Town of Millersburg
201 W. Washington Street
Millersburg, IN 46543
574-642-3976

A public hearing was held for the 2023 budget at 201 W. Washington Street, Millersburg, Indiana 46543 at 6:00pm. Jim Winkler made a motion to open the public hearing for the 2023. Jim Winkler asked the audience and the Town Council members if they had any further questions, comments, or concerns? The audience remained silent. The Town Council members made no comments and did not ask any questions. Since no objections were made, Jim Winkler stated the 2023 Budget Adoption will take place on Wednesday September 28th, 2022 during the next Town Council Meeting. This will happen at the same location (201 W. Washington Street Millersburg, Indiana 46543). Jim Winkler made a motion to close the public hearing. Dean Smith seconded the motion and upon voice vote was unanimously approved.

X
Jim Winkler
Council President

X
MacKenzie Taylor
Clerk Treasurer

September 14th, 2022

Meeting Minutes

Attendees: Jim Winkler, Dean Smith, Austin Turner, MacKenzie Taylor, Ray Rodriguez, Ben Eldridge, Jessica Frye, Steve Eckert, Bruce Yoder, Haley Hurst, Matt King, Holly Bortz, Josh Bowens, and Amanda Garmen.

Jim Winkler called the meeting to order at 5:00pm. A motion was made by Jim to approve the minutes for Wednesday August 24th, 2022. The motion was seconded by Austin Turner. Upon voice vote was unanimously approved.

Water: Ben stated he does not have anything for water. Jim asked, did we keep track of the usage when they rented the park? (Friends of the Park for Farmer's Day) Ben said no, we did not because the Council previously said they bring a lot of business to Town. Dean asked Ben about the vault pit. Ben said, Middlebury Electric came and put in a new transducer and replaced the wiring so the sump pump functions like it is supposed to.

Community Development: Jim asked Ben if anyone has been in contact with him from the American Legion? Ben replied, yes. Jim said, this is what I know is going on so far. They had their meeting and decided for it to be a paper post and one member wanted to sell the building instead of donating it to the Town. Ben stated, it would be about $50,000 to refurbish the upstairs apartment to rent out. I told them I would make them an offer of $5,000 for the whole building. It's the Town's fear that this building will sit too long and rot away.

Maintenance: Matt mentioned, the leaves are starting to turn. Matt told the Council he stopped at C&P Oil today. Someone in the front office did not relay the message about them to not fill our tanks any longer. Matt said, he got there just in time to tell them before they filled it. It was agreed upon to only get diesel from C&P Oil. Jim asked about the clean up for the Forest River park rental? Matt said, they did a pristine job of cleaning up. The Town never has any issues with them.

Marshal: Ray said, we received the new speed monitor and radar gun.

Park: Ben handed the Council members information on the 30ft by 60ft ice rink that he'd like to order for the park. Jim said, he did some research at home and found this ice rink site and read over the reviews. All the reviews were very positive, he added. Ben said, if this is successful this year, we can always add onto it by 10ft sections. This current rink should hold about 75 people. The plan is to put this ice rink over by the ball diamond concession stands. Then, a couple of times through winter have hot chocolate and sell some other things out of the concession stand. Liability insurance, when we last investigated this was only going to be $7.00 more. We will also put up a sign stating to skate at your own risk. All the council members thought this would be another added benefit and something unique the park offers. Jim made a motion to approve the $3,884.00 ice rink. Dean Smith seconded the motion to approve the expense towards the ice rink. Upon voice vote was unanimously approved.

Jim asked Ben, what else do we have for the park, football wise. Ben said, he thinks they go until mid-October. Ben said, I was a little worried this past weekend. We had the park filled with softball tournaments, Forest River was out there and then we had football leagues playing. I opened up the water plant so more people could park in there. Kenny told Ben, everything went smoothly and they had no issues with other people being out at the park. Ben told the Council, he kind of had a moment last week. He was driving around Town Thursday and we had yoga going on at the pavilion, softball games were being played and then the basketball courts were being used. It's nice seeing the Town being utilized. Back to yoga, this is something the Town plans on doing every Thursday from 6pm-7pm. It's only $5.00 and it's a great work out. I told the

instructor, since she is coming here, we will let her keep all of the proceeds. Jim said, I'm glad this is starting to take off and another service our small Town can provide.

