

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

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

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: LuAnn Schoen, Dennis Tillman, Billy Walker, Jay Moore, and Mary King

MINUTES – The Minutes from the meetings held on August 10, 2020 & August 24, 2020 were approved as written.

PUBLIC HEARING FOR PROPOSED 2021 BUDGET – The Public Hearing for the proposed 2021 Budget was opened by Walt Minnick. Copies of the proposed Budget were made available to those in attendance. There were no questions or opposition to the proposed Budget. Seeing no comments or questions, the Public Hearing was closed.

BID OPENING FOR 2005 CROWN VICTORIA POLICE CAR – Walt Minnick opened three sealed bids for the sale of the surplus 2005 Crown Victoria police car and they were as follows: Jerry Faucett-\$1,000.00, Isaiah Jackson Company-\$603.00, and Mark Quartuch-\$855.00. A motion was made by Melinda Jobe to accept the bid for the 2005 Crown Victoria police car from Jerry Faucett in the amount of \$1,000.00. The motion was supported by Jennifer Bowman and carried with a unanimous vote.

CITIZENS COMMENTS & COMPLAINTS – LuAnn Schoen was in attendance to discuss concerns she has. She questioned what was being done about the condition of the property at 308 N. Perry St., and has concerns about people burning trash at 406 N. Illinois St. Dennis Tillman reported that both issues have been addressed by the Marshal's Office. The property owners have mowed at 308 N. Perry St. and have agreed to continue cleaning up the property. Dennis also reported that Brendon Bright has met with the property owners at 406 N. Illinois St. and explained the burning ordinance to them. He explained that citations will be written for future violations. LuAnn questioned why employees do not pick up dead animals on the highway. Jerry Faucett explained that INDOT picks up dead animals on the highway but can be slow to respond. Jerry cited an instance where Drew (town employee) did pick up a dead animal that had become terribly smelly because INDOT had been contacted but had still not come. Town employees remove dead animals on town streets but generally not on the highway. LuAnn said that people are complaining that the downtown still looks bad even with the \$600,000.00 grant. It was explained to her that the Streetscape Project had not begun yet. The work that has been done in the downtown area was completed by INDOT. The town has not awarded the contract for the Streetscape Project yet. Once the contract is awarded, the project must be completed by March 2021 according to the grant agreement. She also questioned if the town was going to leave the exposed brick streets as they are on Madison Street. Billy Walker explained that Kirklin Main Street Members had hoped that the old brick streets could be restored and had the asphalt removed. Due to the condition of the brick and cost of restoration, it will most likely be re-paved with a Community Crossing Grant. Billy estimated that replacing the pavers would be six-times the estimate he has received for repaving the streets. Mary King explained that either way, the asphalt would have had to be removed. The town is waiting for the Streetscape Project to be completed since part of the improvements are along Madison Street.

ADA TRANSITION PLAN PROPOSAL - LuAnn Schoen questioned who is responsible if someone gets hurt on a town sidewalk. She recently fell in the 200 block of S. Main St. but was not injured. Jerry Faucett said that he thought the town would be. Jay said that is not necessarily so. He explained that people have some level of responsibility as well, but there are times when you do have claims, it depends on right-of-way, negligence, etc. Jerry Faucett mentioned a lady who fell and was injured on the sidewalk on Main Street a few years ago. Mary King reported that she had turned the information over to the insurance company, but as far as she knew the town did not end up being held liable. The town has worked on some areas in the downtown that were trip hazards since that time.

Mary King said that the Town Council has a proposed ADA Transition Plan to consider in their packets. Part of this plan addresses the condition of the sidewalks and a 40-year plan to replace them. Billy explained that the ADA Transition Plan is a living document that will need to be updated every two years and includes more than just sidewalks, it includes town owned buildings and the park. He said the park is very handicapped unfriendly from his own personal experience. Billy said that the plan has a clause that states if we cannot feasibly afford to complete the annual commitment, we do not have to. He requested that any changes the Council would like to make to the Transition Plan be put in writing and given to him as soon as possible so that the ADA Transition Plan can be adopted at the October Council Meeting.

STREETSCAPE PROJECT – Mary King explained that we have submitted a request to OCRA for a modification to the project. The changes are needed to bring the project within budget. Once we have received approval of the modifications, we can request a release of funds for the OCRA grant. Following the release of funds notice, the next step will be to enter into a contract for the work. A motion was made by Melinda Jobe to approve the Browning Day invoice #31851 in the amount of \$12,578.95 and pay once we receive the release of grant funds. The motion was supported by Walt Minnick and carried with a unanimous vote.

STORMWATER ISSUES – Melinda Jobe made a motion to approve the payment of invoice #362 in the amount of \$26,500.00 to Henry Excavating for the final payment for the E. Jefferson Street storm drain project. The motion was supported by Jerry Faucett and carried with a unanimous vote. Mary King asked Billy if the owner of the property at 109 N. Clinton (Tim Lewis) had spoken with him about concerns of us working on his property. Billy said that he has permission from both property owners to install pipe for a drain between the properties. Mary King questioned if we should have an easement agreement prior to work. Jay Moore asked Billy to give him the names and addresses of the affected property owners. Jerry Faucett said that he plans to speak with the people living at 208 N. Ohio St. about the water getting into the garage and explain how he thinks the problem could be with work that was done on the driveway in front of the garage.

