

The regular meeting of the Kirklin Town Council was held on Monday, June 13, 2022, at 7:00PM at Kirklin Town Hall.

On the call of the roll the following Council Members were present: Jerry Faucett, Melinda Jobe, Walt Minnick, and Brent Stetler. Absent was Jennifer Bowman.

Also present were: Billy Walker, Jake Myers, Kat Bell, Tara Walker, Patty Quick, Stacey Richardson, Maureen Hayden, & Jay Moore.

The meeting was called to order by Melinda Jobe.

Melinda Jobe led with the Pledge of Allegiance and a prayer.

MINUTES – There were no additions or corrections to the May 9th, 2022, Council Meeting Minutes and they were approved as written.

DOWNTOWN STREETScape PROJECT – Billy Walker reported that he attended the one-year walk-through for the downtown project this past week. Present were a representative from Browning Day, Morphe Construction and Roudebush, as well as himself. All looked good except for several dead trees downtown. The Roudebush representative requested a copy of the tree watering logs and Melinda Jobe stated that she has sent them to Drew Braley. Roudebush will be studying them to determine what to do from there. Billy stated that from his understanding, if the watering logs and watering were done per the MOU, they would be covered 100%. If there was any deviation, they'll determine what responsibility they have from there. Melinda Jobe stated that Derrick from the Bridge has photos on an old phone that he is trying to access but that Melinda has already sent photos of what she had. Billy stated that he is waiting to hear back regarding the trees. Billy also stated that they looked at the 3 Stray Cats concrete repair and it went well. He stated that in their walkthrough there were a few cracks here and there, but it is to be expected.

WASTEWATER PROJECT – Maureen Hayden with Commonwealth Engineering provided the Council with Progress Report No. 2. She reported that Melinda Jobe and herself attended the County ARP Committee Meeting on 5/10/22 to inquire as to whether the County would be willing to invest some of their ARP money they received to the Town of Kirklin for this project. Maureen stated that she did receive an email from Allen Dunn today stating that they have not met again since that meeting and have yet to make a decision. A discussion was also had regarding the dilemma as to if we can amend the Commonwealth Engineering contract since the original contract was made under the interim rules for using ARPA (American Rescue Plan Act) funds. The final rules were then implemented on April 1st. Jay Moore stated that he does not have the dollar amounts and the amount determines what we need to do. Maureen stated that she will send Jay a copy of their proposed contract in the amount of \$40,000 which is in addition to the previous amount. Jay stated that he wants this to be done correctly. It is unknown, due to the confusing wording of the rules regarding procurement, how many bids we would need as no number is given in the rules. Jay stated that should we have to put it out for bid, and someone comes in under Commonwealth's bid amount, that we could have a mess. Maureen believes they could be chosen not only under cost considerations but also quality qualifications as well as they have already done work on it. Because there is no number as to how many bids required in the rules, it could be interpreted to be getting just one single bid. Maureen stated that they would like to get the work started in either July or August if they are to proceed with the smoke testing. Billy Walker explained that this is because it is the driest months of the year and you need the ground and storm drains to be as dry as possible for smoke testing. You also need the sewer system to have no extra flow because you want clear paths with no restrictions. He also stated that if we can get it done in July or August, we can then submit a PER and get it finalized and then have the

PER ready to go when the SRF round opens on April 1, 2023. Maureen stated with the smoke testing that they want to do, it will give them much more detailed information and have the level of accuracy that Billy wants to see for the town. Billy stated that he just had his IDEM inspection at the sewer plant and I & I was discussed. He told the field inspector that we are developing a PER with Commonwealth Engineering and will be possibly doing smoke testing this summer. The inspector stated that with that information, he will hold off on enforcement for now to give us a reasonable amount of time to get it done. Jay stated that if we want to start in July, it will give us just a short window to receive bids. Maureen stated that Commonwealth does their own smoke testing. Jay stated that he believes it would be a legal route if we put it out for bid by tailoring our request for bids in a way that basically excludes anyone else from even be willing to bid on it due to the work Commonwealth has already done as it is all the same project or put a short time frame on it. Jay stated that we should go forward with getting a proposal out for smoke testing. Maureen will provide us with language to use for the work they would like to provide for us. Jay believes they may be able to get AIM to understand that we really only had one potential bidder because this information is then going to be fed into their report so it makes sense that they should be the one to control the quality of the data that goes into their report. Melinda Jobe made a motion that we find that Commonwealth Engineering is the sole qualified engineering company who is in a position to provide the information needed. Brent Stetler supported the motion and it carried with a unanimous vote. Maureen stated that she will provide a contract to Jay next week so that he can review it prior to the July 11th council meeting. Brent Stetler made a motion to pay the \$10,000.00 invoice to Commonwealth Engineers for their study and report done thus far. The motion was supported by Walt Minnick and it carried with a unanimous vote.

