

The regular meeting of the Kirklin Town Council was held on Monday, September 13, 2021, at 7:00 PM 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 Billy Walker, Kat Bell, Liz Stitzel, Jay Moore, Brendon Bright, Amber Hendrickson, Patty Quick, and Mary King.

Walt Minnick opened the meeting and led with the Pledge of Allegiance and a prayer.

2022 BUDGET HEARING – Copies of the proposed Budget as advertised were made available to all in attendance. All those in attendance reviewed the proposed Budget and there were no concerns or questions. Seeing no questions or comments, the Budget Hearing was adjourned.

ADDITIONAL APPROPRIATION HEARING - The Additional Appropriation Hearing was opened. Mary King explained the need for an additional appropriation in the amount of \$9,462.15 in the Streetscape Fund and that it had to do with encumbrances from 2020. Encumbrances did not cover invoices approved in 2020, but not paid until 2021. The additional appropriation does not change the amount of cash obligated to the project, only the appropriation to final out the project. There were no questions or comments. A motion was made by Melinda Jobe to approve Resolution #2021-9-1 approving an additional appropriation in the amount of \$9,462.15 in the Federal Grants Streetcape Operating Fund. The motion was supported by Walt Minnick and carried with a unanimous vote.

MINUTES – There were no additions or corrections to the Minutes from the meeting held on August 9, 2021, and they were approved as written.

AMENDMENT TO UDO ORDINANCE FOR KIRKLIN, LUPAKI 09-21-362 – The Council reviewed the LUPAKI 9-21-362 and the “unfavorable” recommendation that the Area Plan Commission gave to the proposed amendment to the current UDO Ordinance. Liz Stitzel explained that the APC has certain guidelines they must go by when giving a recommendation. They are only allowed to consider those items and if the proposed change would be the best thing based on those guidelines. She also explained that the Council could either accept the recommendation or reject it and adopt the proposed ordinance that would make the changes to the UDO for Kirklin. Brent Stetler asked if anyone had ever not taken the recommendation of the APC. Liz cited an occasion concerning the landfill in Clinton County. Jay Moore further explained the process and said that making the proposed changes to I-2 will belong to all future I-2 zoning as well. Jay cautioned the Council about giving out I-2 zoning in the future. It is possible for the Council to repeal the amendment before any other properties are rezoned because anything that is legal would remain legal as long as it exists, but nothing new would be allowed to go in. Liz said there are different ways that it could be handled down the road if the Council would like for this to be the only one. Jay said that there is a way to make this issue a one and done for this situation. Jerry Faucett said that the owners have already invested in painting the building and a new roof. They are making arrangements for a new fence. Walt Minnick and Jerry Faucett are both in favor of helping the owners to stay in business but are concerned about items stored outside the fence. The main thing that Walt is concerned about is that he thinks there should be nothing sitting in front of the building and nothing along the west side of the building. He feels that there should be no junk vehicles outside the fence. Liz said that the amendment to the UDO does not change that requirement and that all storage must be behind the fence. The Council expressed concerns with keeping the property in compliance in the future. Liz recommends that the Council contact the APC right away when they see a problem with this property or any other property. When the issue goes on for long periods of time it gets more difficult to correct. Melinda Jobe made a motion to reject the unfavorable recommendation from the APC and to adopt Ordinance #2021-9-3 which amends the UDO for the Town of Kirklin. The motion was supported by Brent Stetler and carried with a unanimous vote. Liz said that at this point a petition to rezone the property has not been filed and that he will need some other variances as well. Liz explained that with the adoption of this ordinance the Council has provided a way for

the impound lot to be legal, but then the property owner will have to bring the impound lot into compliance with the rules.

APC ENFORCEMENT ACTIONS – Jerry Faucett questioned Liz and Kat about where they are in dealing with the storage containers near the machine shop on E. Jackson Street. Liz said that they have been cited and should be reducing in number. They are being moved into Frankfort into the Fire Rescue Training Center for modification for EMS training. He also asked Kat where she was at on the swimming pools. Liz said that they have one in court, but many have been taken care of, but Kat is following up with all of them. Liz expressed their appreciation of the officer turning all the addresses with pool violations in at once. It helps the APC as well as keeps people from feeling picked on. Liz said that people often don't think about the drowning risks that come with owning a pool.

