

The regular meeting of the Kirklin Town Council was held on Monday, April 12, 2021 at 7:00 PM at Kirklin Town Hall.

On the Call of the Roll the following Council Members were found to be present: Jennifer Bowman, Jerry Faucett, Melinda Jobe, Walt Minnick, and Brent Stetler.

Also present were Jason & Kristen Amich, Jacob Morris, Bethany Perlee, Charles & Tanessa Curry, Kat Bell, Amber Hendrickson, Henry King, Patricia Quick, Patricia Bogan, Alex Hickner, Crystal Houston, Billy Walker, Brendon Bright, Jeremy Turner, and Mary King.

The meeting was opened by Walt Minnick and he led with the Pledge of Allegiance and a prayer.

MINUTES – There were no additions or corrections and the Minutes were approved as written.

KIRKS CROSSING – Bethany Perlee was in attendance to represent the Kirks Crossing Festival Committee. She reported that they are moving forward with the festival this year and provided the Council with a flyer that shows all of the events. The festival committee will be having a meeting this Thursday. Bethany asked if the Council had any questions and asked for approval of the proposed events. The Town Council approved all of the events but reminded her that they would need to comply with insurance and permitting requirements for the beer garden and fireworks. Bethany assured the Council that they would follow the same process as last year. The fireworks will be set off on Brent Metzinger's property and not at the park. Bethany also gave each Council Member a sample of two options that they are considering for a sign in front of the park. The Council preferred the darker shaded sign. She explained where the placement of the sign would be. The Council agreed to the purchase of a new sign and the location.

SEWER TAP ON – Charles and Tanessa Curry, 505 Pike Street, were in attendance at the request of the Town Council to discuss options to help them get tapped on to the town sanitary sewer system. Mr. & Mrs. Curry presented the Town Council with a petition to have their property de-annexed from the town of Kirklin. His main concern is with the sewer tap and the lateral hookup from the main line behind 506 because there is no easement. He states that there is no easement gain between 506 & 508. The lateral line is 2 1/2". He said the state mandate is 4". Billy interjected that there is no state mandate on a pump line. Billy said that it is a pump line not a gravity flow. Jay Moore looked at the petition but will need to review it further to see if there is a statutory basis for de-annexation and said that if there is, it would require a public notice and a hearing. Melinda Jobe said that her only argument is that the Curry's are already getting one service from the town (water). Mr. Curry stated that he would be ok with disconnecting from the city water. Mr. Curry stated that his property is 348 ft. from the sewer main, but Billy estimates that it is within 300 ft. Billy said that is because the pump line that was put in is considered part of our "main system". Mr. Curry said that his main concern is with the lack of easements if repairs need to be made; that as well as the cost. He has bids from \$48,000.00 to \$13,000.00. He said that he has had the health department out and he does not have a failing septic system. Melinda said that the APC was at the last meeting and said that if the Curry's system went down, they would be required to hook onto the town's system if they are within 300 ft. Billy said that there was no easement agreement between 506 & 508 but there was permission given by the property owner to cross in order to accommodate the Curry property. Jerry Faucett said that he was not on the Council during the annexation and said that he told the Council at the time that they would need a lift station there. He said that the Council President, at the time of annexation, said that the town would pay for everything to get it done, with no expense to the homeowner. Jerry said that it was unnecessary, and he was against it from day one. Jerry also does not think water meters or lift stations should be located on private property. Mr. Curry stated that when he purchased the property in 2017, it was disclosed that he would be required to tap on to the town sewer system but was disclosed that he would have to install a lift station and potentially sell a piece of his property, decreasing his overall value. He questioned what happens if his power goes out, where all the sewage is going to go. He thinks that a daily flow rate from his home needs to be calculated. Billy said that it is the same application that they use all across the nation. It is a residential lift station with a little 3/4 horsepower pump that pumps out into your 1 1/2"-2" line. He said that it is standard and customary material and equipment to be used in a single residential operation. It is float controlled so there is really no flow measurement that has to be done because it is float controlled. He further stated that basically, depending on the configuration, some people are allowed to keep their septic system and tie into the effluent side to just carry the gray water, or they put a complete grinder system in, tying to the house and do away with the septic system. Jay Moore said that if de-annexation were a possibility, public hearings would be required to be held. Melinda Jobe made a motion to table the issue and to allow the town attorney to look into the process further. Jerry Faucett supported the motion, and it was carried with a unanimous vote. Brent Stetler and Jerry Faucett feel that it is not fair that Mr. Curry is the only person in town who would have to pay for a lift station. Mr. Curry cited a utilities and transportation code that he feels may have exempted him from sewer hookup. Jerry Faucett thinks that all lift stations and water meters should be in the town right-of-way and not on private property. Melinda Jobe made a motion to table the issue and to have Jay check into the process. Jerry Faucett supported the motion, and it was carried with a unanimous vote. Jay stated that the town would advertise for the petitioners hearing, but that the petitioners would pay for the cost of advertising the notice.

