The regular meeting of the Kirklin Town Council was held on Monday, August 12, 2019 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: Darren Wells, Dan Mann, Tyler Daniel, Lee Thomas, Kat Bell, Billy Walker, Jim Mann, Anitra McKinney, Jay Moore, and Mary King.

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

**MINUTES** - Seeing no corrections to the Minutes, the Minutes from meetings held on July 8th and 22nd, 2019 were approved as written.

**VARIANCE REQUEST - JASON ALEXANDER 309 E. MONROE STREET -** Jason Alexander had submitted paperwork to request a variance to build a garage with a zero ft. setback to the property line. Jason was not present at the meeting. Jerry and Walt expressed concerns with allowing someone to build right on the property line. Liz Stitzel from the Area Plan Commission (APC) cautions allowing people to build on the property line due to possible drainage issues onto someone else’s property. Jerry said that there is a retention pond right beside the property. Liz said that Jason Alexander has not actually filed with the BZA and is not on the docket yet. Jay Moore stated that this would only be advisory to the BZA and the Council does not have to make a decision if they would like more information. Jay explained that the BZA is not bound to the Council’s decision in a matter such as this, unlike with a rezoning issue, the Council makes the final decision. After discussion, a motion was made by Melinda Jobe to table the variance request because the Council is unsure about approving a zero setback. Jerry Faucett supported the motion and it was carried with a unanimous vote.

**REZONE REQUEST - KIRK’S POINTE LLC 405 E. JEFFERSON STREET - LUPAKI #8-19-345** - A request is being made by Kirk’s Pointe to rezone the property at 405 E. Jefferson Street, which consists of 4 lots, from Industrial to Roadside Business (B-3) so that a distillery can operate on the property. Liz Stitzel explained that a distillery is not an allowed use for a property zoned Industrial. The APC has heard the request and has sent a favorable recommendation to the Town of Kirklin that the property be rezoned to B-3. Jim Mann said that this zoning would also give more constraints as to what could go there in the future, for example a car lot or junk yard would not be permitted. A motion was made by Walt Minnick to rezone the 4 lots located at 405 E. Jefferson Street and to adopt Ordinance #2019-8-3 amending the Zoning Ordinance for the Town of Kirklin. The motion was supported by Jerry Faucett and carried with a unanimous vote.

**DEVELOPMENT PLAN FOR DOLLAR GENERAL** - Liz Stitzel explained why the Dollar General Developer, Second Circle Acquisitions has submitted a Petition for Approval of a Development Plan & included the site plan to the Town Council. This request will eventually go to the APC for approval. She explained that the Site Plan and petition are only required for a business that is developing a site, so it is likely that the Council has not seen this paperwork before. The Council will see one with the distillery as well. She explained the Development Plan as a formal review of a checklist of all of the things the developer will have to meet. The APC looks at all of the components such as lighting, landscaping, signage, etc., every detail of the project in a formal way. The APC has the final say when it comes to a Development Plan. They will not come back to the Council, they will examine it piece by piece. What the APC would like to hear from the Council is their general support or concerns with the plan. Liz said that they will need to have the Drainage Board approval before they can file these. They will probably not have that for another week and a half. Jay Moore said that they need a letter from the town concerning approval to tie into the town storm drain. He said that the developer has submitted calculations to the Drainage Board that shows that there is sufficient size, but the county engineers have not checked that yet. Jay suggested that we grant the connection, but include in the letter that we have not completed engineering studies to determine the adequacy of the existing storm drain. He also recommends that we hold Second Circle Investments solely responsible for any necessary enlargement or improvement of the storm sewer. The Council discussed the existing tile and what all runs into it. Billy said that both the 10” & 6” lines run to the drain near the entrance to the WWTP because they dye-tested both lines. Walt said that he had spoken with Dan Sheets and that Dan was pleased with what they are wanting to do. Jay just wants to make sure that they know that we are not saying that the drain is sufficient since we haven’t done engineering studies. The Council reviewed the plan. Jerry thinks that what they are planning to do with the underground detention will actually help the area and neighbors. A motion was made by Walt Minnick to send a Letter of Support for the Development Plan. The motion was supported by Jerry Faucett and carried with the following vote: Brent Stetler-yes, Jerry Faucett-yes, Walt Minnick-yes, Melinda Jobe-yes, and Jennifer Bowman-No. A motion was made by Walt Minnick to send a letter to the Drainage Board as amended by Jay Moore. The motion was supported by Melinda Jobe and carried with a unanimous vote.