EXTENSION OF SEWER LINE 425 E. PIKE ST. TO 505 E. PIKE ST. – Mary King said that she personally called both of the property owners to invite them to the meeting, but neither were in attendance. Billy said that the project can be done, it's just a matter of talking to the property owners involved to see just where we can put the sewer line. Billy said that the property owners are going to have to hook up one way or the other because they are within 300 ft. of a sewer main, and they have no option. Billy said that it can be accomplished by doing it the gentlemen's way or by legal proceedings. Melinda Jobe asked if going through the Keller property was an easy way to get the Curry's hooked on. Billy said that he hasn't talked to the Keller's yet since it was his understanding that they would attend the meeting, but he will contact them. Billy said that he had Mike Henry shoot some elevations to see if a line would work. He said that the line could be ran further to the south and we would not have to tear down anything and it will not cost the property owner anything. It may be an inconvenience for the Keller's for us to dig across their yard. Billy said with their permission to proceed then he can get measurements and draw up an easement and go from there. He said if the Curry's want help for their part to be cheaper, the closer the town runs the line to their house, the cheaper it will be for them, otherwise all he is required to do is run the service to the property line and they will have to come to it. Jerry Faucett said that he doesn't think he would want it running through his back yard. Billy said that you have sewer lines running all over town and that all of the houses along E. Pike have the sewer line running through the middle of their backyard. The Keller's sewer tap is actually tied on in Donna Weber's yard where the line ends. Jerry questioned if the Curry's house had to be within 300 ft. of a sewer main or the property. Jay Moore thinks that we are only required to bring the service to the property line, but that Billy is willing to bring it closer if they want to cooperate. Billy said that if they are willing to cooperate, we could bring the service to directly behind their house. Jerry questioned if it would be easier to get permission from the guy that owns the farm ground and put it along the edge of the fence. Billy said that was our next option. Jerry said that the Keller's don't want it in their yard. Jennifer Bowman pointed out that the Keller's line runs through Donna Weber's yard. Jerry said that was done before they moved there. Billy said that the Curry's don't want to be annexed. Mary King stated that they purchased the house knowing that it was annexed and that the previous owners knew the property was annexed and had to be tied on to the town sewer system. Billy added that they knew from day one that they were going to have to do this. We are just trying to find a way so that it saves the Curry's money getting tied on. Billy pointed out that in the Minutes from the last meeting, the Keller's concerns seemed to be that the line might run across their backyard where some electrical lines are located. He said that their chain link fence does not cover their entire backyard and that it is possible that we can go south of it. Mary King said that discussions can be had about some sort of compensation for an easement if details can be worked out to their satisfaction. The town would need to give an assurance that everything will be put back the way it is supposed to be. Jerry Faucett pointed out that we still need an easement agreement for a storm drain on the east side of town. Billy said that it's written up, but we can't get the property owners to sign it because they don't live in town. Mary King said that the way the easement agreement is written, they would have to come into her office because it requires signatures from Walt, Mary, and Tara (as notary). Jay said that the law has now changed, it only has to be notarized. He will change the agreement. Billy said that the storm drain is actually all on one property and that one of the people listed shouldn't even need to sign. Mary King stressed that this is why you get the easement agreement prior to the

work being done. Billy said that a 12-15 ft. easement would be plenty for the proposed sewer line. Mary King suggested that the town come up with a definite plan and sit down and talk with both the Keller's and Curry's. Maybe something could be set up outside a Council Meeting.

PARK BOARD – Patty Quick gave a report about the work that the Park Board has been doing at the park. They have mainly been working on beautification and landscaping. They are having the Jayden Quick Memorial Fundraiser at the park this Saturday and Mr. Gilbert from Clinton Central has asked all of his football players to attend. The Park Board requested that the Town Council remove Tim Kinnick as a Park Board Member since he is unable to fulfill his duties. They request that the Council appoint Amber Hendrickson to his position. Patty said that Amber has been helping her at the park already and will make a great member. A motion was made by Melinda Jobe to remove Tim Kinnick as a Park Board Member and to appoint Amber Hendrickson to his position. The motion was supported by Jerry Faucett and carried with a unanimous vote.

