

The Regular Meeting of the Kirklin Town Council was held on Monday, June 10, 2024, at 7:00 p.m. at Kirklin Town Hall.

The meeting was opened by Melinda Jobe. On the call of the roll, the following Town Council Members were present: Jerry Faucett, Melinda Jobe and Walt Minnick. Brent Stetler and Craig Hudzinski were absent.

Also present were: Billy Walker, Brendon Bright, Joanne Lytton, Mel Lytton, Dan Carlisle, Liz Stitzel, Jay Moore, Phil Triplett, Chris Ragsdale, and Brandy Ragsdale.

The Pledge of Allegiance and a prayer were led by Melinda Jobe.

MINUTES – The Minutes from the Town Council Meeting held on May 13, 2024 were approved as written.

ALLEY VACATION PUBLIC HEARING – Attorney Phil Triplett was in attendance on behalf of Melvin and Joanne Lytton to request the town to vacate an alley located at 502 E Pike St. which the Lytton's recently purchased to build a home. After a brief discussion, Melinda Jobe read Ord. #2024-6-6 "An Ordinance Vacating An Alley". Walt Minnick made a motion to approve Ord. #2024-6-6. The motion was supported by Jerry Faucett and it passed by a unanimous vote by all three members present. Melinda Jobe made a motion to suspend the rules to pass on the 2nd reading at the same meeting. The motion was supported by Jerry Faucett and it passed by a unanimous vote by all three members present. Melinda Jobe made a motion to pass Ord. #2024-6-6 on the 2nd reading. The motion was supported by Walt Minnick and it passed with a unanimous vote by all three members present.

CHRIS RAGSDALE VARIANCE – Chris was in attendance to petition for two zero lot line variances from the edge of the W. Washington St. right-of-way to place a shed and the edge of the N. Perry St. right-of-way to place a greenhouse. The reason is to increase the size of his garden on the adjacent lot to grow his own food due to his wife's allergies. After a discussion, Walt Minnick made a motion to support the variance request for Chris Ragsdale but noted that he would like Chris to go a minimum of 1' from the assumed lot line to which Chris agreed. Liz Stitzel noted that the Board of Zoning Appeals normally requires a survey should someone want to have a 0' setback. The motion was supported by Jerry Faucett and it passed with a unanimous vote by the three members present.

AREA PLAN COMMISSION – Liz Stitzel presented LUPAKI #06-24-384 again for which the APC submitted a favorable recommendation. She explained that it is part of the LUPAKI presented at the May 2024 regular council meeting but that this portion of it pertains to changes to the Unified Development Ordinance (UDO) regarding floodplain ordinance updates. Kirklin does not have any floodplains in the town limits. After a brief discussion, Melinda Jobe made a motion to read and approve Ordinance #2024-6-5 "An Ordinance Amending the Unified Development Ordinance of Clinton County, Indiana and the Town of Kirklin", by title only, at first reading. The motion was supported by Walt Minnick and it passed with a unanimous vote of the council members present. Melinda Jobe moved to suspend the rules to consider Ord #2024-6-5 on the second reading at the same meeting. The motion was supported by Jerry Faucett and it passed with unanimous vote by the three members present. Melinda Jobe made a motion to pass Ord #2024-6-5 on second and final reading. The motion was supported by Jerry Faucett and it passed with a unanimous vote of the three council members present.

50/50 SIDEWALK PROGRAM – The council considered a 50/50 Sidewalk Application for Austin Walker for the property located at 106 S Pike St. Billy Walker presented the council with 3 bids for the project: Jorge Ramirez, \$6700.00; Metzinger Construction, \$7260.00; and Manning Concrete, \$8700.00. Melinda Jobe made a motion to approve the bid for \$6700.00 from Jorge Ramirez with the caveat that he must provide all paperwork necessary and accept full payment when the work is finished or it will go to the next lowest bidder, Metzinger Construction, for \$7260.00. The motion was supported by Jerry Faucett and it carried with a unanimous vote by all three members present. Tara Walker stated that there were also sidewalk quotes for 305 N Main St and 405 N Main St but that Jerry Faucett needs to fill out a 50/50 sidewalk application as that is the first step in the process for everyone. Seeing that he could not vote and there were only two other council members present, which would then not meet the requirement of a quorum for a vote, it was tabled until the July meeting.

