

The regular meeting of the Kirklin Town Council was held on Monday, December 14, 2020 at 7:00 p.m. at Kirklin Town Hall.

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

Also present were: Mike Weingartner, Jay Moore, Zach Sanders, Andrew Gardner, Bob Thorley, and Mary King.

The meeting was called to order by Walt Minnick. Walt led the Pledge of Allegiance and a prayer.

MINUTES – There were no corrections to the Minutes from the November 9, 2020 meeting and they were approved as written.

CLOCK PRESENTATION TO MIKE WEINGARTNER – Walt Minnick and Brendon Bright presented Mike Weingartner with a clock inscribed with his beginning and ending dates of service to Kirklin. Brendon spoke about Mike's accomplishments and contributions to the safety of this community. He gave the statistics of tickets written by Mike during his nine years as a Reserve Officer for the town. All Council Members thanked Mike for his service and wished him well.

DONATION OF PROPERTY – Jay Moore gave Town Council Members a copy of the Warranty Deed that has been fully executed by Janet and Bob Thorley to donate the parcel of land at 709 N. Main Street to the town. The Warranty Deed stipulates the following covenants and conditions which shall run with the land and shall be binding on Grantee's successors and assigns and which shall remain in full force and effect for a period of (40) forty years from the date of the deed. The real estate shall not be utilized for residential or commercial purposes, except that Grantee may convey the real estate for the purposes of provision of public utility services or utilize the real estate for purposes of provision of public utilities: Grantee may utilize the real estate for purposes which benefit the general community of Kirklin, including but not limited to town signage, landscaping, green space, or a public park. Following the reading of the Resolution by Melinda Jobe, a motion was made by Jerry Faucett to adopt Resolution #2020-12-1 accepting the donation of the property known as Lots Numbered Forty-one (41) and Forty-two (42) in Stower's Addition, Parcel No. 12-15-12-202-001.000-007. The motion was supported by Brent Stetler and carried with a unanimous vote. Jay Moore said that his office will take care of getting the document recorded.

BURN ORDINANCE – Mary King noted that the town resident, Marty Smith, who had asked to be placed on the Agenda to speak to the Council about reducing the restrictions on burning was not in attendance. Pictures were presented that showed a large & smoky fire that had been set on property at the north end of town on Saturday, which is believed to be owned by the Metzingers. It was unclear if the fire was set by workers at the firewood business or by the owner of the property. Many Council Members witnessed the fire and smoke. Brendon Bright said that he was on duty but had not taken any action yet because he wanted to be sure the property was within the corporation limits and gather additional information. Jerry Faucett said that all of the property previously owned by Jim Stewart has been annexed. The fire department was called on Saturday and they put the fire out, but the pile was still smoldering as of Monday. Andrew Gardner was in attendance to complain that he was out walking the day that all the smoke was blowing and was upset that he had to walk through it. He stated that he is willing to get the EPA involved if the Council is unable to do something about burning. Council Members also have concerns about the early morning hours the firewood employees are working and the noise it is creating. Jerry Faucett also noted that many of the items that Brent Metzinger said that he would do when requesting the rezoning of the property have not been done, such as the fencing. Mary King said that in the past the Zoning Board has held off on an approved re-zone if all the conditions are not met. Brendon suggested that the Council may want to amend the Burning Ordinance to limit the size of allowed fires to that of a standard fire pit. The Council agreed to table the issue until they can research standard sizes for fire-pits. Brendon Bright will enforce the Burn Ordinance and issue any violation tickets if warranted.

WATER VIOLATION NOTICE CONCERNS – Zach Sanders was in attendance to express his concerns about the recent violation notice water customers received. Billy typed up a response which explains the violation and why it occurred. It also explains the corrective action plan. All Council Members were given a copy of the response. A copy was also given to Zach Sanders and extra copies are available to any town resident. Based on the written information Billy provided (since he was unable to attend the meeting), Mary King explained that based on Billy's information, the violation was in regard to a byproduct of our water treatment known as Total Trihalomethane and Halo Acidic Acid which is tested quarterly. The violation occurred at a dead-end area. He states that this is not indicative of all of the water throughout the town, only at the dead-end areas tested. His notes further explain that the first two quarters since using the new water plant were fine, but a violation occurred with his 3rd quarter test. He notes that research shows that TTHAA has to be a continual problem for many years in order to be a health issue. The corrective plan of action is to flush the fire hydrants more than the required two times per year that IDEM requires. This should help mix fresher water in the main lines with the dead-end areas. Town employees flushed hydrants this past Friday and today. Billy has been in consultation with IDEM and is meeting with Water Solutions Unlimited this week. Water Solutions Unlimited will analyze his water and chemical feed system as well. Billy distributed the violation notice as required by IDEM. His 4th quarter samples have been sent in, but he will not

have the test results until January. Mary King explained that Billy had followed the direction of IDEM by sending out the notices and is in consultation with them, and that if Zach felt more comfortable speaking with IDEM, he is welcomed to contact IDEM directly concerning the letter. Billy included his phone number, and he is welcomed to contact him as well. Jerry Faucett explained that he is certified and can take water samples over to the Health Department if he ever has additional concerns.

STREETSCAPE PROJECT – Mary King gave the following report from Drew Braley - What was discussed with the contractor and design team last week is that he is requesting/recommending an early March start date (weather depending) because it is just not sensible or practical to try and rip everything up and do any substantial concrete work during the really cold winter months. His hope is to get started in early March, and all things going to plan, be able to complete the work in 90-120 days. This works well for planting trees in early spring, and it also allows us (hopefully) to not run into scheduling and lead time issues coordinating with the Duke Energy work because that scheduling and ordering of materials can occur soon and then be ready to go in March/April. The contractor is planning to provide us with a proposed schedule once he receives the permit and speaks with his subcontractors. Melinda Jobe added that she had spoken with Drew on Friday and added that since the above report, the bond has been uploaded and the permit hopefully was issued on Friday. Steven Ray has said that since the delays have been largely due to INDOT and permitting delays, OCRA should be willing to give us another extension on the grant. We will request that extension in January or February.

