

Town of Millersburg
201 W. Washington Street
Millersburg, IN 46543

October 26, 2022 Meeting Minutes

Attendees: Jim Winkler, Dean Smith, Austin Turner, MacKenzie Taylor, Jessica Frye, Ben Eldridge, Robert Roa, Kyle Kalb, Rick Pharis, John Nelson, John McKibbin, and Doug Sherman.

Jim Winkler called the meeting to order at the Millersburg Town Hall at 5:00pm. A motion was made by Jim to approve the minutes for Wednesday October 26th, 2022. The motion was seconded by Dean Smith. Upon voice vote was unanimously approved.

Water: Gas cards have been given to the employees. They work. I noticed the gas was quoted and we have a call into Clark to help straighten this out.

Wastewater: IDEM stopped in for an inspection on Monday unannounced. Ben said, everything passed and went well. I told Eddie, what if I wasn't here and you just stopped in? Eddie told Ben; he should have received a call from the Valparaiso Office about him coming out there.

Community Development: Santa will be coming to the Town Hall December 10th from 9:00am-11:00am. Doug Hansen will be playing Santa again.

The RDC will be meeting after the November meeting at 6pm. So far, Larry Randolph, Heath Taylor, Amber Gingerich, and one of the Council Members, please. MacKenzie is supposed to find a 5th person. We will have everyone sign their Oaths, explain about what the RDC is and stands for. We will meet monthly and MacKenzie will record minutes.

Park: Movie night was Saturday and it went really well. We had the food truck. It was 500.00 and I think they collected 290.00 so Enhancing Millersburg paid the rest of the bill. Jessica said she counted at least 50 people.

Dance yoga party went well. There were 15 people in attendance.

Ben said, I met Pierceton about Eagle Park. We talked about the budget the Town has and what things we'd like to see happen with the space. I told him I'd give him a website contact for a splash pad. He already told me; he wants to take that hill out which is great. He talked about adding a new jungle gym. I told him, I'd help him apply for grants as well. So, he can start planning now and then by April start getting the park redesigned.

Bathrooms are locked up for the winter at Cook Station Park. This winter, Vernon will work on putting stalls around for privacy.

Jim said, in the spring he would like to do a walk-through Cook Station Park and look at the playground equipment for repairs. He said, it's just general maintenance issues. Ben asked Jim about doing a walk through sooner. This way, we can have it done in the spring and it can be ready to go by the winter.

Dean said, I'm anxious to see this skating rink. Jessica looked down at her leg and said, oh shoot! Jessica won't be able to ice skate. She has a torn meniscus. Jessica is meeting with the surgeon tomorrow, so hopefully she will get some answers then.

Maintenance: Jim said, we are in the process of collecting leaves and the leaf vac is repaired. The first day it was out running, it stopped working. Other than that... Austin said, is there any way we can say, do not put your sticks in the leaf pile or else they won't get picked up. Jim asked, about putting it on the water bills. MacKenzie said she could do that. She mentioned, it's also in the Town Newsletter.

Marshal: Robert started by saying, the Town has had some recent theft problems. Some money at the vending machine located near the car wash got broken in to. We had someone from Interra come in because a gentleman was cashing fraudulent checks. There was also an issue at the Dollar General with counterfeit money. Kyle is working on the cases. We have a lot of complaints at the Maple Street Apartments. I was here until 10:30pm on Saturday and even did my last drive around in that area and it was calm. I've told them and people they need to call 911 if anyone has a problem. Robert said, we've had some dog issues too. That's about it.

Robert said, Ray just ordered a dolly for the speed monitor and we plan on moving it around the Town where there's a lot of traffic. We plan on getting that out in the spring. Do you have any questions for us? Dean asked Robert, where is the old one? Robert said, we are using it still. It's located on Washington Street. This one tends to die a lot; the solar battery doesn't last very long.

John McKibbin started with saying good afternoon to everyone. John stated, he is simply here to get some clarification on rules about Cook Station Park and who enforces those rules. He said, he's curious what standard procedures are with dog attacks? He's been getting conflicting reports. Another dog attacked my dog in Cook Station Park. My dog had to be taken to the hospital and racked up a \$1,400 bill and then my dog ended up dying. I guess, could someone address viciousness of a dog? A dog killed my dog, I don't think it gets more vicious than that. Jim said, all dogs should be on a leash. In your case, was your dog on a leash? John said, no. His dog was in the golf cart with him and not on a leash. The other dog was also not on a leash. My dog jumped out of the golf cart when seeing the other dog. The other dog was so strong and had my dog in its mouth getting shook. I understand the leash rule. I don't understand how you generalize, "running at large?" The ordinance part c states, "The owner of any animal shall be