AREA PLAN COMMISSION – Kat Bell from the Area Plan Commission was in attendance to give a quick update. She reported that she took photos of the old Marathon station and has sent them a letter that they need to clean up the dumpster area/exterior grounds. She also stated that Gear Headz has also been brought to her attention. She is going to contact them regarding the standards that they have previously agreed to meet. Brent Stetler inquired about who is responsible for enforcement of mowing at 402 E. Pike St. where the resident does not mow part of his yard and that it looks bad. Kat stated that our police department can give him a ticket or APC can cite him. Jerry stated that it is a right-of-way. Jerry stated that the town has been mowing along 421 for years on both ends of town and does not believe we should continue to do so if we won't mow Mr. Harmons. Billy stated that he has no problem mowing this yard and whatever he needs to mow in order to make our town look clean and nice. Billy stated that if we quit mowing the approaches in town, it's going to look bad for people driving through as the farmer owners do not keep it mowed regularly. He stated that he has heard many compliments about how nice and clean the town looks when approaching it and that is Billy's main concern. Jerry believes we should stop mowing the approaches into town that the farmers own. Brent states that if we mow Mr. Harmon's, other people may stop mowing their right-of-way, too.

WATER RATE STRUCTURE – The council reviewed information provided to them by Steve Brock, our rate consultant, regarding a proposed rate reduction, or declining rate, for customers using 20,000 gallons or more water per month. The discussion was to determine if they would approve lowering the usage rate down to either \$8.00 per thousand vs. \$6.00 per thousand gallons for the first 20,000 gallons of usage and Steve provided what the loss to the town would be on each using Kirks Pointe LLC's 2021 usage as an example. Melinda Jobe stated that Steve said that the loss in billing on either one isn't enough to affect the water utility operations and that either rate would be fine. Melinda stated that she has had a couple of residents inquire that if they

(the distillery) were to get a rate reduction, why not the elderly, the veterans, etc. but Melinda believes that 20,000 gallons is excessive consumption, and that the distillery is trying to help themselves as well by making improvements to how they use water. Tara Walker stated that whatever they are doing, she can see a difference in their lower water consumption the past couple of months. Billy stated that anyone else that would use 20,000 gallons of water per month would also get the rate reduction, not just the distillery. Jerry Faucett stated that he believes it is embarrassing for them to ask for a reduction since they speak about how much money they are making yet they want a discount on their water. He believes their water bill is just an operating expense and that he does not believe that the town should go to the expense of helping them run their business. Billy Walker stated that we already have a declining rate on sewer, just not for water. Jay Moore stated that if Kirks Pointe were to leave town, then we have lost the revenue that we would otherwise make and that most towns do have a declining rate on water. Brent stated that Rossville and Mulberry have a water declining rate. Melinda stated that she wants businesses that are here to stay and to encourage other businesses to come. Brent Stetler made a motion to adopt Ordinance No. 22-6-1 An Ordinance Amending the Rates and Charges for The Waterworks Utility for a declining rate of \$8.00 per 1000 gallons for usage over 20,000 gallons. The motion was supported by Walt Minnick. The motion passed and the vote was as follows: Brent Stetler, yes, Walt Minnick, yes; Melinda Jobe, yes; Jerry Faucett, no.

WATER RATE STRUCTURE, 2ND READING – Melinda Jobe made a motion to accept Ordinance No. 2022-6-1 An Ordinance Amending the Rates and Charges for The Waterworks Utility. Brent Stetler supported the motion and the motion passed with the following votes: Melinda Jobe, yes; Brent Stetler, yes, Walt Minnick, yes; Jerry Faucett, no.

PARK BOARD – Patti Quick reported that the breakfast at the park went well on May 21st. She also stated that the 4-H Club is coming on June 20th to help them get ready for Kirk's Crossing. She reported that the library board is going to replace Tanessa Curry. She said that Kim Deck may be interested in getting on the board and that would be an asset. Patti reported that someone put some dirt where the merry-go-round used to be and that it had some stuff in it. Billy stated that he put it there when it was dry and it has since rained but that it is also the responsibility of the park to help when needed and that it needs to be raked and rocks picked up and that a little work by the park board and some grass seed would help. Patti also stated that the plumber they use needs to do everything and not different people doing things. Stacey Richardson spoke about the upcoming raffle and stated that they have 2 coolers, 5 cups and a set of pens to raffle during the festival.

DRAINAGE ISSUES: Jerry asked Billy about any water standing around the corner of Washington and Perry St. by the park. Billy stated that the road dips there and that while it's not perfectly level and the area is very compacted, it does dry up. Jerry responded that a resident nearby there also said it does dry up. Billy said the next time it gets paved he is going to have it done like the one on Illinois St. that was wedged. Jerry said that he has been around during heavy rains and he doesn't see any other issues. Billy stated that Madison St. now drains since it was paved.