STORMWATER UTILITY BOARD – Jerry Faucett reported that he has spoken with Dan Sheet's Assistant (Zack) concerning the drain running down the alley at Gearheadz. He assured him that all along it's been said that it runs through the back of Gearheadz property, but that he doesn't think it does. Their map doesn't even show it. If it is there in the Ricks family's backyard, they aren't sure exactly where it is located. Jerry told him about Billy's idea of running it straight down the alley and under the road to tie into that drain. If you do that there is a new concrete driveway there, and there is a double-wide trailer there and no one knows if the drain is under it because the maps don't show it that good. Billy said that there are tiles running into the structure (on the s/w corner of Illinois/Adams). Billy said that the drain appears to flow northwest from there and that it is all county. Jerry said that he brought it up to Zack that it appears that sections of the McClamrock drain on Hwy. 38 west may be broke down because he can see several sink holes. Jerry asked if anyone has ever put any dye in and went out to McClamrock ditch to see if it comes through. Jerry asked Billy's thoughts about running a new line down the alley and west on W. Adams, go under Illinois Street and dump into the open ditch. The Town Council agreed that Billy should put a project together and we can hopefully accept bids at the October meeting. Jay said that he has spoken with Dan Sheets and Dan thinks there is just a dry well on Billy Scott's property and does not drain to anything else.

UTILITIES SUPERINTENDENT – Billy Walker provided a written monthly report to the Town Council prior to the meeting. The only new item that was not included in the report is that Philip McRobert has paid his tap on fee and plans on tapping on to the town water within the next couple of weeks.

TOWN MARSHAL – Brendon Bright said that Jake Myers has been released for light duty and is back to work at the county. Brendon would like to bring Jake back to work on grants and the LESO equipment for 5-10 hours per week. A release to work light duty is on file with the Clerk-Treasurer's Office. Melinda Jobe made a motion to allow Jake Myers to return to light duty for the town until he is fully released in October. Walt Minnick supported the motion, and it was carried with a unanimous vote. **NEGOTIATOR** – Brendon explained that since 2005-2006 he was a Crisis Negotiator with the SWAT team and has done a lot of training. When he went to work for the Prosecutor's Office, Tony Sommer did not want to him respond as Prosecutor Investigator. For Brendon to respond, he would have to respond as the Kirklin Town Marshal. Mary King explained that the Council had rescinded the interlocal agreement that allowed a former Town Marshal to participate in the SWAT Team due to liability. She thinks this Council would need to enter into a new agreement with the county and questioned if we could limit it to this one position. Brendon explained that he would have to be paid by the town while responding and can't just volunteer his time. He had considered giving it up but went to a training class last Wednesday and would like to continue. Jay Moore suggested that we may need to check with our insurance carrier to see what the additional cost would be. The cost to the town would be 2-4 hours a few times per year that may not have to do with Kirklin. Mary King will check with our insurance agent and will make sure that they know that it is the "negotiating unit" of the SWAT. Brendon thinks that it could have to do with the possibility of the suspect having criminal charges filed and that would come