**AREA PLAN ADMINISTRATOR** - Liz introduced the new Zoning Administrator, her name is Katrina (Kat) Bell. She will be the new APC Representative for Kirklin. Katrina (Kat) will plan to come to Town Council Meetings on a quarterly basis. Liz will still come periodically as time allows.

**PSLOIT FUNDS -** The current contract with Central Dispatch which commits 50% of the town’s PSLOIT distribution expires on December 31, 2019. The contract will automatically renew if the Council does not do anything. In the contract it states that if the town does not want to renew the contract, notice must be given by September 30, 2019. The Council discussed wanting to know exactly what the funds are used for and if Central Dispatch still needs the funding or if the percentage could be changed. It is unknown what the other towns will do for sure, but Anitra McKinney was told that Rossville is going to continue giving 50%. She also said that she was told that Central Dispatch would not dispatch to Kirklin if we didn’t continue with the agreement. She wasn’t sure if the percentage would need to remain the same. She also said that it was not Renee Crick, (Director of Central Dispatch) that told her that. A motion was made by Melinda Jobe to table the issue and invite Renee Crick to the September Council Meeting. The motion was supported by Walt Minnick and carried with a unanimous vote. Walt Minnick will call Renee Crick and invite her to the September Town Council Meeting.

**JUNK/INOPERABLE VEHICLE CONCERNS** - Lee Thomas was in attendance to ask about the rules for vehicles that are inoperable or do not have current plates. He explained that there are vehicles on the KCC property that they have concerns about. He said that they initially gave permission for the neighbors to park cars on their property, but the amount of vehicles has grown. The Church Board plans to speak with the neighbors, but would like to know what the rules are for vehicles. Liz from the Area Plan Commission said that the county ordinance includes inoperable, un-plated or not intact vehicles. Anitra said that going through local law enforcement and tagging the vehicles would be a quicker way to handle the situation. Lee said that he will take the information back to the Church Board to see how they want to handle it.

**WASTEWATER PROJECT** - Walt asked Billy how he felt about paying Triad their final invoice. Billy said that he thinks that Triad has done all that they are going to do and he is fine with paying the invoice. A motion was made by Walt Minnick to approve paying Triad & Associates final invoice #201616B-9 in the amount of $7,560.00. The motion was supported by Jerry Faucett and carried with a unanimous vote. Billy reported that the NPDES Permit modification is still pending. Billy reported that Global Excavating did come back to finish the grading and seeding at the WWTP. He still has not gotten anyone to do the work on the equalization ponds.