REQUEST TO CHANGE THE ORDINANCE TO ALLOW CHICKENS – Jason and Kristen Amich were in attendance to request that the Town Council amend the ordinance to allow chickens in town or to grant them a special exception to keep the ones they have. Jason said that a year ago they purchased six chickens and two ducks not being aware that they were not allowed in town. Last Wednesday it was brought to their attention that they were not allowed. He said as vegetarians, the chickens are pets to them, and they keep everything exceptionally clean. Jason said that neighboring communities like Fishers, Carmel, Zionsville, and Sheridan allow backyard chickens. Jason said that the neighbors love the chickens and the eggs that they give away. He has built a 16X24 run and has a completely fenced backyard and provided the Council with pictures. They submitted a petition signed by many of their neighbors in support of them being allowed to keep their chickens. Melinda Jobe said that she was the one who referred the issue to the Town Marshal. She explained that she had a resident complain to her and she had to follow the rules since we have a Town Ordinance that prohibits chickens. It is not fair to everybody else who would like to have chickens. Brent Stetler said that we could amend the ordinance, but he would not be in favor of allowing roosters. Melinda Jobe made a motion to table the topic to allow the Council to do more research. Discussion - She wants to look at what other towns have done. She asked Jason if the Council were to amend the ordinance to allow, say 4 chickens, would he comply. Kristen said that places such as Rural King only sell chicks with a minimum of six. Jason said that since their chickens are like pets, that would be like asking them to choose one of their dogs to give up. They have done a lot of research and six is pretty common. Mary King said that in speaking with Kat with the Area Plan Commission today, the issue also falls under the APC guidelines, which does not allow chickens. Kat said that Kirklin is zoned R-3 and they are prohibited in an R-3 district. In an R-1 district, you can apply for a special exception from the BZA, but not R-3. She said that Colfax did an amendment in 2018 to allow confined feeding of other animals as well as chickens. She said there are regulations on their cages and coops that have to be so far from the property line, and they have to be cleaned regularly. Kat said that if the APC had received the complaint, they would have had to enforce it as well. Patty Quick said she was on the Council when the issue came up before. She thinks the reason that they were not allowed is concerns of people being responsible. Jennifer said that getting a copy of the Colfax Ordinance might help with making a decision for Kirklin. Jay said that you could add standards for cleanliness and odor as well as a limit on the number of chickens. You could also prohibit roosters. Jay said the enforcement would be the same as junk cars, etc. Walt said that most lots in Kirklin are 66X132 and that is pretty tight. Jason said that he could move the existing coop if the requirement were 10 ft. off the property line because right now it is on the property line. Jay said that if the ordinance were amended, they could apply for a variance with the Board of Zoning Appeals. Jay suggested that the Council give the Town Marshal guidance concerning the ordinance violation. Melinda Jobe added to her motion, that we have Brandon hold off enforcing the ordinance until a final decision is made. Walt Minnick supported the motion, and it was carried with a unanimous vote.

FIREWORKS – Henry King and Amber Hendrickson would like to hold fireworks in the park on Sunday, July 4th. They are aware of the insurance requirements and the paperwork that will be required prior to final approval by the Town Council. They want to make sure the Council will allow it before incurring a lot of expense. They have contacted Benni Weldy who will bring the grass rig to the park. They have also received approval from Mike Henry, Fire Chief. Walt Minnick made a motion to approve the fireworks display, subject to the required paperwork and insurance certificate being filed with the Town Council prior to the event. The motion was supported by Brent Stetler and carried with a unanimous vote.

