



Town of Millersburg Town Council Meeting

May 14, 2025

Attendees: MacKenzie Taylor, Larry Randolph, Dana Rutter, Dean & Tina Smith, Addie Miller, Corey Oberlin, Rita Van Voorst, Vernon & Betty Miller, Rob Leroy & Other Representative from Elkhart County Humane Society, Haley Hurst, Ray Rodriguez, Jeremy Hardy, Kelsey Roe, and Floyd Beechy, Avery Ferguson.

Dean announced this meeting will be livestreamed. By being present everyone is consenting to being on camera for the livestream session.

Dean made a motion to approve the meeting minutes from April 23, 2025. Dana seconded the motion. Upon voice vote the meeting minutes from April 23, 2025 were unanimously approved.

**Water:** Avery began to read aloud the new Indiana bill that was passed for water and wastewater asset management. (Avery handed MacKenzie a print out and it will be attached with these meeting minutes for documentation). Avery went on to paraphrase the bill. This establishes new requirements, rate approval, and filing a report with the IURC (Indiana Utility Regulatory Commission), and IFA (Indiana Finance Authority). IURC will verify the reports every four years. Additionally, starting January 1, 2027 utility governing bodies must complete a quadrennial training program covering topics like asset management best practices, fiduciary duties, financial management, and environmental regulations, with training offered by the IUCR, a drinking water infrastructure program, or statewide rural water association.

Avery mentioned before the meeting he spoke with MacKenzie about a quote from H2O Towers. The quote is to clean the outside of the water tower. MacKenzie told Avery there is money in the Water Tower Maintenance line item that can be used for this. The quote is for \$4,600. Avery told the council if we have them do it next week because they will be in Goshen, we will save \$1,400 for it being a convenience. (Overall, the total would be \$6,000 if this is completed at a later time). Dean asked, does this need to be done every few years? Avery said yeah, he believes it's every 3-5 years. Larry said, we may as well do it then. Avery told the council H2O Towers provided a reference list if we would like to ask other municipalities about their experience. Dean asked, what about the inside? Avery said, he would need to ask Harley because he can't remember what year Ben had the inside cleaned. Rita said it's been almost four years. Dean made a motion to accept the quote of \$4,600 to have the outside of the water tower cleaned. Larry seconded the motion. Upon voice vote it was unanimously approved to get the outside of the water tower cleaned.



Avery informed the council the ground penetration radar mapping is scheduled for the end of this month.

Next Thursday Avery will be in Akron for a water operating expo.

Dean asked Avery if he is having problems with the wastewater gate? Does that need to get fixed? Avery replied, yes. He had Corey ask Letherman's if that's something they could do while they are here working on Corey's gate. Corey responded saying he did ask Letherman's and they said they don't do that. Avery believes the motherboard is fried and will need to try and contact someone about the issue to get it fixed.

**Wastewater:** Dean announced Alexander Scelzo's water bill. Avery, have you had a chance to look this over? Avery explained MacKenzie notified him about this. Avery said he filled up his pool before the summer sprinkling credit began and is asking for a credit on his sewer portion. There were no arrangements or contact made until after the pool was already filled. Dean asked, he filled it with a hose? MacKenzie responded yes. Alex called into the office after the pool was filled and told MacKenzie it was 26,000 gallons. He ran the watering hose for 3 days to fill the pool. He asked MacKenzie if the summer sprinkling credit would apply. MacKenzie informed him no, that will not be eligible until after Avery completes this month reading for the May bills. If he would have waited two days, then he would have been eligible for the summer sprinkling credit. MacKenzie showed the council the gallon consumption Alex was billed for May. The consumption was 13,950 so really, he got lucky on this one. MacKenzie said, the meter didn't track 26,000 gallons used, only a little over half of that. Kelsey Roe was in attendance on behalf of Alex's Scelzo's bill. Dean asked Kelsey if she was asking for a credit on the sewer portion? Kelsey said, yes if you're able to do one. Dean announced, here's the problem, you filled a 26,000-gallon pool and it only tracked 13,950 so technically you already caught a break. Kelsey said she didn't realize that or look at the bill closely, she just pays it. Dean said, I'm sorry we can't provide you with an adjustment for this bill. Larry also agreed. Kelsey said that sounds good and thank you for your time.

**Community Development:** MacKenzie said she is meeting with a gentleman from County, Crystal, Ray, and Jon to discuss the possible requirements of the 2-acre land purchase in regard to retention pond and what not. That will be June 5<sup>th</sup> at 10:00am

June 5<sup>th</sup> at 1:00pm I have a trails meeting set up with Brittany Short and Crystal to discussion possible connections for the Hawpatch Trail.

