matt Myers reported that notice was filed on July 30th and a court date has been set for Sept. 11th. She also had questions about the amount of vehicles & weeds at Billy Scott's shop and weeds at the old fertilizer plant now owned by the Mann's. Jerry reported that he mowed at the old fertilizer plant today. Matt asked if Billy Scott had some sort of exception on the amount of vehicles he is allowed to have due to the type of business he operates. Jennifer stated that she thought he does if they are inside the fence, but she is referring to the ones outside the fence. Matt said that the way the ordinance is written, it talks about "residential" properties. Jay said that a business cannot do outside storage of abandoned vehicles. If vehicles aren't plated, they are considered to be abandoned under the zoning ordinance. Matt asked if there was a difference between cars that have been impounded as opposed to cars he is working on. Jay said that a person cannot have cars that he is working on in the front yard without violating the outside storage rules. Anything stored must be in the fenced area. Matt will try to resolve the issue. Jay stated that if it can't be resolved, the next step would be to involve Liz with the Area Plan Commission. **INTERSECTION CONCERNS** - Jerry Faucett brought up concerns about intersections being blocked by weeds, trees, and vehicles. Matt said that he can take care of the issues.

There was no further business to come before the Town Council.

The meeting was adjourned at 9:30 p.m.

Walt Minnick