TREE REMOVAL – Billy Walker presented three quotes for the removal of a tree, including stump, at 106 S Pike St. This is necessary due to it being between the sidewalk and Pike St. to prevent it from interfering with the sidewalk being replaced. The three bids were: Good Air Tree Service, \$2,200.00; Doin It Wells Services, LLC, \$3,750.00; and Martin Tree Service, \$3,000.00. Melinda Jobe made a motion to approve the quote from Good Air Tree Service in the amount of \$2,200.00. The motion was supported by Walt Minnick and it carried with a unanimous vote of all three council members present.

MOWING – The council had a discussion regarding the current mowing charges if a resident or commercially-owned property allows their grass to reach 8". Currently, Brendon Bright sends a letter giving the owner 7 days to mow. If they still do not mow the property, Brendon notifies Billy and the town mows it. The owner receives an ordinance violation fine, plus a \$100.00 mowing invoice from the town. After a discussion, it was decided by the three town council members present that the ordinance violation tiered penalties would remain the same

however the mowing invoice from the town will be raised to \$300.00. The Clerk-Treasurer was advised that if anyone complains to her office about it, to direct them to the address the town council at a meeting.

BRUSH – A recent issue arose involving a council member and their tenant, regarding what is and what is not eligible for brush pick up. Currently, there is no town ordinance requiring brush pick up but the town has picked up regular brush on Mondays for many years as a service to residents. The tenant was led to believe by the property owner that the town would pick up what was left of a large tree that Jerry Faucett wanted taken down from his property due to wanting to replace the sidewalk and was upset when it was not. For many years, the town has picked up normal brush with the property owner being responsible to have it removed if they have a whole tree cut down. Billy stated that if a resident has their own tree cut down, he can provide them a place that they can take it, but the town does not have the manpower nor equipment to clean up entire trees. He stated that he has always been met with understanding from residents about entire trees until now. Jerry Faucett stated that the town received a grant for a woodchipper at one time and that it just sat, hardly being used. Billy stated that he found an old one when he came to Kirklin that does not work and appeared to have sat for a long time without maintenance. Jay Moore is going to prepare an ordinance defining what brush is that is eligible for pick up each week.

SEWER REHABILITATION PROJECT – Commonwealth Engineering's design schedule remains on track. They will be scheduling some field confirmatory work soon. Final design is scheduled for the end of July. They anticipate that the SRF Project Priority List will be issued around July 1st. Melinda Jobe made a motion to approve Commonwealth Engineering's Inv. #59559 in the amount of \$18,899.92. The motion was supported by Walt Minnick and it passed with a unanimous vote of all three council members present. Billy reported that there are still a few residents that he has not heard from that received a smoke testing letter from town attorney Jay Moore. Jay stated that he will be sending out a last notice to those residents before they will begin to be fined.

ARPA FUND – Tara Walker reported that since she had to reimburse the ARPA Fund from the Bond Anticipation Note in order for the State Revolving Fund (SRF) to include the BAN in our anticipated bond issue, the town has a balance of \$127,605.06 that must be obligated by Dec. 31, 2024. She explained that it can be spent or obligated under contract by that time. After a brief discussion regarding possible uses, resident Dan Carlisle offered to pay for the Town's equipment that will be needed for livestreaming meetings per state law that goes into effect July 1, 2025, provided the town maintains it. Melinda Jobe and Tara Walker expressed their deep gratitude for his generosity and kindness.

PREAPPROVED PAYMENT OF CLAIMS – Melinda Jobe made a motion to read and adopt Ordinance #2024-6-1 "An Ordinance Amending Ordinance 5-11-2 of the Town of Kirklin Authorizing Preapproved Payments of Claims" by title only, at first reading. The motion was supported by Jerry Faucett and it passed with a unanimous vote of the council members present. Melinda Jobe moved to suspend the rules to consider Ord #2024-6-1 on the second reading at the same meeting. The motion was supported by Jerry Faucett and it passed with unanimous vote by the three members present. Melinda Jobe made a motion to adopt Ord #2024-6-1 on second and final reading. The motion was supported by Walt Minnick and it passed with a unanimous vote of the three council members present.