UTILITY DEPARTMENT – Billy Walker provided the council with a written report. Some of the highlights of his report were: **Water** – Consumer Confidence Report (CCR) was hand-delivered to each residence and business on June 1st and 2nd. It was also put on the town website and town hall as well as a notice on the June 1st utility bills. **Sewer** – IDEM did their inspection on June 1st. This is now done every 3 years instead of annually. He was very pleased with the report. He stated that the I & I issue was discussed and that he will be sending IDEM a copy of the letter

from Commonwealth Engineering showing where we are beginning to work on the issue. There was also a sewer main clog at 402 W. Jefferson St. The customer had a clog in their own line, called a plumber who opened their line, which then pushed the clog into our drain. He stated the customer has minimal fall and that it could be an ongoing issue with them. Billy stated that they could raise their line where it comes out of the house and then slope it down to help their problem. **Streets** – He attended the 1-year walkthrough for the Streetscape Project. The main focus was on the dead trees. Also, the Community Crossing Matching Grant is scheduled to be open from July 1 – 29 and he will be putting together another project to submit as soon as possible.

POLICE DEPARTMENT – Jake Myers stated that the grass is being monitored in town and letters being sent out. He also stated that the Charger is in need of repair due to some warning lights being on for anti-lock brakes and traction control. He took it to Dean's Auto today and is waiting to hear back on it. He also reported that Kirk's Crossing will be staffed the whole weekend. Jerry asked Jay if there is a time limit on fire pits. Jay stated not unless we have an ordinance with a time limit for them.

CLERK-TREASURER – Brent Stetler made a motion to pay an invoice to EB Paving for \$1,743.00. Jerry Faucett supported the motion and it carried by a unanimous vote from the four council members present. Brent Stetler made a motion to pay an invoice to EB Paving for \$137,666.76. Jerry Faucett supported the motion and it carried with a unanimous vote by the four council members present. Revenue & Appropriation Reports for May 31, 2022, Billing Adjustment Register for month ending May 31, 2022, Current Register of Claims, Statement of Reconciled Accounts for month ending May 31, 2022, W/ Fund Report were given to the Town Council prior to the meeting for review. There were no questions or comments concerning the reports. The Billing Adjustment Register and Register of Claims were signed by all Council Members present. Melinda Jobe signed the Statement of Reconciled Accounts Report. There were 3 leak adjustments for the council to review. Brent Stetler made a motion to approve the following adjustments: Dolores McDaniel for \$110.86 pool fill; Clinton Poole for \$155.11 pool fill; and Carolyn Clarkson for \$76.08 water leak. The motion was supported by Walt Minnick and it carried with a unanimous vote by the four council members present.

Minutes recorded by Tara Walker. Mary King was absent due to being at Clerk-Treasurer's school.

Meeting adjourned at 8:50 p.m.

Melinda Jobe, Council President

A Special Called Meeting of the Kirklin Town Council was held on Monday, June 20, 2022, at 6:00 p.m. at Kirklin Town Hall.

Council Members present were: Walt Minnick, Jerry Faucett, Melinda Jobe, Jennifer Bowman, and Brent Stetler.

Also present were: Jay Moore & Mary King

WATER RATE ORDINANCE AMENDMENT 2022-6-2 – Mary King explained that the previous Appendix A adopted with Ordinance #2022-6-1 contained a scrivener's error concerning the late charge penalty. The town has always used a flat 10% penalty on the current charges if not paid by the 15th of the month. Adopting an amendment will leave everything else in the ordinance as previously adopted, and only amends the late charge calculation. A motion was made by Melinda Jobe to approve Ordinance Amendment #2022-6-2 on first reading. The motion was seconded by Jerry Faucett and carried with a unanimous vote. A motion was made by Melinda Jobe to suspend the rules and approve Ordinance Amendment #2022-6-2 on first reading. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Melinda Jobe to approve Ordinance Amendment #2022-6-2 on second reading. The motion was supported by Walt Minnick and carried with a unanimous vote.

COMPUTER PURCHASE – Mary King presented a quote on behalf of Brendon Bright. The quote was from Advanced Computer & Communications Systems, Inc. for 3.30 i5 Workstation and software in the amount of \$1,158.25. The Council approved the purchase.

WASTEWATER PROJECT – After discussion concerning the procurement laws the State Board of Accounts will require that we follow, the Town Council agreed to solicit three (3) quotes for the smoke testing, etc. part of the wastewater project. We will require that they give a prompt response and understand that they will need to provide data to, and work with Commonwealth Engineers in a manner that Commonwealth specifies. Jay Moore said that as soon as Commonwealth prepares the specifications, we will send out requests.

NAMING RIGHTS FOR REFURBISHED BASKETBALL/PICKLEBALL COURT – Jay Moore said that he would be willing to create a legal document which would allow a top donor to name the refurbished courts at no cost to either party. Naming rights would be given to a donor willing to donate a certain amount of money to the project. The Council decided that both the Town Council and the Park Board should be signatories on the agreement.

GATOR TYPE VEHICLE AT PARK – Jerry Faucett witnessed a side-by-side Gator type vehicle with a hard cab doing donuts in the parking lot at the park a few days ago. He did not know who the person was but saw what barn it went in to.

Seeing no further business to come before the Council, the meeting was adjourned at 6:48 p.m.

Melinda Jobe