

TOWN OF  
*Millersburg*  
Town Council Meeting Minutes  
September 11, 2024

Attendees: MacKenzie Taylor, Larry Randolph, Dean Smith, Dana Rutter, Gale Gerber, Jeremy Hardy, Gabrielle Taber, John Nelson, Avery Ferguson, Tina Smith, Addie Miller, John Veenstra, Ray Rodriguez, and Vernon Miller.

Dean made a motion to approve the meeting minutes from August 28, 2024. Dana seconded the motion. Upon voice vote the minutes were unanimously approved.

The council members looked over the 2025 budget. Recalled that there were not objections from the public hearing. Dean made a motion to approve the 2025 Budget Ordinance. All three council members voted in aye. Dana seconded the 2025 Budget Ordinance. Upon voice vote it was unanimously approved to adopt the 2025 Budget Ordinance.

**Water:** Avery stated, this doesn't necessarily go with water but the plaque is mounted across the street from the Town Hall.

Avery told the council he was approached by Tory Vanderway in regard to putting in a permanent structure that would hold restrooms and the concession stand. Avery said the rider from Alliance informed him there should be nothing within 200 feet of the well field. It's possible the Town may be pushing it and in too close of proximity to the well field. Avery agreed to go and get exact measurements. From there, we will try to think of "Plan B" if it's too close in proximity.

Dean discussed the rate study in agreement to move forward. The cost was asked, MacKenzie said if she remembers correctly, it would be \$7,000 for each utility. Dean asked if we had enough funds for this? MacKenzie replied yes. Dean made a motion to approve the rate study with Baker Tilly. Larry seconded the motion. Upon voice vote it was unanimously approved to sign a contract and move forward with a rate study for both utilities.

Avery gave each council member a proposal to service the generators at water, wastewater, and at a lift station. There were service agreements are from Cummins for one year, three years, and five years. Avery informed the council IDEM has come down on the Town for this issue, so it's best we get a service plan in place for these. Avery suggested the three-year agreement, it saves the Town more money in the long run. All of the council members agreed. The price for a three-year service plan was a little over \$7,000. The council asked if Avery's budget could support this,

MacKenzie replied yes. Dean made a motion to select the three-year service plan agreement. Dana seconded the motion. Upon voice vote it was unanimously approved to go with the three-year service plan agreement for the three generators.

**Wastewater:** Avery said he is working through the process of seeing requirements for a UV plant.

Dana mentioned a homeowner here in town who had a high-water bill. There was a group e-mail that went around with the gentleman, council, Avery, and MacKenzie explaining what happened. Overall, it was a freak accident. The gentleman is Russel Shady and he lives in one of the Aloha complexes. Russel had a shower caddy, when he left for work the shower caddy fell, turned on the shower knob and left water running while he was gone. The bill was extremely high, \$264.63. His bill averages around \$67.00-\$72.00. MacKenzie said she does believe what he is relaying to us, this is extremely out of the normal for him. The council asked how much should we credit his sewer account? MacKenzie said, for the Butler's you agreed on an adjustment of \$100.00 for the sewer portion. All of the council members agreed to adjust \$100.00 off of Russell Shady's account.

**Community Development:** MacKenzie said flyers are posted for the Grand Opening at Cook Station Park. Addie, Corey, Mike, and Vernon have all been working on tearing down the equipment at Cook Station Park. MacKenzie explained another Letter of Interest was submitted in favor of the Hawpatch Trail to the Lily Endowment.

**Maintenance:** The council asked Avery if he knew of anything since Matt was not in attendance. It was noted that Washington Street and a part of Jefferson Street were striped today. No one knew that they were coming. Avery said, he talked to the homeowner about moving his vehicles and he kindly did so. This is for parallel lines to be painted on Washington Street. (The parallel lines were never done that day). Judd, owner of Pizza Depot, had an issue with this and was supposed to attend the meeting. He feared the parking out limit his number of customers he could take in. Dana asked, are the striping people planning on coming back? Avery replied he didn't know. Dana asked, Matt was in charge of this right? The response was, yes. Avery offered to get in touch with the striping company and have them come back to do it. Larry said, someone should have told us that this was getting done today. There was no notice or anything.

Avery said several meetings ago Matt mentioned that he would like to put up a fence around the maintenance building/area. Avery talked to him today and this was the quote from Mike's Fencing, it is \$29,822.00. Matt said this quote was a couple thousand cheaper than the other one he received. (No council members saw the other quote). Avery said, the quote includes a

gate and privacy slats. Dean asked if the budget supports this. MacKenzie said the budget will support this but would this company be okay with us paying ½ in 2024 and then the remainder in 2025? MacKenzie expressed some concerns about equipment breaking down and out of urgency/necessity they need something for plowing, leaf vac, or trucks they can afford the repair/get the new equipment if need be. If nothing happens this fall and early winter, then we can certainly have it paid off in 2024's budget. The Council was fine with the expense and approved the expense to get a fence around the maintenance building. They were fine with MacKenzie's payment advice.

**Marshal:** This is a letter from the prosecutor's office. You can review it and let me know if anything should be changed or added. Dean said, he has no problem with the way it's worded. Dana said he'd like to see restitution. Dana said, I'd hate to see someone go to jail for a long time but she did the crime. Larry agreed with the letter.