FOOD TRUCK ORDINANCE 2024-6-2 – Melinda Jobe made a motion to approve the first reading of Ord #2024-6-2 "An Ordinance Creating a New Chapter 112 of Title XI of the Town of Kirklin Code of Ordinances" regarding mobile food vendors, by title only. Walt Minnick supported the motion and it passed by a unanimous vote of the three council members present.

CAPITAL ASSET THRESHOLD – Melinda Jobe made a motion to read and approve Ordinance #2024-6-3 "An Ordinance Amending Ordinance No. 1-01-2 Establishing the Fixed Asset Capitalization Policy" by title only, at first reading, which raises the threshold from \$1,000.00 to \$5,000.00. The motion was supported by Walt Minnick and it passed with a unanimous vote of the council members present. Melinda Jobe moved to suspend the rules to consider Ord #2024-6-3 on the second reading at the same meeting. The motion was supported by Jerry Faucett and it passed with unanimous vote by the three members present. Melinda Jobe made a motion to pass Ord #2024-6-3 on second and final reading. The motion was supported by Walt Minnick and it passed with a unanimous vote of the three council members present.

PARK BOARD – There was a discussion regarding the rental process. The Clerk-Treasurer reported that the current way the park board prefers to rent the pavilion and building is for people to email them and that they do not want phone calls. Tara reported that while she appreciates the park board and what they have done, and agrees that could work, she feels they may be too busy to handle the bookings since people recently have been coming in to town hall multiple times due to not receiving a reply back from the park board. Tara stated this not only causes frustration for the customer, but she feels it is making the town look bad when they cannot receive help in a timely manner. Tara reported that she, as well as the previous Clerk-Treasurer, has offered to take care of park rentals for the park board but they have declined any assistance. Tara stated that town hall could provide

quick and efficient park booking assistance from beginning to end in just a few minutes which would result in happier renters. Walt Minnick stated that if they want to book the park rentals, they need to respond to their emails. He also said that at least one park board member should be at each council meeting.

DRAINAGE ISSUES – Billy reported that the excessive rainfall event during this reporting period caused the creek that Kirklin drains into to overflow its banks. This caused some flooding in the area around and including Sunshine Manor. He asked the Kirklin Volunteer Fire Department to help by pumping out excessive water there so that apartment residents could get to their vehicles without wading in water. He appreciated KVFD's help in this matter.

UTILITY SUPERINTENDENT – Billy Walker provided the Town Council with a written report prior to the meeting. He reported that the generator at the water plant has been fixed. The dump truck's bed is not working at the moment. He asked Billy Scott to diagnose the problem and had two options. Option one was the pump could be rebuilt at a cost of a little less than \$500 for the parts plus approximately \$500 in labor however the parts would not be in for a few weeks. The other option was to replace the entire pump and get it back in a few days at a cost of approximately \$3,000.00. Billy decided to save the town money by getting the pump repaired and just waiting for parts to come in. Melinda Jobe asked about the parts lasting versus purchasing a new pump and Billy replied that the parts would come with a warranty. Billy explained that the truck is about 15 years old but he's hoping to get two or three more years out of it. Billy also said that Peyton from Platinum Landscapes will be in town this week. Peyton informed Billy that the decorative rock around the trees downtown was not included in his contract and there will be an additional \$600.00 cost for that. In addition, when the landscaping at town hall was removed, it was found that there was metal edging in the ground that was unknown when the original quote was received. To replace that, it will cost \$750.00 above his original bid. Tara asked if metal edging is a requirement. Billy said that Peyton explained that metal is better than plastic as it's stronger and lasts longer. Billy said that it makes the landscaping look cleaner in that it helps better prevent grass from invading the landscaping investment. Melinda Jobe made a motion to amend the previously approved quote an additional \$750.00 to include metal edging in the landscaping at town hall. The motion was supported by Walt Minnick and it passed with a unanimous vote by all council members present. Billy also informed the council that Consumer Confidence Reports will be available in late June and that he and Drew will be flushing fire hydrants near the end of the month as well. Tara asked that she be notified when they plan to flush so that she can send out an alert to residents.