STREETSCAPE PROJECT – Morphe Construction has submitted a pay application in the amount of \$61,766.53 and is 5% complete. A motion was made by Melinda Jobe to approve Morphe Construction's pay application in the amount of \$61,766.53. The motion was supported by Brent Stetler and carried with a unanimous vote. **CHANGE ORDER #1** A motion was made by Melinda Jobe to approve change order #1 to the Morphe Construction contract which is a deduction of \$2,999.34 from the Duke Energy Scope Allowance. The motion was supported by Walt Minnick and carried with a unanimous vote. The new substantial completion date is June 18, 2021. **MOU TREE WATERING-** Melinda Jobe reported that in addition the Youth Center volunteering to water the trees, the Kirklin Christian Church has also volunteered to help. Melinda Jobe made a motion to approve the Memorandum of Understanding with Morphe Construction concerning the watering of the trees once planted, and to authorize Walt Minnick to sign the MOU. The motion was supported by Brent Stetler and carried with a unanimous vote.

PARK/RECREATION BOARD – Crystal Houston and Patty Quick were in attendance to represent the Park Board. The Park Board had a meeting last week. Brian Jones is installing new automatic on/off lights in the restrooms and checking other lights at the park. The merry-go-round is broken, and Crystal could only get one company to give her an estimate to remove it. All other companies required that she purchase a new one. The estimate was for \$1,800.00. Walt Minnick made a motion that Billy Walker remove the merry-go-round and sell it for scrap. The motion was supported by Melinda Jobe and carried with a unanimous vote. Patty reported that Jerry Shore would like to move the flagpole to inside the flower bed. They have plans to install black edging along the walls. They are planning to do some type of a fund-raiser and may sell t-shirts. Brent Metzinger is donating dirt to go around the edges of the pavilion to help with the drop-off. Volunteers will be meeting on April 18th to work on the poles that Billy was able to get from Duke Energy. Billy has cut them, but volunteers will paint and install them. Patty said that she has spoken with the Town Marshal about patrolling around the park area more frequently. Crystal is

concerned about what is under the ground at the park. Several items from the old school have worked their way up over the years and sink holes have developed around the small playground equipment. She thinks that we need to have someone come in and do Ground Penetrating Radar (GPR) to see what is under the ground. Patty announced that this would be the last year on the Park Board. Crystal stated that she and Bill are not confident of being Park Board President right now. She would want a detailed list of what all that Patty does. Crystal also asked about the vacant seat on the Park Board. Mary King said that she has spoken with Heidi Turner at the Library and they will appoint a new Park Board Member to replace Brittany Yedlowski.

AREA PLAN COMMISSION – Kat Bell with the APC was in attendance to give an update on the issues she has been dealing with in Kirklin. John Roberts vehicles are all currently registered and she has asked him to continue cleaning out. She has sent a letter to Gearheadz concerning the violation of the three-vehicle limit allowed outside of the enclosed storage area as a condition of the rezone. Kat is scheduled to follow-up with the progress on April 20th. The building that needed to be torn down of E. Madison Street has been cleaned up. Jerry Faucett asked about the barn along the alley that Kat looked at last month. She said that she gave the unsafe structure recommendation to the Council last month. The issue would need to be handled like the last property.

STORMWATER UTILITY BOARD – Billy Walker reported that Mike Henry has been working on a project to help the drainage situation in the alley near the town barn on E. Monroe Street and it is about half-way finished. Once the project is finished there will be stubs for the property owners on either side of the alley, as well as for the town barn. It will be up to the property owners to hook into the stubs provided. Jerry Faucett asked if the county was paying for the project. Billy said that the town will pay for it. Melinda Jobe made a motion to pay Mike Henry \$4,000.00 when the project is finished, with Billy's approval. Jennifer Bowman supported the motion, and it was carried with a unanimous vote. Billy has a couple more areas that could possibly be done this year. One of the projects is on Elizaville Road and the other is behind GearHeadz Auto. After digging in this area, the drain is the wrong material under the ground and is partially collapsed or blocked. There is a lot of work that GearHeadz would have to do before it can be worked on.

UTILITIES DEPARTMENT – Billy Walker provided the Council with a written report prior to the meeting. He reviewed items from that report. He has submitted water samples for the quarterly TTHM/HAA5 in March but is still waiting on the results. All fire hydrants have been flushed. Duke Energy gave Billy the utility poles after they were removed from Main Street. He will cut them up to be used around the parking lot at the park to keep golf carts and motorized vehicles out of the park. Volunteers have agreed to install and paint them. Brent Metzinger has removed the BLM from the sidewalk at the Town Park.

PAVING PROJECT – The paving project is complete. There were a couple of issues that were brought to our attention; One vehicle has over-spray on it, and one driveway has scuffs in the new asphalt. Baumgartner has been notified and will take care of the issues. Mary King noted that approving the current invoice will not release all of their funds, we will still be holding \$7,861.30 in retainage. She also noted that the project was completed slightly under budget. A motion was made by Melinda Jobe to approve the pay application for Baumgartner & Company in the amount of \$70,751.40, subject to the receipt of our Community Crossing Grant Funds. The motion was supported by Walt Minnick and carried with a unanimous vote.