MacKenzie told the council she is taking Vernon to a public hearing tomorrow at County for the pickleball pavilion.

MacKenzie informed the council she is going to Rhode Island for the CNU conference and will be gone June 11-June 14. Addie will run the meeting while I'm gone. Dean asked Addie when she was due? Addie said the end of June. Dean said oh boy, that's coming up.

**Maintenance:** Corey said he got locates for the sink hole on Jefferson. He is hoping to start digging that up next week.

The gate at the maintenance building is connected and working.

Dean asked, what's going on with the broken pavement on Elm Street? Corey said, he knows he needs to fix it and asked the council how they would like him to handle it. Dean said what do you think it'll cost to repair? Corey said he wasn't sure. It doesn't look as bad in person; the picture made it look worse than it actually is. Dean said let's come up with an estimate or quote on repairing that and then we will go from there.

Corey said he is waiting on a quote for the street sweeper.

The brakes are still dinging on the dump truck. Corey believes it's an early warning sign the brake pads are going out. Corey said he would get a quote.

**Marshal:** Two representatives from the Elkhart Humane Society were here one was Rob Leroy. He began by saying Millersburg hasn't had a contract with them since 2014. So he recommends setting up another contract because they have had to take quite a few animals out of Millersburg. He said we haven't bothered in that time span because we would take anywhere from 2-6 animals. Officer Roa has expressed the cat problem and concern to them. Rob explained, the cost for a contract will be around \$1,900-\$2,000. In the past it was \$1,300. The contract is annually and begins January 1. Dean asked this year, since we are beginning so late can this be prorated? Rob stated they have taken 11 animals so far this year, so they wouldn't find it necessary to prorate anything. Dean told them to get a contract around for the town to set up with them. Rob said we have a program where we take the cats, neuter them, and return them. Luckily, cats are territorial so if we remove the cats and don't bring them back, you'll end up getting new cats in. By giving them back to the town, they will scare off other cats that try to come into their territory. You will start seeing a difference, or not as many cats once they are spayed/neutered. Haley asked, if we know of someone who is purposefully feeding cats, they have dishes set outside their home, and they allow the cats to breed then release them, then

start the process all over again. Is there an ordinance against this? Ray said he believes so and asked Haley to get with him later. Ray asked Rob, does the neutering service cost more? Rob said they take the cost for that. The shelter is about \$300 per animal and we pay for that. He said luckily, the Humane Shelter is a nonprofit so we get a lot of support.

Ray said he has the Verkada cameras in his possession and is hoping the reps will get with him soon to install them.

Tina asked if we could go back to the cat issue. She stated when people set out bowls of food for the cats, they are attracting other rodents into town, such as, possums, raccoons, and then it becomes a rabies issue. Rob said, when they have discussed this with people, if they want to set out bowls do it for 30 minutes in the morning and 30 minutes in the afternoon and that's it. Cats are intelligent and will know when it's time to eat. Rob explained we did this with Bristol and worked with local law enforcement over the matter, and it helped significantly. So, if it's being enforced, typically that problem can be resolved. Haley said, if someone catches a cat on their own property, are they allowed to do what they want with the cat? Rob said he prefers if you call them or local law enforcement. Ray said he could even run it to the shelter if need be. Rob stated, we have a great relationship with Roa and will meet half way or come out if we are in the area. Rob said let us and law enforcement handle it so this doesn't become an inner town issue.

**Park:** Vernon said the garage door isn't working. Vernon said he can get in using the side door and manually open it, but it doesn't close all the way. The weather stripping needs to be changed. Vernon asked if he could call someone to repair it? Corey said something about maybe reaching out to Overhead Doors? Avery confirmed Overhead Doors did most of the doors here in town. Larry asked Rita who she uses? Rita said Precision and they are fantastic. Floyd also mentioned Culp Doors is another good one. Council told Vernon to call and get it fixed.

Dean asked Vernon how the games are going? Vernon said the games are going well. The concession stands are not, he said he is not doing it anymore. Vernon said he's done it 4 times and is hardly bringing in any money, \$30.00. Vernon and Betty worked it for 3-4 hours and it's just not worth it. The council understood and agreed.

**Clerk Treasurer:** April Bank Rec is complete; Suzy Bass has signed off on it. MacKenzie told the council, actually Addie did it again this month. All three council members signed off on the bank rec sign off sheet.