**Park:** Vernon said he is doing well. He said they had a great start on the tear down of the park equipment. Vernon mentioned it's a good thing we are doing this. After the company picnic, I saw a 40-inch slat laying on the ground of the rubber chips with nails sticking straight up. So, what we're doing is good, kids and people will be safe with this new playset. Vernon said, Addie helped me out this morning and sawed a good amount of equipment. Dana asked, how did you block off the equipment? Vernon said he just put caution tape around the area. Vernon was surprised to find many of the poles and equipment cemented into the playground to support the structure. He said, that thing was meant to last, but unfortunately without sealing it, everything is deteriorating at this point of what's exposed.

Larry asked Vernon, do you want me to mention this or do you? About Friends of the Park. Vernon said we can talk about it now. Larry said Floyd suggested, a permanent stage structure to be built in the park. The stage they have been using is in Nappanee and it needs major repairs. It sounds like Nappanee wants to get rid of it as well. Floyd said, the stage isn't worth repairing. Larry asked, the RDC could contribute to this right? MacKenzie said, yes you could. MacKenzie also advised the council to really take time to think about this... We are working so hard on revitalizing the entire park. Do we really want to add a permanent stage structure that will only be used once a year? Too, this is going to take up so much space and we're rather limited. This could take away from what a park is considered to be like/look like. Avery said, I'm going to agree with MacKenzie. Too, think about the vandalism that could occur. Avery and MacKenzie suggested seeing what other options are available. Dana said maybe the Legion could donate. Larry said, and the RDC. MacKenzie said, yeah but you guys really need to think about this... Get some estimates on rentals for a stage. Avery said, if you have one built, where will it get stored? Dean said table this until the next meeting.

**Clerk Treasurer:** This is an agreement to be in the Visitor Bureau catalogue. We did this last year; it was \$2,950 and then they send back half of that amount as a reimbursement.

MacKenzie said, there won't be any new pictures of Millersburg, but I think it'll be good to still keep getting our name out there. Dean made a motion to approve the expense to be in the Visitor Bureau catalogue. Larry seconded the motion. Upon voice vote it was unanimously approved.

MacKenzie gave the council an updated personnel policy. This has the revised changes for the comp time policy. 80 hours can be accumulated and it can be rolled over from year to year. Anything over 80 hours needs to be used in 30 days or else it'll be forfeited with council exception. Dean made a motion to approve the personnel policy. Dana seconded the motion. Upon voice vote it was unanimously approved.

**Old Business:** Dean said we need to talk about the park. Golf carts and ATVs are still driving on the walking path and other areas in the park where they shouldn't be. Vernon said yes, he is going to get some signs made next week and we'll see how things go from there.

Dean asked MacKenzie if she had heard anything about Petra's place? MacKenzie said she hasn't received any updates. Dean said, it's such a shame we can't do anything about it just rotting away.

Dean said, the habitat house is looking worse and worse. It's time to send them an ordinance violation. MacKenzie said she'll send out one tomorrow. She was also told to send one to Steve Yoder as well. MacKenzie replied, ok.

Avery said the CPR Class is set for October 11 at 1:00pm here in the meeting room.

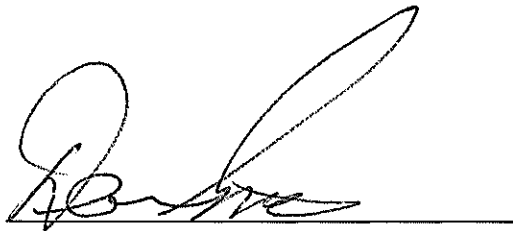
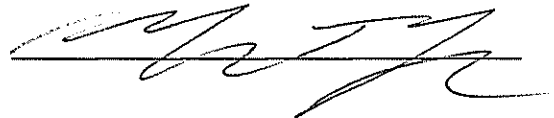
**New Business:** Common Wealth Engineering representatives are here to introduce themselves, tell about their business/services. Gale Gerber, Gabrielle Taber, and Jeremy Hardy introduced themselves. Common Wealth is based out of South Bend. We are an engineering firm that relates to water, wastewater, traffic studies, storm water, and CCMG funding. We have met with your staff prior to this meeting to discuss future services and needs. Jeremy is the office manager for South Bend. The larger packet is the service agreement. As each project forms you'll be given a task order on what we'll be doing/providing along with the cost. The general service agreement states our roles, insurance, expectations, and provides you with information. We can also look into something such as an inspection violation letter and assist with an appropriate response. The task orders will be from a start to an end, explains what services we are providing you with throughout the entire project. Are there any questions about the

agreement, Jeremy asked. Dean said not right off hand. Dana said he would like to read through this. Jeremy said that's fine take whatever time you need, even if it needs to be sent to your attorney for them to review. Jeremy said great, we would like to see what we'll be able to do for you in 2025.

Larry said, Matt's quote for the striping didn't have parallel lines included like we discussed. I thought he would have it all in one quote. Larry showed MacKenzie the quote. MacKenzie said, she has never seen this quote. Larry said, have Matt call this guy and get the rest of it done. June 12<sup>th</sup> he was told, then we get a quote July 22, and we have the quote dropped off in August?

Dean made a motion to pay bills. Larry seconded the motion. 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.

A handwritten signature in black ink, appearing to be 'Dana', written over a horizontal line.A handwritten signature in black ink, appearing to be 'Matt', written over a horizontal line.