UTILITIES – Billy Walker reported that Darren Wells with GRW Engineering would like to enter our Water System Improvements project into the ACEC Indiana Engineering Excellence Awards competition. If our project were selected, representatives from GRW Engineering and the town would be invited to an awards ceremony. GRW will do all the work preparing the application. The Town Council agreed that it would be great for the town if we are chosen. Billy reported that the warranty at the Water Treatment Plant will end in December or January, but everything is running well. The Council would like to see the trees trimmed back that have branches hanging over sidewalks. Billy said that he has been planning on trimming them since it has been a couple of years. Mary King said that she thinks our ordinance may require us to give notice to the homeowner and allow them to resolve the problem first. Billy read a beautiful thank you note on behalf of his family for the town's support during the illness of Tara's mother and her recent passing.

POLICE DEPARTMENT – Dennis Tillman attended the meeting in place of Brendon Bright who is on vacation. Dennis reported that the speed trailer that was placed on Main Street and W. Jefferson Street was well received. There have been complaints about the condition of the property at 507 N. Ohio St. Mary King reported that Brendon had sent two mowing violation letters to the property owner, but the issue had not been corrected. Our Town employee mowed the property and an invoice was sent. The invoice was mailed to the same address the violation letters had been sent, which was also the address listed on Beacon for the property. The letter was returned today by the Post Office "attempted, not known, unable to forward". Jay said that if Beacon shows the deeded owner and address as the same as where the letters were sent, a lien could be filed. **LEASED VEHICLE** - Mike Weingartner has requested that the town transfer the lease from the Charger to a new truck that he has purchased and outfitted with equipment. Council Members were unaware that Mike had a second vehicle purchased. Concerns were expressed with the town leasing a vehicle that can be driven with no limitations. There have also been concerns

brought to the attention of the Town Council with having a dog in a police vehicle that is not certified and the liability it could create. Brendon Bright submitted a letter of recommendation expressing his opinion. Brendon's letter states that he does not support the current agreement that the Town of Kirklin has with Reserve Officer Mike Weingartner with regards to his personal vehicle being marked as a Kirklin Police car. Due to the current climate that faces law enforcement across the country, he does not feel it is in the best interest of the town to continue. He would be supportive of allowing Mike to stay with the department as a Reserve Marshal, but he would be required to drive one of the two marked Kirklin owned vehicles. The Council discussed the issue of, under a previous Town Marshal, equipment was purchased by the town and installed in the leased vehicle. Mike then made a donation equal to the cost of the equipment to the town. Jay Moore recommends that the town ask Mike to return the equipment, and the town in turn, issues a refund for the amount donated. The Town Council appreciates the hours that Mike has contributed to our community but realizes that the current arrangement is not a good one considering that we no longer have a K-9 Unit, and in light of the situation nationwide in regards to law enforcement. The Town Council agreed that they were not in favor of continuing the lease agreement for either vehicle. Melinda Jobe made a motion for Mike Weingartner to return the equipment the town purchased for his vehicle for legal reasons, and the town will return his donation. The motion was supported by Brent Stetler and carried with a unanimous vote.

TOWN MARSHAL CONTRACT – Mary King reported that she had received all the employee review sheets for Brendon Bright back, except for one, and all the reviews were exceptionally good. Melinda Jobe made a motion to approve the extension of Brendon Bright's contract as Town Marshal through December 31, 2021. Walt Minnick supported the motion and it was carried with a unanimous vote.

CLERK-TREASURER - Reports - Fund, Revenue, & Appropriation Reports, the Billing Adjustment Register for month ending August 31, 2020, Monthly Statement of Reconciled Accounts as of July 31, 2020, & the current Register of Claims was given to the Town Council for review prior to the meeting. The Billing Adjustment Register and Register of Claims was signed by all Council Members. Walt Minnick reviewed and signed the Statement of Reconciled Accounts.

TOWN COUNCIL – Jerry Faucett complimented Dennis Tillman for working on cleaning up an elderly woman's property in Kirklin on his day off. Jerry reported that they had worked together removing vegetation from the property that was overgrown. Melinda Jobe also thanked all of the town employees for their hard work. She also recognized Amy Evans & Mike Henry for doing a great job for the town on the projects they were hired to complete. Walt Minnick also added appreciation for Jerry Faucett getting rid of and cleaning up the old mobile home on E. Washington Street, and Bob Thorley for having the house on N. Main St. torn down and the property cleaned up. Kat Bell with the Area Plan Commission had sent an email to all Council Members with updates on the issues the APC has been involved with in Kirklin. Kat stated in her email that she will attend the October meeting. The Council very much appreciated the email.

Seeing no other business to come before the Town Council, the meeting was adjourned at 8:52 p.m.

Walt Minnick _____