back through their office. Jerry Faucett thinks that the simplest thing to do would be for Brendon to do it in his capacity at the Prosecutor's Office. Brendon said that he only asked Tony once early-on and he could revisit it. Jennifer Bowman and Melinda Jobe support it. **POOL FENCE REMINDERS** – Brendon asked if we could send out some sort of notice in the spring about the fence requirements. **STAFFORDSHIRE TERRIER** – Brendon reported that he had called Cheyenne at the Humane Society. He said that his research online shows that some people say that a Staffordshire Terrier is a Pitbull, and some say that it is not. Jim Smith took his dog to the Vet and the Vet confirmed that it is a Staffordshire Terrier. The dog is 15 1/2 years old and they have had it for a long time. Brendon said that Cheyenne said it is used to make a breed of Pitbull. She also said that you are opening a can of worms and could have 50 other breeds that you could have to deal with. She didn't like the language in the ordinance that states "mixed breeds thereof", rather than just stating the breed itself. Brent Stetler said that we may need to re-write the ordinance. The old ordinance listed Staffordshire Terrier specifically as a banned breed. Billy said that the dog comes over to his house and has always been very friendly and is definitely towards the end of its life. Mary King questioned if they are allowed to keep this dog, how do you prevent them from getting another one when this one is gone. Brendon said the other Pitbull issue was with Brad Bailey. Jennifer Bowman said that she had been called down to the house on that incident. He said that he talked to Chris Vawter, and they will not file charges unless there is obvious signs of neglect or willful wanton. He said that the dog was let out by Brad's mother on accident. He said there are civil remedies and civil liabilities, and that Brad is making arrangements for that and that the dog is gone. He said that he also talked to the Humane Society about this case too and she gave him options for rescues that try to rehabilitate them. Jennifer Bowman remembers that last year someone was riding their bike in that area and got chased by a Pitbull, but her and Melinda went looking for it and couldn't find the dog.

LEAK ADJUSTMENT – After review of the request, a motion was made by Brent Stetler to approve a leak adjustment in the amount of \$52.04 for water -and \$109.37 for sewer = \$161.41 for Christine Rheinheimer. The motion was supported by Melinda Jobe and it carried with a unanimous vote.

CLERK-TREASURER - Revenue & Appropriation Reports for August 31, 2021, Billing Adjustment Register for month ending August 31, 2021, Current Register of Claims, Statement of Reconciled Accounts for month ending August 31, 2021, w/ Fund Report were given to the Town Council prior to the meeting for review. The Billing Adjustment Register and the Register of Claims was signed by all Council Members. The Statement of Reconciled Accounts was reviewed by the Town Council and signed by Walt Minnick.

INTERNAL CONTROL STANDARDS AMENDMENT – Seeing no changes to the draft copy, a motion was made by Melinda Jobe to approve Resolution # 2021-9-2 adopting amendments to the Internal Control Standards for the Town of Kirklin. Walt Minnick supported the motion and it carried with a unanimous vote.

AGREEMENT FOR FINANCIAL & ACCOUNTING CONSULTATION SERVICES – Mary King explained that although the town has always accounted for capital fixed assets, they will now be an actual audit item by SBOA. Items such as all streets, sidewalks, manholes, as well as all sewer and water lines, etc. now have to be included and depreciated. Larry Tippin is a former SBOA Auditor, and other Clerk-Treasurers are using his services to help assign values and his knowledge of what all has to be included. A motion was made by Melinda Jobe to accept and approve the Agreement for Services with Larry Tippin. The motion was supported by Jennifer Bowman and carried with a unanimous vote.

RIBBON CUTTING CEREMONY – Mary King said that there will be a Ribbon-Cutting Ceremony and grand reopening of downtown during the Octoberfest, October 9th at noon. KMS is inviting all of the donors and those who have been involved with the streetscape project to attend. They wanted to be sure to invite all Town Council Members.

TRASH CONTRACT EXPIRATION – Mary King said that the contract with Smith will expire on December 31st and that we will need to advertise for bids to be accepted at the October or November meeting.

CHRISTMAS LIGHT DECORATING CONTEST – The Town Council discussed options for how to have a contest and award prizes for the best Christmas decorations/lights. It was decided that we will find unbiased judges from outside of town to choose their favorites. Jennifer suggested that the prize(s) could be gift baskets that include donated items from the local merchants.

WELCOME TO KIRKLIN SIGNS - The Council discussed purchasing a welcome sign for the north end of town like the one on the south end. The sign needs to be bigger so that it is easier to read and something other than glue needs to be used for the letters and graphics. We have had trouble with one letter and one of the graphics falling off of the newly installed sign. Melinda will see about getting a quote.

Seeing no other business to come before the Council, the meeting was adjourned at 9:07PM.

Walt Minnick