POLICE DEPARTMENT – Brendon Bright reported that he received the body cameras he ordered. He stated that during the last 30 days they had 25 incidents they responded to, 8 of which were ordinance violations. They also had two misdemeanor arrests. During the month, six tickets and 25 warnings were issued. Brendon completed training last week at the three-day Marshal's Association Conference and now has 22 of his mandated 24 hours completed.

CLERK-TREASURER – Tara Walker provided the following reports to the Town Council prior to the meeting for month ending May 31, 2024: Revenue, Appropriations, Payroll Allowance Docket, Adjustment Register, the Accounts Payable Register and Fund with Monthly Bank Statement of Reconciled Accounts. Seeing no questions, the Town Council members present signed the Payroll Allowance Docket, the Adjustment Register, and the Accounts Payable Register. Melinda Jobe reviewed and signed the bank statements as well as the Monthly Statement of Reconciled Accounts prior to the meeting. Tara presented the council with additional claims that arrived after the Claims Register was already printed. Melinda Jobe made a motion to approve the following invoices: Marion Chronicle Tribune, \$35.46; and, Minute Print It, \$273.00. The motion was supported by Jerry Faucett and it carried with a unanimous vote by all three members present. **POOL ADJUSTMENTS** – Melinda Jobe made a motion to approve the following pool adjustments: Sherry Lunsford, \$130.64; Dolores McDaniel, \$217.19, and David Lafferty, \$24.37. The motion was supported by Walt Minnick and it carried with a unanimous vote of all three members present. **LEAK ADJUSTMENTS** – Melinda Jobe made a motion to approve a leak adjustment for Brad Bailey in the amount of \$480.18. The motion was supported by Walt Minnick and it passed with a unanimous vote of all three members present. There was a leak adjustment presented for Rhonda Kyle that was denied due to having a leak adjustment applied to her account within the past 12 rolling months. **RESOLUTION 2024-6-4** – Tara presented a small list of outstanding checks over two years old to be receipted back into the appropriate funds per IC 36-1-3, with a total amount of \$53.63. Melinda Jobe made a motion to approve Resolution 2024-6-4 Water Write-Offs. The motion was approved by Walt Minnick and it passed with a unanimous vote of all three members present. **MISC** – Tara informed the council that the 2022 & 2023 State Board of Accounts audit report arrived and is on file her office and posted on the town's website. She also stated that the parking lot lease on W. Jefferson St. is set to expire on June 30, 2024.

JERRY FAUCETT – Jerry asked the deposit of the person who rented the community center. He was speaking about the Kirklin resident who, while renting town hall, left the metal cart that holds the tables out in the pouring rain. Brendon called Tara the day of the rental and asked her to come in as somehow the door to the storage room was locked and he needed to clock in. He stated that the door was not locked earlier that morning

when he was at town hall. When the door was opened, the American flag that stays in the community center was laid over, almost touching the ground. When Melinda Jobe visited town hall later that same day, she found that the cart was still wet, the small table in the hallway missing but later found in a stack underneath the larger tables on the cart, and Melinda spent over an hour getting town hall back to how it should have been left. Tara wanted council input but did not plan to keep her refund although it was inconsiderate how the facility was disrespected. An option Tara gave was that the council could choose to prevent her from renting town hall again. Jerry Faucett stated that was a good idea.

MELINDA JOBE – Melinda said that she would like to look into getting cameras in the hallway and the back door as a safety measure for the Clerk-Treasurer and other employees so that something would be recording should someone come into town hall and flip out.

Seeing no further business to come before the Town Council, the meeting was adjourned at 10:23 p.m.

A handwritten signature in black ink, appearing to read 'Melinda Jobe', written over a horizontal line.

Melinda Jobe, Town Council President