



Council Meeting Minutes
September 13, 2023

Attendees: MacKenzie Taylor, Austin Turner, Jim Winkler, Larry Randolph, Vernon Miller, Avery Ferguson, Jessica Frye, Haley Hurst, Matt King, Eric Ivory, Ray Rodriguez, Jesse Sidwell, Harold and Ilene Yoder, Pierceton and Kathy Sark.

The public hearing for the 2024 budget was called to order by Jim Winkler at 4:54pm. Jim read allowed the budgeted numbers for each fund. No objections or questions were asked. MacKenzie did state, it's helpful with the supplemental income from Elkhart County which provides us with more funds. Jim agreed that it does help. Jim stated in two weeks, we will formerly adopt the 2024 budget. Jim closed the meeting at 5:00pm.

Jim called the Town Council Meeting to order. Jim made a motion to adopt the meeting minutes from August 23rd, 2023. Austin Turner seconded the vote. Upon voice vote the meeting minutes were unanimously approved.

New Business: Eric Ivory is a municipal representative from Borden Wasteaway was here to formally request an adjustment. This is simply a request and I want to reemphasize that, Eric said. Within our contract before our five-year agreement comes to an end on June 30, 2024, it states in there Borden has the right to request an adjustment. Doesn't mean you have to agree with it or go along with it, we just have the right to ask. I am asking this from the Town of Millersburg for a couple of reasons. One is because of our disposal and the other is for the CPI (customer price index). For the disposal piece of it, one of our local landfills has closed, we hit the maximum capacity and now are going through the Elkhart County Landfill. Typically, the average household has 35 pounds of trash per week. That will equate to 1,820 pounds per year. We deal in tons. So, on the disposal side we are asking for a 26-cent increase for every household. The other portion is the CPI. As you are all aware, we've all seen a rise in inflation. The CPI is at about a 7%-8% increase and we are trying to capture that remaining 4%. Right now, the customer rate is supposed to go up 35-cents for the 2024 year. We are asking to up that to 75-cents. Jim stated, so when 2026 comes around it'll only increase 42-cents? Trash would be \$14.10 in 2026. Jim said, if this is true, it will be less in 2026 than what it originally states in the agreement. Jim asked Eric, can you please provide us with a new contract showing the adjustments and extension? Eric said, absolutely we can provide you with a new negotiation and amendment. Jim said, when do you need these answers by? Eric said, not tonight by any means. Jim said, our Council President couldn't be here tonight and we want to get his input on this before we make a decision. Eric said, that is perfectly fine. Eric will send over the paperwork to MacKenzie and from there, she'll disperse the information to the council.

Pierceton and Kathy Sark were in attendance. Pierceton approached the table and asked the council what they thought about Eagle Park? Jim said, I thought you did a fantastic job, I've heard nothing but positive remarks. Austin said, he loves it. Pierceton provided Jim with a sign off form stating he completed his job. Pierceton said, just so you know I will be coming back next summer and I'll stain the equipment. Jim and Austin, both commended him on the project and thanked him for doing this.

Jesse Sidwell is here to discuss an issue that happened at his residence. Back in early September, the maintenance department was picking up limbs. While doing so, a mark from the backhoe was left in Jesse Sidwell's yard. Jesse began by saying, after this happened, I called the Town Hall to figure out what could be done about this. All I wanted to do was make the maintenance department aware of their error so this doesn't happen to anyone else. Jesse said, I wasn't seeking for anyone to pay for my yard or fix it, I can do that myself. So, I was advised to call the maintenance department and tell them. I left a message for the maintenance department. I got a call back from Matt King. In the midst of the conversation, these are a couple of things I was told from him. I was told, where the mark was, it wasn't even apart of my yard anyway. Then, that spot that was left, isn't as bad as the rest of your yard is what Matt King told me. Jesse said, I don't think that was called for. All I was trying to do is bring this situation to their attention so this doesn't happen again. I also would have expected someone from the department to tell me that they made this mark in my yard. I was met with more hostility than anything else. Jim said, I did stop down at the property and had a conversation with your son. We talked about the yard and many other things. Looking at the yard and I saw the spot in question, there was a little damage there, I agree. But, not a whole big crevasse. Jim said, if it's a matter of bringing down some dirt and laying it in there we can certainly do that. Jesse said, I'm not interested in that. I did not appreciate being treated the way that I was. Jim asked, in the midst of the conversation were tempers flaring on both sides? Jesse said, not that I am aware of. There was no yelling, I never yelled at anyone. Matt said, I didn't yell either. Jim said, I am at a loss of what you're wanting from the town? Jessica said, I can speak on the matter because I am the one who probably had conversations with Jesse the most. When Jesse first called, he was just wanting (whoever was in charge of the backhoe and caused the damage) someone to apologize and say, my bad, I'm sorry and I'll fix the damage or do better next time. Then, after our interaction and I apologized to him on behalf of the town. Then, something else transpired after our first initial interaction. He was never seeking anything from the town, he just wanted to make them aware of the situation. Jesse said, I've been in this town for 30 years and to be treated in such a way is very disheartening. Jim said, there was no yelling, no swearing, it's just the fact that you weren't notified? Jesse said on the phone call with the street department and how he stated there are worse spots in my yard and I should just deal with it. Jim said, our employees try to be as careful as they can be with citizens in mind. Jim said, it's an unfortunate situation and I don't believe there will be any repeat. Jesse said, you let a town employee... Jim interrupted and said if you're asking me if I spoke with Matt, I did. That's an employer and employee. Jesse said, I got trolled on Facebook. Matt said, don't talk to me. Jim said, the matter