MacKenzie presented Resolution 2025-03. This is a transfer of funds from MVH Restricted to Local Road & Bridge Matching Fund. This is the Town's partition of the 2024-02 CCMG that MacKenzie will be moving over to the Local Road & Bridge Matching Fund. Dean made a motion to pass Resolution 2025-03. Dana seconded the motion. Upon voice vote Resolution 2025-03 passed.

MacKenzie presented Resolution 2025-04 Civil Town Millersburg adopting the Elkhart County Hazard Mitigation Plan. This is the resolution Jennifer Toby presented at the last meeting. Dean made a motion to pass the Resolution 2025-04. Dana seconded the motion. Upon voice vote resolution 2025-04 was unanimously approved.

MacKenzie went over the Boyce Invoice Cloud quote. MacKenzie said a month or two ago Avery posted a poll asking residents about automatic payments for utility bills. A total of 60 people took the survey and 43 responded yes to the automatic payments. MacKenzie told the council in 2024 we paid \$9,900 for our software. We pay the software company annually. The one-time setup fee is \$2,390 and then annual maintenance is \$1,050. So, we are looking at \$10,950 for 2025. MacKenzie told the council, the merger program with Boyce and BS&A is outrageous. A clerk friend of MacKenzie's had a demo and that cost for the new software is \$20,000 annually. MacKenzie said she recognizes this is not feasible to do the merger. Dean asked about a service fee? MacKenzie said she doesn't believe there is one since it would be automatically pulled from the customer's bank account. MacKenzie told the council Virginia in Syracuse has this, do you want me to get more information from her? The council said yes. MacKenzie said she would get in touch with Virginia to go see the program. This item is tabled until the next meeting.

**New Business:** MacKenzie gave the council the Notice to Proceed for the 2024-02 CCMG. The work will be completed by Niblock. Niblock's start date will be effective July 1, 2025. Niblock will have 45 days to complete the roadwork. Kurtis believes he will be able to finish everything before then. MacKenzie told the council she spoke with Ryan and Kurtis about the date concerns of the Elkhart County Fair and Farmer's Day of having Maple Street closed. Kurtis acknowledged he will make sure Maple Street is open for fair week and for Farmer's Day. The town council signed the Notice to Proceed for the 2024-02 CCMG.

MacKenzie gave the council the Notice of Award for Phend & Brown whom came in as the lowest bidders for the 2025-01 CCMG. Along with the Notice of Award MacKenzie gave the council the contract with Phend & Brown. All three council members agreed and Dean signed the Notice of Award and the contract for Phend & Brown to complete the work for the 2025-01 CCMG.

MacKenzie gave the council the Borden Waste Away agreement. She told them, the town's contact will expire June 30, 2025. This is to renew the contract. MacKenzie explained, you may remember when Eric Ivory came to a meeting earlier this year. At first the contract presented a 3% increase and we were all okay with this. Now, after a change in management they have increased services to 4%. MacKenzie said she understands it seems small, but she isn't pleased with the additional 1% increase. MacKenzie told the council, she has also attached e-mail correspondence with Borden they can read. MacKenzie asked the council if they would like for her to reach out to their new representative Johnny Bachman and have him attend the next council meeting. All council members wanted to meet with Johnny Bachman at the next meeting before signing the agreement.

Avery told the council he has looked back into Petra's old house, 206 Oak Street. He got a hold of the health department and they are going to use that property to test mosquitos. Maybe once they see the property they will come up with a resolution. It did sell in the sheriff's office to Windgate Properties. Avery tried to contact Windgate's attorney to find out what is going on with the property. He has not received a response yet. Dean obtained the phone number of the property owner and gave it to Avery. Dean said it looks awful back there on Oak. I'm surprised we aren't getting more complaints. Avery said he wants to get something accomplished with it because he can't imagine the rodents it attracts. Dean thanked Avery for looking into this.

Dean asked for anything else on new business? Floyd asked MacKenzie if she had contact information for the insurance company. MacKenzie wrote down Rick Nystrand's information and gave it to Floyd.

MacKenzie told the council, Jackson Beck (town attorney) has all of the information in regard to the mower the town would like to sell. She is waiting for him to finish the ad then will publish in the Goshen News.

Avery said he is taking the wastewater test on June 18, 2025 at Ivy Tech. Everyone wished him the best of luck.

Dean made a motion to pay bills. Larry seconded. Upon voice vote it was unanimously approved to pay bills.

Dean made a motion to adjourn. Dana seconded the motion. Upon voice vote it was unanimously approved to adjourn.