New Business: Amanda Garmen and Josh Bowens are here about receiving the Council's blessing to keep their chickens and to amend the current livestock ordinance that is in place. Amanda started by saying, she is nervous and has never done anything like this before. Hello Council, I am here to discuss the 1984 livestock ordinance. Everyone is aware of what the ordinance entails by no livestock in the Town limits, including chickens. Amanda said, she's not looking to change the ordinance but to add a clause to it. The clause would state, if a neighbor gives their approval, then it would be okay to have chickens. Even if, the coop is less than 150 feet to the neighboring property. Amanda also added, she would like to share some facts about chickens. First off, farm fresh eggs are more nutritious than store bought eggs. Having chickens can help promote humane treatment. Chickens provide companionship and less stress. They are not live-stock. They are appreciated for their distinct personality and can be therapy animals. I would like to throw this out there… I know I was told not to come in here at an emotional standpoint. My son lost his best friend last December. They were friends since birth. He had a really hard time coping with the loss of his friend. Getting these chickens, helped fill his time and space. It also has helped him get over the loss. More facts about chickens, they eat weeds and bugs. They routinely apply nitrogen rich fertilizer. Our kids have benefited from them so much too. They have learned that eggs do not magically appear in a carton. Watering and feeding these animals have taught them responsibility and the meaning of life. I also have some myths and facts about chickens. Chickens maintain good hygiene. When managed properly, they produce valuable fertilizer instead of dogs that have unusable feces. Chickens take care of their coops with pride. Forbes Magazine said they permit chicken keeping and it does not lessen the home/property value. Chickens are kept for their eggs, as pets, for 4-H, egg color variation and the danger of extinction. I have collected 130 signatures from citizens here in Millersburg. I've also brought signed statements. Amanda said, I understand that chickens are not for everyone but there are plenty of people in this Town. I also drafted up regulations and things to follow. I am so passionate about this and I thank you for your time to hear me out.
Jim said you made a lot of points but some of the points are not valid. There's so discrepancy with the points you made. Several years back, there was a chicken operation. It was on the outskirt of Town but this created a big problem. Elkhart County said, this was the largest rat infestation ever. They estimated there were 10,000 rats running around the Town. They claimed the rats were due to the chicken operation. Amanda said, Middlebury, Goshen and all these other surrounding Town's/Cities allow chickens. I tend to these daily and I do not want to take them from my children. We love those animals; they are like our cats and dogs. We want to put them in 4-H. Now, I have to tell my children they cannot have them and it was something they were so excited about. I genuinely do not understand why, they cause no problems. Jim said, here is the issues. Soon, all these people will want chickens, then they will want ducks, then turkeys and so on. Amanda said, every resident understands they cannot but I literally have 130 people that we asked and only 5 people said, no I do not want to be involved. Amanda said, people in this community are in support of it and want it to happen. I don't get why. My whole backyard smells like cat pee. We watch it daily, cats using my neighbor's sandbox as their liter box. Jim

