

The Common Council of the City of Knox met in regular session Tuesday, August 23, 2022, in the City Hall at 6:00 PM CST with the following members present: Mayor Dennis Estok; Clerk-Treasurer Cyndi Kidder; Council Members Jeff Berg, Bill Gustafson, Sherry Cowen, Ron Parker and City Attorney Autumn Ferch. Don Kring was absent.

There is no amendment to the agenda.

RE: APPROVAL OF MINUTES REGULAR MEETING 8/9/22

Copies of the meeting minutes were mailed to the Council prior to the meeting. Jeff Berg made a motion to approve minutes as presented. The motion was seconded by Bill Gustafson and passed by a vote of Four (4) ayes and No (0) nays.

RE: ORDINANCE #2022-OR11 – ORDINANCE ADOPTING WATER PROJECT CONSTRUCTION STANDARDS – 2ND READING AND ADOPTION

Mayor Estok presented the Ordinance to the Council. Ron Parker made a motion approving the 2nd reading and adoption of Ordinance #2022-OR11. The motion was seconded by Sherry Cowen and passed by a vote of Four (4) ayes and No (0) nays.

ORDINANCE #2022-OR 11

AN ORDINANCE ADOPTING WATER PROJECT
CONSTRUCTION STANDARDS FOR
THE CITY OF KNOX

WHEREAS, the Knox Common Council is responsible for providing water utility service and maintaining water utility for the citizens of the City of Knox; and

WHEREAS, Water Project Construction Standards strive to maintain the public welfare, ensure safe and reliable water service for all customers, and promote efficient development within the City of Knox's water service area; and

WHEREAS, the Knox Board of Public Works have published Water Utility Construction standards as prepared on _____ (date).

NOW, THEREFORE, BE IT ORDAINED by the Knox Common Council that the Municipal Code of the City of Knox, is hereby amended by adding Article III-Development Standards to Chapter 19 as follows:

ARTICLE III. DEVELOPMENT STANDARDS

Section 19-50 Purpose and Intent

The purpose of this Article is to ensure development in the City of Knox meets minimum standards for working with potable water. It is the City's intent to establish Water Project Construction Standards that will ensure the public health, safety, and welfare, within the City of Knox Water Utility service area.

Section 19-51 Adoption of Water Project Construction Standards.

Pursuant to the powers and authority of the Knox Common Council, there is hereby adopted and incorporated herein by reference as if fully set forth those standards contained in the Water Project Construction Standards, as may be amended from time to time by City Board of Public Works Resolution. At least one (1) copy of the Water Project Construction Standards shall be available for public inspection at the City Clerk's Office, the Water Department, and the City of Knox's website.

Section 19-52 Applicability

This Section applies to all planning, design, construction, development, redevelopment, and modifications and additions to any water distribution component within the City of Knox Water Utility service area.

Unless specifically exempted, the provisions of this Article shall supplement any and all existing laws and shall apply to all persons, without restriction, and to conditions arising after the adoption thereof, to conditions not legally in existence at the time of adoption of this title, and to conditions which, in the opinion of the Water Superintendent or designee, constitute a distinct hazard to life or property.

The Water Project construction Standards provide policies and design guidelines to city agencies, design professionals, private developers, and community groups for residential and commercial that will ensure the public

health, safety and welfare within the City of Knox's jurisdiction. The City of Knox shall use the policies, criteria, and information including specifications and standards in the latest edition of the Water Project Construction Standards, for the proper implementation of the requirements of this Title.

The Water Project Construction Standards may be periodically amended as necessary to provide additional clarity or to reflect procedural revision or changes in construction or engineering practices. Such revisions to these standards or requirements may consist of either "procedural" revisions or "technical" revisions. Any other amendments to the Water Project Construction Standards shall be adopted by City Board of Public Works Resolution. Examples include revisions that are considered major changes, changes in law and changes that will cause significant increased cost or controversy.

Section 19-53 Review Procedure

The City Water Superintendent or his or her designee shall have the authority on behalf of the City of Knox to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Article and the Water Project Construction Standards.

Section 19-54 Variances

A. The City may grant variances to the Water Project Construction Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the construction standards. These issuances shall not compromise the operation or safety of the potable water distribution system.

B. Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the Water Superintendent. Variance requests must, at a minimum, contain the following:

1. Benefit to the City of Knox and the existing water system and customers.
2. Criteria under which the applicant seeks a variance.
3. Written justification for non-compliance with the standards, in which, cost is not a compelling reason for a variance.
4. Proposed alternate criteria or standards to comply with the intent of the criteria.
5. Supporting documentation, including necessary calculations.
6. The proposed variance's potential adverse impacts for adjacent landowners.
7. An analysis of the variance request, signed and stamped by a Professional Engineer who is licensed in Indiana.

C. Expirations. Except as otherwise established in this Article, a variance granted under this Chapter shall automatically expire after twelve (12) months from the date of approval unless otherwise agreed upon by the City. The City Water Superintendent may grant an extension to an approved variance. All requests for extensions must be submitted prior to expiration of the variance, must demonstrate good cause showing the extension is necessary and must demonstrate that the circumstances for granting the variance are still applicable.