PARK/RECREATION BOARD – Metzinger Construction has finished the project at the park. Mary King reported that the invoice was listed on the Register of Claims and was \$200.00 less than the estimate due to Drew hauling away the debris. Jerry Faucett reported that someone had put BLM in the concrete. Jerry said that a good concrete person could take that out and may have already.

DRAINAGE ISSUES – There were no new drainage issues to discuss. Mary King reported that the easement agreements for the E. Jefferson Street project have still not been signed. One complication is that the person living at one of the properties is not the owner. She has given Billy copies of the agreements that will need to be signed so the property owners can review it, but the way the agreement is designed, they have to come into the office to sign the original agreement.

UTILITY SUPERINTENDENT – Billy Walker provided the Council with his monthly report prior to the meeting.

MARSHAL – Brendon Bright reported that Matt Myers turned in his equipment and keys on Saturday (Dec. 12th).
LESO EQUIPMENT – Brendon said that he has been contacted by LESO and we will need to return the equipment that the town does not have ownership of. They agreed to wait until after the first of the year for the return of any items that they cannot find another authorized agency to take. Brendon's main concern is for the Hummer that may not run. The town will have to pay to haul it back if it does not run. **BODY CAMERAS** – Brendon said that he would like to get body cameras. He will look into what grants may be available. He eventually would like to add car cameras as well.

LEAK ADJUSTMENTS – The Town Council reviewed the leak adjustment requests. A motion was made by Melinda Jobe to approve the following leak adjustments: Diana Moore \$96.90, Mike Wallace \$106.86, and Burl Tharp \$87.31 (possibility that the leak carried over into next month). The motion was supported by Jennifer Bowman and carried with a unanimous vote.

CLERK-TREASURER - The Fund, Revenue, & Appropriation Reports, Billing Adjustment Register for November 2020, & the current Register of Claims was given to the Town Council for review prior to the meeting. There were no questions concerning the reports. The Billing Adjustment Register and Register of Claims was signed by all Council Members. The Monthly Statement of Reconciled Accounts for October 31, 2020 was reviewed by the Town Council and signed by Walt Minnick.

RESOLUTION #2020-12-2 TO PROVIDE FOR REIMBURSEMENT OF PUBLIC HEALTH AND PUBLIC SAFETY PAYROLL COSTS WITH CARES ACT FUNDING – Mary King explained that all communities had been instructed to draw down the balance of the CARES Act funds by claiming all payroll expenses for our Police Department from March 1st thru December 2020. Adopting this Resolution will allow us to transfer the funds in the amount of \$22,340.99 to the General Fund from the special CARES Act Fund it had to be receipted in to. The money can be spent next year by Additional Appropriation. Melinda Jobe made a motion to accept and pass Resolution #2020-12-2. The motion was supported by Walt Minnick and carried with a unanimous vote.

2021 SALARY ORDINANCE & AMENDMENT TO 2020 SALARY ORDINANCE – The Town Council discussed the Annual Review submitted by Billy Walker for Drew Miller. The Council agreed to discuss 2021 wages and adopt the Salary Ordinance at the **Year-End Meeting to be held on December 28, 2020 at 6:00 p.m.** **SALARY ORDINANCE AMENDMENT #2020-12-3** – Mary King read the proposed Salary Ordinance Amendment #2020-12-3. A motion was made by Melinda Jobe to adopt Salary Ordinance Amendment #2020-12-3. The motion was supported by Jennifer Bowman and carried with a unanimous vote.

COMMUNITY CROSSINGS GRANT AWARD – Mary King reported that the town has been awarded a Community Crossings Grant for street paving in the amount of \$72,916.05 and that the Town Council would need to vote to accept the grant and to appoint a signatory for the grant documents. A motion was made by Melinda Jobe to accept the Community Crossings Grant in the amount of \$72,916.05 and to appoint Walt Minnick as the signatory for required grant documents. Jennifer Bowman supported the motion, and it was carried with a unanimous vote.

ANNEXED PROPERTIES NOT TAPPED ON TO TOWN UTILITY SERVICES – The Town Council discussed the list of properties that were annexed into town in 2014 and were required to tie on to water/sewer. All property owners were granted an extension until October 7, 2020. Only one property owner has formally requested a further extension from the Town Council. Jay Moore asked that Mary send him a copy of the letter that was sent reminding each property owner of the October 7th deadline.

CHRISTMAS LIGHT CONTEST – Brent Stetler suggested that the town might consider having a contest for the best Christmas lights next year. We have great lights this year, but it might encourage even more participation next year. Jennifer Bowman suggested that we could also do something similar for July 4th decorations.

UNSAFE BUILDING – Jerry Faucett showed pictures of a building that he has safety concerns about located on East Madison Street near Carmel Engineering, and may be owned by Carmel Engineering. There are safety concerns with the metal blowing off the building from the roof and sides. Jay Moore will determine who the property owner is and send a letter.

Melinda Jobe and Walt Minnick expressed their appreciation for how everyone has worked well together for the town.

Seeing no further business to come before the Council, the meeting was adjourned at 8:53 p.m.

Walt Minnick
Melinda Jobe
Brent Stetler by phone

Jennifer Bowman
Jerry Faucett via phone