MARSHAL DEPARTMENT – Brendon Bright reported that Jake Myers has been sworn in and his first day will be on Thursday. Brendon attended the Marshal Association Conference which he felt was exceptionally good training. They are waiting on parts for the Ford truck recall. The recall is for issues with the back-up camera. He reminded the Council that we will need to return the LESO equipment that the town does not own. He estimates that we will need to return 5-6 items. Jerry Faucett asked if the hummer could be given to an American Legion or some sort of organization. Brendon does not think it can be donated to that type of an organization. Brendon will receive his second COVID vaccination on Wednesday.

CLERK-TREASURER – A leak adjustment was presented for Jerry Pickard in the amount of \$99.61. A motion was made by Jerry Faucett to approve the leak adjustment for Jerry Pickard in the amount of \$99.61. the motion was supported by Walt Minnick and carried with a unanimous vote. Fund, Revenue, Appropriation Reports for March 31, 2021, Billing Adjustment Register for month ending March 31, 2021 & Register of Claims was given to the Town Council for review prior to the meeting. There were no questions concerning the reports. The Register of Claims and the Billing Adjustment Register were signed by all Council Members. There were no questions concerning the Monthly Statement of Reconciled Accounts. The reconciliations were signed by Walt Minnick.

ORDINANCE #2021-4-1 DETAILING PROCEDURES TO BE FOLLOWED FOR ACCOUNTS PAYABLE AND SIGNATORY AUTHORITY IN THE ABSENCE OF THE TOWN CLERK-TREASURER – Melinda Jobe read the ordinance by title. A motion was made by Melinda Jobe to pass Ordinance #2021-4-1 on first reading. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Melinda Jobe to suspend the rules for the second and third reading. The motion was supported by Jennifer Bowman and carried with a unanimous vote. Melinda Jobe made a motion to approve Ordinance #2021-4-1 on second reading. The motion was supported by

Jerry Faucett and carried with a unanimous vote. Melinda Jobe made a motion to accept Ordinance #2021-4-1 on third and final reading. The motion was supported by Brent Stetler and carried with a unanimous vote.

ORDINANCE #2021-4-2 TO ESTABLISH THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY GRANT FUND #176 – Jay Moore explained the options of how the ARP funds can be spent. The Town Council was also provided with printed information from State Board of Accounts detailing how the funds could be spent as well. Eventually the Council will need to adopt a written plan detailing the permitted use of the funds. For now, we need to adopt an ordinance to establish a fund so that when the first disbursement is made, we will have a fund to receipt the money in to. Melinda Jobe read ordinance #2021-4-2 by title. A motion was made by Melinda Jobe to pass Ordinance #2021-4-2 on first reading. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Melinda Jobe to suspend the rules for the second and third reading. The motion was supported by Brent Stetler and carried with a unanimous vote. Melinda Jobe made a motion to approve Ordinance #2021-4-2 on second reading. The motion was supported by Brent Stetler and carried with a unanimous vote. Melinda Jobe made a motion to accept Ordinance #2021-4-2 on third and final reading. The motion was supported by Brent Stetler and carried with a unanimous vote.

COUNCIL MEMBERS – Brent Stetler reported that he had met the new owner of the Kirklin Wesleyan Church, Dr. Chuck Dietzen and he thinks the new business Inspiration Station will be a good thing. Jerry Faucett complimented the Police Department on the job they are doing. He also reported that he had a tree taken down that was in the right-of-way, but he paid for it. **TOWN SIGNS** - Melinda Jobe reported that Kirklin Main Street is working on new “welcome to Kirklin” signage and showed a sample of what the sign may look like. There were some questions about the State Champion dates listed on the sign, 1915 & 1981. Melinda will check to be sure the final dates are correct. Jennifer Bowman would like to see the signs say Welcome to Kirklin and Thank you for visiting on the other side.

TOWN CLEANUP DAY – The Council discussed having the annual town cleanup day. After a discussion, the Council decided to have a town wide cleanup day on Saturday, May 22, 2021. Dumpsters will be set at the park from 8:00AM until noon and a current utility bill or proof of Kirklin residency must be presented.

Seeing no further business to come before the Council, the meeting was adjourned at 8:59PM

Walt Minnick 