shouldn't have even been brought to Facebook. Austin Turner said it should have been in one ear and out the other. Unless you're passionate about it. It was one little scrape. So, a 7-foot-long divot, Jesse began to ask? Austin said he was off the clock, what he does in his own time is on him. Jesse said, so a Facebook message to Matt and Jim interrupted and said telling him to come over or pick a place to meet and I will be happy to hash it out? Jim said, that sounds like a threat to me. Jesse said, that's how you took it, it wasn't a threat. Jim said, if someone said that to me, that's how I'd take it. It's not okay to have on a town Facebook page. Jessica read through the postings and who did what. Matt was actually the one to have tagged the town in it. It's all a back and forth. Jessica said, I tried to apologize on behalf of the town and now it's turning into a bigger tit to tat between you and Matt. Jim said, Matt will fix it and we will try better. Jesse said, I don't want him back in my yard. Jessica mentioned when leaves and limbs fall, we still have to comply with the town ordinances. Jessica said, it's part of Matt's description to pick up leaves and limbs. Jesse said he will get it close enough to the road so Matt can collect them. Jessica said, as long as you're not trying to purposefully make it hard for them. This has all turned into something bigger than it should be. Jim said, with your threatening comment you should apologize to the town. And that statement, Ray said that does sound like a provoking statement. Jesse said, I'm not giving an apology. Jim said, then we're done. Have a nice evening. Matt said, have a great evening and Jesse Sidwell left. Jim said, Jessica I appreciate your apology. Jessica mentioned, there's history there with those two and you have to determine business and personal. Personal cannot be dragged into business. MacKenzie said there was no reason to even engage in the Facebook post, Matt shouldn't have commented back on anything. That's why we now have a social media policy that's been amended in our employee handbook. MacKenzie said, it's a reflection on all of us and makes the town look bad. Jim said, let's move forward and try to do better. Matt said, I apologize. Jim said it's appreciated. Matt said, I screwed up, I put a nick in his yard. I'm not used to this new machine.

Water: Avery said, we did the hydrant flush on the 28th-30th of August. I'm pretty sure we hit them all. They all seem to be working. Vernon was working over at Eagle Park and discovered a leak. Avery said, I'll take a look at it.

I will not be working with Tina as much in the evenings anymore. As you can see, my comp time is racking up. I will be taking all of next week off to try and burn up some of that time.

Last meeting, we discussed an issue with the handheld. Well, it will more than likely still occur until we get this new software. So last Thursday, we met with Ben from Utility Supply Company. He presented Jessica, MacKenzie, and myself with three options. We of course went with the lowest cost option. The device is like another handheld, but small and it's more technical and reliable. The cost for this is \$10,300. Ben said, there is a little bit of a wait in getting this newer equipment. It would be compatible with our current software, so no changes would need to be made. MacKenzie advised us to put in the order right away so we can hopefully get it before the new year or shortly after the new year. MacKenzie said, ARPA can fund this expense because it

is a utility enhancement that we have to have to read meters. This new reader is really cool too, it can and will identify leaks more accurately and stores consumption usage.

The scales for wastewater have arrived. As soon as we got these at wastewater, the one at water started acting up. So, I need to order another one for the water plant. MacKenzie told me there's enough money in ARPA still to cover this expense. The council was okay with Avery purchasing another one for the water plant.