**WATER PROJECT** - GRW Engineering gave updates on each of the contracts for the water project. Contract #1 WTP Upgrades continues to make progress and is still on schedule. Contract #2 Water Tower Rehabilitation is complete and final payment request is being submitted for retainage. Contract #3 Water Distribution System Improvements - water distribution system improvements have been completed and restoration is ongoing. Substantial completion was issued as of 8/7/19. The following payments pertaining to the water project were approved with the following votes: A motion was made by Melinda Jobe to approve GRW Engineering invoices totaling $24,092.50. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Melinda Jobe to approve Cornerstone Grants Management Invoice in the amount of $1,650.00. The motion was supported by Walt Minnick and carried with a unanimous vote. A motion was made by Melinda Jobe to approve release of retainage for Central Painting & Sandblasting in the amount of $5,200.00. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Melinda Jobe to approve Graves Construction invoice in the amount of $298,265.94. The motion was supported by Brent Stetler and carried with a unanimous vote. A motion was made by Walt Minnick to approve S.C. Case Excavating invoice in the amount of $134,959.15. The motion was supported by Melinda Jobe and carried with a unanimous vote. A motion was made by Melinda Jobe to approve Utility Pipe Sales invoice in the amount of $825.00. The motion was supported by Walt Minnick and carried with a unanimous vote. Darren Wells explained why a change in the contract has been requested by GRW Engineering to increase the contracted amount by $8,000.00. This brings the new total engineering fees to $421,500.00. A motion was made by Melinda Jobe to approve the additional $8,000.00 for the engineering contract with GRW Engineering. The motion was supported by Jerry Faucett and was carried with a unanimous vote. Darren also explained the need for change order #3 for S.C. Case Excavating. The change order in the amount of $10,690.00 would bring the new contracted price to $1,351,232.57 and increase the contract length by 39 days. A motion was made by Melinda Jobe to approve change order #3 for S. C. Case Excavating. Walt Minnick supported the motion and it was carried with a unanimous vote. **WELL #1** - It was discussed that on July 26th, well #1 failed and it was determined that the motor had gone out. This caused an emergency situation because well #2 had already been taken out of service as part of the current water project. Ortman Drilling and Jones Electric made emergency (Saturday) visits to diagnose the problem with well #1 and to get it back in service. Billy noted that the water tower was full at the time the motor went out and the well was back in service by 5p.m. Saturday. The town was not in danger of running out of water, but he did notify the Fire Department just in case. SRF funds could be used to pay for both the bills from Ortman and Jones Electric, but the town would need to pay restitution to the employees on the job who did not receive Davis Bacon wages. The amount of restitution that would need to be paid to Ortman employees is $147.74. It has not been determined how much restitution would need to be paid to employees of Jones Electric since an invoice was just turned in before the Council Meeting. After discussion about having to pay restitution to employees and the fact that Billy has additional work that he would like to do with contingency funds, a motion was made by Melinda Jobe to approve paying Ortman Drilling directly from water operating fund in the amount of $6,405.10 and Jones Electric in the amount of $247.36. The motion was supported by Jerry Faucett and carried with a unanimous vote.

**PARK BOARD** – There were no Park Board Members in attendance and no current information.

**STORMWATER UTILITY BOARD** – There were no current drainage issues to discuss.

**TOWN INSURANCE POLICY RENEWAL** – The only quote submitted for the general town policy was from Patriot Insurance and the amount was for $21,420.00. It was noted that the premium last year was $22,668.00. Mary King reported that the decrease was most likely due to the workman’s comp portion. This would be due to the town only having one paid Police Officer for the past year. That premium should be higher next year if we continue to have two paid Police Officers. A motion was made by Melinda Jobe to approve the quote in the amount of $21,420.00 with the same cyber coverage as last year. The motion was supported by Walt Minnick and carried with a unanimous vote.

**UTILITY SUPERINTENDENT** – Billy provided the Council Members with a written report prior to the meeting. He presented an estimate to have Metzinger Construction repair the sidewalk between 103 and 105 S. Perry St. that was damaged. A motion was made by Jerry Faucett to approve having Metzinger Construction repair the sidewalk at a cost of $1,250.00. The motion was supported by Walt Minnick and carried with a unanimous vote. An invoice came in from Henry Excavating after the Register of Claims had been prepared. The invoice is for work done installing a 6” sewer pipe on E. Jefferson Street. A motion was made by Melinda Jobe to approve the invoice to Henry Excavating in the amount of $1,087.35. The motion was supported by Jerry Faucett and carried with a unanimous vote. Billy reported that he has made four new sewer taps. All of the sewer taps for the annexed properties have been made. The property owners were required to tap on to the town sewer by this month. There are still four annexed properties that have not tied on to the town sewer. Billy reported that one of the properties on the east side of town will need a residential lift and they are responsible for installing the lift.