responsible for any damages to the person or property of others caused by said animal while running at large.” Jim stated, any and all dogs should be on a leash. John said, if I may, running at large the owner shall be responsible. Personal property was damaged, my dog, my dog’s life, that’s my personal property. Since both dogs were off the leash, it becomes a civil matter. John asked, we don’t deal with civil matters? The attorney I hired told me, why do I want to get in Millersburg’s rules when they aren’t conducting their own rules? Jim said, we can address the owner and write a warning. John said, I just want to make sure it’s on the record. Then, we will be on record and have to answer to that. Especially, if there’s another dog attack or this dog kills a child. Robert said, he followed up with animal shelter and if it’s property to property, since it was on public property, they couldn’t do anything. Someone then said, if your dog gets killed by another dog it’s an automatic you go out there and confiscate that dog. They should have gone out and confiscated that dog. Any dogs that are out and not on a leash, our department will pick them up. If the owner is out there watching the dog without a leash on, we will address the owner. We will talk to the owner of the dog that killed your dog. If there is another issue with this animal, this dog will be confiscated. Sometimes two times isn’t enough. Jim said, he will address it. John said, he was encouraged to come here by the attorney. He repeated, a judge won’t take this seriously because Millersburg isn’t policing their own property. The girl owner of the dog that killed my dog said she’d be willing to pay the vet bill. I told her how much it was and she said she can’t afford that. Robert told John, there are programs to get assistance to help pay bills for the dog. John said, he looked into it, but it’s kind of a needy program and I don’t think I qualify. Jim said, we will have Robert go to the individual, give a warning, write a report, and give you a copy if you’d like one. Dean asked, did you make sure to see if the dog was up to date on its shots? Robert said, yes, the dog was cleared of having all shots. Jim went on to say, there was a resident in Town a couple of years ago who we had a dog issue with. This dog had bitten a couple of people and then a child. We told the homeowner they either fence that dog or we are taking it and euthanizing it. The homeowners did put a fence up then. Jim said, there are too many loose dogs running around in this Town and we will not tolerate a vicious dog that does damage to property, adults, children or other dogs. Robert said, I’d like to add to this please. If there are ever any issues, come to us. Don’t go to the Treasurer and Deputy and get upset with them. Apparently, there’s been a white shepherd running around. MacKenzie said she knew who that dog belongs to. John mentioned, he was too scared to intervene with the dog attack because he didn’t want to get in trouble for knocking its tooth out or something. Jim said, he wouldn’t have an issue with John intervening if a dog was harming a child or another dog, but that’s just his opinion. Jim admitted, he’s not an animal lover. If you’re going to have an animal you should take care of it. Just like children, if you have a child, you should take care of it. Jim said, get a copy of the report and we are on the same page as you. John said, thank you for your time and having me.

Jessica asked, are there any other cases on this dog? Is there anything we can do to tighten up the ordinance? Ben asked. Tonya Jaberg was out there with her kids and a dog started chasing after them. I told her, I’d say something to Robert and Ray. Is there something we can do to stiffen up these rules or just leave it as is? Jim said, all dogs need to be leashed, regardless. None should be off of a leash. Robert said, if we catch a person doing this, we can fine them. It’s not our job to

drive around with a loose dog and try to find the owner, we will confiscate it and give it to the humane society.

Clerk: Bank reconciliation is complete for September. Suzy Bass has looked over MacKenzie's reconciliation and has signed off on it. The Council members looked over September bank rec and signed off on the documents as well.

The salary ordinance has been amended to be able to pay Kyle Kalb for his detective work. Kyle will be getting paid out of the public safety line item, 100%. Jim made a motion to sign and adopt the amended ordinance. Dean Smith seconded the amended salary ordinance. Upon voice vote was adopted unanimously.

MacKenzie asked the Council about take home vehicles for department heads. There is nothing in the handbook, the ordinance just states about public safety officers, and Jessica found a typed note with a letterhead and no date on it stating that department heads will not have take home vehicles. Jim said, it's always been allowed for department heads to have take home vehicles. They are used as emergency vehicles, if the power plant fails the utility superintendent will need to come back to Town and fix the issue. This is not a fringe benefit, he said.

MacKenzie asked the Council to reconsider compensatory time. Instead of doing the two six-month periods, can we just do a fully calendar year? It'll just be easier to keep track of. The rules will stay the same with holding no more than 80 hours, no pay outs, and no year-to-year carry overs. All three Council members were fine with changing the comp time to a year period. I asked the Council if the guys could finish out this year with what they have and all will dimmish on the 31st of December. The Council was okay with letting them keep whatever they have and use it up the remainder of this year.

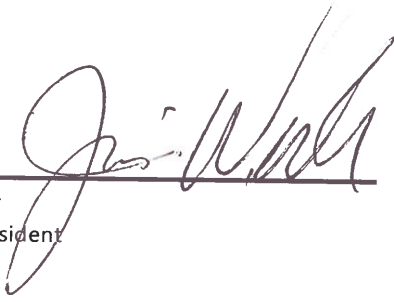
The next Council Meeting will be on November 16th and that is the only one for November. December's is on the 7th and that'll be the only one for that month. MacKenzie will just need Council to come in and look over bills to have them signed.

New Business: Rick Pharis brought John Nelson in to meet the Town Council and other employees. John Nelson is going to be taking over the Town account when Rick Pharis retires. Jim said, welcome aboard!

Jim made a motion to pay bills. Dean seconded the motion. Upon voice vote was unanimously approved to pay bills. Jim made a motion to adjourn. Dean Smith seconded the motion to adjourn.

X

Jim Winkler
Council President

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X

MacKenzie Taylor
Clerk Treasurer

A handwritten signature in black ink, appearing to read "MacKenzie Taylor", written over a horizontal line.