Avery said, there has been a complaint from Affordable Tire, there on the corner, Dean's old shop. They had a high-water bill for the month of June. Ben was supposed to go out there and change their meter and look at it and never did. So, the girls had back and forth interactions with them. Avery said, when I had time and was told about it I spoke to them and replaced the meter. Jim asked, what happened after that? Jessica said it went down. Jessica said, I took the average of their bill throughout the year and that would give them a 95.00 credit if we allowed them to have it. Avery said, I cannot verify if it was actually a leak or not. Jim said, since Jessica figured out the average, go ahead and give them the credit. If this happens again, with a leak, we are not going to give them one since it's a new meter and know it's working properly now.

Last week, I had some meter horns delivered. They aren't the same type we use, but I'll try to make them work. I'll get the one replaced on Elm when I get back.

Wastewater: The scales are in but I haven't had a chance to assemble those.

I did testing over the weekend, Avery said. Everything is finally fixed out there. For the quality assurance test, I did this with Harley's help and we aren't sure where we stand. We were originally told we didn't pass but then there was a paperwork issue and we are trying to confirm where we stand with that.

Community Development: MacKenzie said, we will be meeting with Shannon Oaks on September 28th to confirm our action agenda.

If you didn't see it, take a look on the Vibrant Communities website for the nice article they did for the town.

I need everyone's newsletter information by Friday.

Maintenance: With these cold evenings the leaves are ready to start falling. We are going to get the rig all hooked up so it's ready to go. Maybe next week we will start doing a trial run to make sure everything is good. We put a lot of money and time into it this year. Larry asked Matt, have you looked into a new leaf vac? Matt said, the one I looked at was junk. Matt said, it probably

won't happen this and probably won't even happen next year. Other than that, we are just moving and grooving.

Marshal: Ray gave a copy of the quote for cameras from Permar. Ray said, I know it's lower, but it's not impressive. They'd charge us a monthly fee and with the service cost, it wouldn't be worth it. I think Bontrager would be a better fit, since we already use their system and software. They only bill us annually, no hidden or monthly fees. Ray mentioned, Permar told me they can't do street cameras. Matt said, speaking of Bontrager they did get our cameras up and running.

Jim said, I know I brought this up to MacKenzie and Jessica about trick or treating. I saw in the Goshen News; Goshen is doing theirs on Saturday. I think it makes better sense since the children won't have to go to school the next day. It was determined trick or treating will be on Saturday October 28th from 5:00pm-7:30pm.

Matt told MacKenzie that Gary and Darrin Kauffman will be contacting you in regards to when the town has Santa come. They told me, there's a guy who does an awesome job at playing Santa where Darrin teaches. MacKenzie said, that'd be great. Give them information to contact me.

Park: Vernon said everything is good. Forest River is behind us. Next goal I have is to get the grass seeded at Eagle Park. I saw a faucet tonight on the south side of the Town Hall building. Can I hook a garden hose into that? It looks like there should be a key to it though. MacKenzie said that would be fine and she'll look for a key.

Clerk Treasurer: July Bank Rec is done. Suzy Bass signed off on the reconciliation.

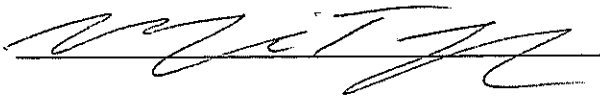
MacKenzie presented the social media policy that's been amended into the employee handbook. Everyone needs to have a disclaimer on their profile stating, my views, opinions, and statements do not reflect upon the Town of Millersburg or something along those lines. This whole situation has not been a good look on the town. Every employee is a representative for the Town. Plain and simple, just don't ever engage in something like this. Jim made a motion to approve and adopt the social media policy in the employee handbook. Austin seconded the motion. Upon voice vote the employee handbook was approved and adopted with the social media policy.

Ordinance 2023-04 to reduce the speed limit on Larimer Drive was announced. Jim made a motion to waive the second reading. Austin seconded the motion to waive the second reading. Upon voice vote it was unanimously approved to waive the second reading. Jim made a motion to adopt Ordinance 2023-04. Austin seconded the motion. Upon voice vote it was unanimously adopted and Ordinance 2023-04 was approved.

Next meeting Rick will be here to discuss this with you. It's for Blessing Street. When Blessing Street was built, it was taken into account for milage and revenue. So, we've been losing out on gas tax because this street wasn't included. Rick will discuss it with us at the next meeting.

Jim made a motion to pay bills. Austin seconded the motion to pay bills. Upon voice vote it was unanimously approved to pay bills.

Jim made a motion to adjourn. Austin seconded the motion to adjourn. Upon voice vote it was unanimously approved to adjourn.

A handwritten signature in black ink, appearing to be "Austin", written over a horizontal line.A solid horizontal line.