D. Appeals. An applicant may appeal any decisions made by the Water Superintendent pursuant to the following:

1. Initiation. An applicant aggrieved by an order, requirement, decision, or determination of the City Water Superintendent may be appealed to the Board of Public Works. The notice of appeal shall be filed with the Clerk Treasurer within fifteen (15) days following the date of such order, requirement, decision, or determination. The notice of appeal shall state in detail the action appealed, the grounds for the appeal, and the relief sought. Failure to file such a notice of appeal within the prescribed time shall constitute a waiver of any rights under this Chapter to appeal any order, requirement, decision, or determination.
2. Effect of filing an appeal. The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed unless the Water Superintendent certifies in writing to the Board of Public Works that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further proceedings. The Board may review such certification and grant or deny a stay of proceedings.
3. Timing of appeal. The Board shall consider the appeal within thirty (30) days following the date of filing the notice of appeal, or as soon thereafter as it is practical under the circumstances.
4. Action by Board of Public Works. The Board shall review the record of the action taken by the Water Superintendent and provide a decision to the Applicant in writing. The Board may reverse or affirm wholly or partly the order, requirement, decision, or determination appealed from and shall enter such order as they deem appropriate under the circumstances.

COMMON COUNCIL OF THE CITY OF KNOX:

Jeff Berg, Council President

Don Kring, Council Member

Sherry Cowen, Council Member

Bill Gustafson, Council Member

Ron Parker, Council Member

Approved by the Mayor this 9TH day of August2022.

Dennis Estok, Mayor

Attest: _____
Cyndi Kidder, Clerk-Treasurer

RE: RESOLUTION #2022-RE6 – TRANSFER OF APPROPRIATIONS

Clerk-Treasurer Cyndi Kidder presented the Resolution #2022-RE6 Transfer of Appropriations to the Council. Jeff Berg made a motion approving the transfer. The motion was seconded by Bill Gustafson and passed by a vote of Four (4) ayes and No (0) nays.

RESOLUTION #2022-RE6
Transfer of Appropriations
Within the Funds
August 23, 2022

WHEREAS; the Clerk-Treasurer has advised the Common Council a Transfer of Funds is now required in the General and Motor Vehicle Highway Funds.

BE IT RESOLVED; by the Common Council of the City of Knox that the Clerk-Treasurer is hereby allowed and directed to make the following Transfer of Appropriations:

GENERAL FUND:

Police Department	10,000.00 from 1101005119-Resource Officer
	5,000.00 to 1101005337-Radio Equipment & Repair
	5,000.00 to 1101005222-Gas, Oil, Tires
Plan Commission	500.00 from 1101008363-Compuer Maintenance
	500.00 to 1101008222-Gas, Oil, Tires

MOTOR VEHICLE HIGHWAY FUND:

MVH	5,000.00 from 2201009229-Supplies
	5,000.00 to 2201009336-Repair Equipment

Dennis Estok, Mayor

Attest: _____
Cyndi Kidder, Clerk-Treasurer

RE: CLOSING OF RAILROAD CROSSING – ALLEY BETWEEN MAIN AND SHIELD

A short discussion was held about closing the railroad crossing and public concern. Jeff Berg made a motion recommending the Mayor to address the public to get their opinions on closing the crossing. The motion was seconded by Ron Parker and passed by a vote of Four (4) ayes and No (0) nays.

RE: CLERK-TREASURER'S REPORT

Clerk-Treasurer Cyndi Kidder informed the Council that the 2023 Budget has been published on Gateway. It is required to be published at least 10 days prior to the Public Hearing. The Public Hearing is September 13th. Our budget is under max levy and fully funded so we should only be subject to a short review by the DLGF. The adoption is September 27th.

RE: MAYOR'S REPORT

1. The Master Utility Survey on the City's website got 58 participants. The comments show some need for improvement.
2. New pavilion in the park starts concrete this week, The pavilion kit arrives August 31st. It should be completed by September 30th.
3. Wednesday August 31 is the USDA to discuss programs the offer for housing and infrastructure.
4. Hotel Feasibility Study will be starting soon.
5. The Moose demolition is complete. It will be a green area for the time being. It will not be a parking lot; however, progress takes time and money.
6. Fran Foster Concert was a huge success! Some of the tickets purchased where from as far away as Texas, Louisiana, Colorado, Nashville, Minnesota, and Chicago. Hopefully he will be back next year.

RE: COUNCIL ITEMS

Sherry Cowen wants a Topher T-Shirt. Simon's made them.

RE: VOUCHERS AND ALLOWANCES

The following properly filed vouchers (See Voucher Docket, APV #32995 - #33091) were presented and approved. There being no further business to come before the Council at this time the meeting upon motion was duly adjourned.

Dennis Estok, Mayor

Attest: _____
Cyndi Kidder, Clerk-Treasurer