acknowledged that the Town has a stray cat and dog problem. Haley said, there are so many stray cats and dogs that create issues because people aren't properly caring for them. That could be the same case scenario when people get tired of their chickens. That could be a problem for the Town. If there's a stray cat and it's caught, we can have the humane shelter come and pick it up. Amanda said, I don't get why that same rule can't be implemented for chickens. The Town hasn't been given a chance. We haven't been given an opportunity to see if this works for the Town or doesn't. I think we should give it a chance and encourage this type of thing. It's self-sustaining food. My husband is working two jobs. The chickens have been benefiting my family tremendously. My neighbors, we have given them eggs too. I just don't get why we can't have chickens if the neighbors sign off that they're okay with it too. We literally have Famer's Day in our backyard, we support the farmers. We try to be good members of the community. We support local business. We maintain the chickens and take good care of them. Jim said, Goshen has a lot of issues with this. Amanda didn't disagree. Jim said, he knows the guy from animal control and they are having weekly occurrences of people not abiding by the ordinance properly or they have a rooster and aren't supposed to. Jim told some different instances of having livestock in Town and how it did not work out well. We cannot give an exception, this leads to further issues down the road and it's not fair, Austin Turner exclaimed. Amanda said, I know of at least five people in this Town that have chickens. It's not okay. These are our animals; I don't want to get rid of them. I'm begging that you allow us to keep them for our children, Amanda said. She asked, if we could lessen the 150ft of space? Jim said no, I'm assuming whoever created the ordinance did this to make sure there wouldn't be any livestock in the Town limits. Jim said, I have a very soft spot for children but my job as a council member is to look out for the best interest of the Town and the betterment of the Town. I truly feel for you and your children. Amanda said, I knew this is how it would be. I spent so much time on this. I'll be here again next month and the month after that and try to get as many people as possible. I feel this is something the community can benefit from. You aren't giving it an opportunity in my time at all and we want to show that we can take care of them and maintain them and I don't want to give up. I've seen similar opportunities, maybe not this same one but similar and I am going to pass. Someone said, a year ago when we discussed this there was a lot of opposition. So, when you say you have 100 signatures maybe there is a change of view Town wide but I guess we haven't seen it. I mean, no one has come up to either one of us (Council members) and has said anything about wanting to have chickens. Haley said, if you have neighbors sign off on this… One neighbor says yes and the other doesn't then you're putting that other neighbor in a difficult spot. It'd be nice to have sustainable food but at this point the cons are outweighing the pros. I hate to say it because I know this will make me sound like a bitch, but the rule is there for a reason. They've put a lot of time into this and it's been stressful for everyone. There's logic to the council not being in favor of having chickens. Jim said, at this time since we aren't seeing the overwhelming support we are going to stick with our original ordinance. Amanda asked, the 130 signatures isn't enough support? What is overwhelming support? Bring people here? How many? Jim said, a family who would want to send in a letter would be one way. Amanda said, this stinks. They're okay with it and down for it and over the last 5 days I've had to look all of this up. Not everyone will want to sit down and write a letter. Both neighbors had different obligations at 5:00pm. Jim said, this is what tends to happen in most cases. People are for

something but don't want to make time or effort to be here and speak upon it. Again, talking about stray cats and the problem we already have with them, what happens when there's a stray chicken in someone's yard? Animal control won't likely come out for a chicken. I'll tell you, if there's one in my yard it'll be someone's dinner. Amanda said, they shouldn't be roaming. They are always cooped up. We'd be willing to put up a privacy fence. You can make the ordinance as strict as you want. One of the stipulations could be you have to have a fence. Jim said, I can't ask someone to put up a fence. Jessica said, this might come off rude but we have an ordinance already in place. You can't make exceptions for people. Amanda said, I can't believe how hard I have had to work to get. I'd be willing to just keep 4, there's just a few I don't want to part with. My son and I don't want to lose it again. I'm sorry, this weighs heavy on my heart and it's been so hard to him. This made him happy. I don't want to take it away from him. We live in Millersburg we're a farming community, this is crazy, I don't understand. I appreciate your time. I have no ill feelings, honest to God. I do understand it's not for everyone and I see how this definitely could lead to a problem. This will personally, be really hard for me to deal with. Jim said, I do feel very badly for you. At this particular time, we aren't in favor of changing our ordinance. Dean and Austin agreed they were not in favor of changing the ordinance. Amanda asked if it's okay if they leave? They have to get their daughter from Volleyball. Jim said, sure then told her that his granddaughter in-law in a volleyball coach for 8th grade. Amanda said, my daughter loves her and can't wait until she gets to have her.

Bruce Yoder was here to explain the expansion of Zion Church. Bruce mentioned some different possibilities of their expansion plan and was asking about water mains and water lines. Bruce asked what the process is of getting this project started. Jim explained, since the Town does not have their own building department you will have to go through County. County will ask for a letter or meeting minutes from the Town saying this was discussed with the Council and Council was in favor of the expansion. Bruce said, he'd go to County and take the necessary steps to get the expansion started. Bruce asked, if it would be okay to block off the alley by putting yellow stakes so people couldn't drive through it but would still be able to bike/walk. The council was not opposed to this. The council members said, let's do whatever we can to ensure that the Zion church stays here in Millersburg. They also agreed they want to do what they can to keep the kids safe.

Clerk Treasurer: MacKenzie gave the Council members Ordinance 2022-11 that was given to us by County. The first reading took place back in early August. Jim made a motion to adopt Ordinance 2022-11. Dean seconded the motion. Upon voice vote was unanimously approved.

MacKenzie presented the council with July bank reconciliation. Suzy Bass has looked over MacKenzie's reconciliation and the depository statement agrees with the fund report.

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.