**TOWN MARSHAL** – Anitra McKinney said that the town is missing one of the Tasers and the other one is not working well. She said that she didn’t realize there were supposed to be two until she spoke with Mary King. Following their conversation, Anitra was able to find the invoice that showed where two had been purchased. She is in the process of getting the one Taser back up and running. Melinda Jobe asked if Anitra would stop in and introduce herself to the shop owners on a Saturday. Anitra is not available during the daytime on the Saturday Melinda suggested, but she will try to come on another Saturday. Anitra gave each Council Member a copy of the Police Coverage Schedule for the month. **POLICE CARS** - Anitra would like for the Council to consider the purchase of two used Explorer Police Vehicles. She showed the Council three options available at the same place near Chicago. All of the vehicles were 2016’s, but had different mileage and pricing. The prices of the vehicles were: $11,995.00, $13,995.00, & $14,995.00. She would like to use the money in the Police Non-Reverting Fund. She also has military vehicles and equipment she may be able to sell. Anitra will speak to Christina Hamilton with LESO to find out what can be sold. The Council authorized Anitra to find out more information about the vehicles, and if needed, the Council will schedule a special meeting to consider approving the purchase of one vehicle for now. There was discussion about mowing violations.

**LEAK ADJUSTMENT** – A motion was made by Melinda Jobe to approve a water only leak adjustment for Dawn Coda in the amount of $34.62. The motion was supported by Walt Minnick. Jerry Faucett questioned giving a water adjustment for a water hose that was left running when we do not give discounts on the water portion of a bill for pool fills. Melinda said that the Council gives one leak adjustment per year and if this customer chooses to use their adjustment for this issue it would be their only adjustment. The motion was carried with the following vote: Brent Stetler-yes, Jerry Faucett-abstained, Walt Minnick-yes, Melinda Jobe-yes, and Jennifer Bowman-yes.

**TRANSFER RESOLUTION** 2019**-8-1**- Melinda Jobe made a motion to approve Transfer Resolution #2019-8-1 to cover tree removal at the Town Park. The motion was supported by Walt Minnick and carried with a unanimous vote.

**INTERNAL CONTROL STANDARDS AMENDMENT RESOLUTION #2019-8-2**- Melinda Jobe made a motion to adopt Resolution #2019-8-2 which adds a section to the Internal Control Standards for handling Federal Grants/Loans. The motion was supported by Walt Minnick and carried with a unanimous vote.

**CLERK-TREASURER** – Mary King provided the Council with the following reports prior to the meeting: Fund, Revenue, and appropriations for month ending July 31, 2019. The Council was also provided with the Billing Adjustment Register for month ending July 31, 2019 and the current Register of Claims. The Billing Adjustment Register and Register of Claims were reviewed and signed by all Council Members. The Reconciled Bank Statements for month ending July 31, 2019 were presented and reviewed by all Council Members and signed by Walt Minnick. The Budget Hearing will be held on September 9th at 7:00 p.m. and the Budget Adoption will be held on October 7, 2019 at 7:00 p.m.

**OCTOBER COUNCIL MEETING** - A motion was made by Melinda Jobe to change the October Town Council Meeting to October 7, 2019 due to Walt Minnick, Melinda Jobe, and Mary King being out of town on October 14th. The motion was supported by Brent Stetler and carried by a unanimous vote.

**COMMUNITY CENTER** – A motion was made by Melinda Jobe to purchase 50-60 new chairs and a chair rack for the Community Center and to donate the current chairs and chair rack to the park. The motion was supported by Walt Minnick and carried with a unanimous vote. Melinda Jobe would also like to get rid of the wheel chair that is in the supply closet that was free and is not used. Jerry Faucett said that he may know of someone who needs it.

**NATIONAL NIGHT OUT** – Brent Stetler said that next year he would like for the Kirklin Police Department to plan ahead and participate in National Night Out.

Seeing no other business to come before the Town Council, the meeting was adjourned at 10:15 p.m.

Walt Minnick\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_