

**Winona Lake Town Council
Meeting Minutes
June 20, 2023**

The Town Council of Winona Lake, Indiana, met in a regular session on Tuesday, June 20, 2023, at 6:00 p.m. – some attending in person, others by Zoom (video conference).

COUNCIL MEMBERS PRESENT: Rick Swaim, Heather James, Austin Reynolds, Ashley McGinnis, and Jim Lancaster

COUNCIL MEMBERS PRESENT (ZOOM):

ABSENT:

OTHERS PRESENT: Craig Allebach, Joe Bumbaugh, and Holly Hummitch

OTHERS PRESENT (ZOOM): Laurie Renier, Brandon Scruggs

Opening – Craig Allebach opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes

- Rick called for approval of the April 18, April 21, and May 16, 2023, meeting minutes.
- Jim moved to approve the April 18, 2023, meeting minutes, and Ashley seconded. Hearing nothing further, April 18, 2023, meeting minutes stand approved as presented. The vote was unanimous.
- Jim moved to approve the April 21, 2023, meeting minutes, and Heather seconded. Hearing nothing further, April 21, 2023, meeting minutes stand approved as presented. The vote was unanimous.
- Ashley requested a correction to the May 16, 2023, meeting minutes, adding that Laurie was absent. A revision of the minutes to be presented at the next meeting. Laurie stated Craig has a revised copy, which includes the addition of her name as absent, per the email she received from Ashley this afternoon.
- Ashley moved to approve the May 16, 2023, meeting minutes, and Heather seconded. Hearing nothing further, May 16, 2023, meeting minutes stand approved as presented. The vote was unanimous.

Approval of Claims

- Rick called for approval of the June 20, 2023, claims.
- Jim requested that the K & J Operations memorandum say payment is for May and June.
- Jim asked about the claim for Cardmember Service in the amount of \$2,058.71 that says it was for parking. Laurie said the charges would be for travel expenses for whoever used the credit card and there is only so much room for descriptions on the report. Craig confirmed the payment would be for multiple charges for multiple departments.
- Jim questioned the claim submitted for Birch Kauffman LLC. Rick said the concern is that the charges for legal services for the clerk treasurer were not budgeted.
- Laurie said the entire town's budget for legal services are grouped all together, which should be split out going forward so that each department can track their spending individually. Rick said the town only has one contract for legal services that was budgeted and that's with Adam for the council. Jim asked what the charges were for and Laurie said they were for her representation when going through the election process at the council meetings when there were questions, stating the clerk treasurer can hire legal services to represent them. Jim said the statute requires the legal services be budgeted and approved by town council for that to be the case. Ashley said

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charges for the election were not going to be paid for. Laurie clarified the charges were not related to the election, only that the services were needed due to the way she was treated.

- Rick recommended tabling the item until Adam can further advise the council at the next council meeting. Jim moved to approve the claims with the edits and modifications as discussed except for the Birch Kauffman LLC legal service claim, and Austin seconded. Hearing nothing further, May 16, 2023, claims were approved unanimously.

“Winona Happenings”

- June 23 – Inflatable Friday in the Park
 - This will be rescheduled until sometime in July
- June 24, 8:00 a.m. – Optimist Triathlon at the Park
- July 1 – 4th of July Festival & Parade
- July 1, 8:00 p.m. – Patriotic Concert at Miller Sunset Pavilion
- July 1 – Fireworks over Winona Lake
- July 14 – Bonfire Bash at the Park
- July 15, 11:00 a.m. to 3:00 p.m. – Touch-A-Truck in the Village
- July 22 – Splish Splash Winona
- July 22 – Jaz Fest

Terry White said there is live music every Wednesday night through August from 7-9 in the gazebo on the brick alley way in the Village.

Ordinance 2023-6-1 Additional Appropriation

- Rick opened the hearing for public comment of Ordinance 2023-6-1, an additional appropriation of \$450,000.
- Jerry Nelson asked what the additional appropriation was for and Rick asked Craig to explain. Craig said it is for \$450,000 for the Miller Sunset Pavilion (MSP) for personnel services, supplies, other charges, and basically for the operations of Miller Sunset Pavilion. It will come from the revenue that comes in from the pavilion. This figure is higher than probably what we will get but if we don't get the money then we can't spend the money. Jerry asked for clarification that tax funds would not be used. Craig said other revenues could be used to make up the difference because they don't think it's going to be money making for a little while. Rainy day funds or other funds may be used in the future.
- Unknown speaker asked if there is still a fund-raising committee that's working on raising funds for the pavilion. Craig said no, not at this time. That committee worked primarily on fund raising before the purchase of the pavilion through the brick campaign.
- Jerry Nelson asked if it is necessary to use funds from another fund like the rainy day fund, will it be necessary to ask Council to take another action. Craig said any fund that is spent would need to be appropriated.
- Jo Faulkner asked if grants or other things were included in MSP. Craig said there were some investments grants from Kosciusko Community Foundation and K-21 and we're always looking for others. We were denied the ready grant but will continue to apply for others as they become available. Rick said we've already seen a tremendous benefit to the community, to the Village, to the town, so it's going to be ramping up as we go. Jo asked how close have we been to breaking even so far even though it is still new. Craig said the issue is he's not sure how much rental

revenue we're going to have in the off-season so we're still trying to work through that and trying to drive some revenue through that. Several events are planned such as the jazz festival but something that we probably didn't think about was how the wind and weather would effect the early setup of events such as weddings. Jo asked if events like the farmer's market generate revenue coming in. Craig said the committee decided in the first year, that there was no charge for the farmer's market because they wanted to drive people to be there but there is a charge for all other events.

- Barry Andrew asked what makes up the \$450,000. Craig said the financial consultants reviewed budgets of similar operations. We wanted to make sure there was enough there so we didn't have to come, so as we get it we can spend it. Personally, he thinks it's high but if we don't over \$150,000 we're not going to spend over \$150,000. It's just a cushion in case more comes in after that. Jerry Nelson said he doesn't think he answered his question, he asked for a breakdown of what composes that \$450,000 you're saying operations. Craig said it would be personnel services for employees down there, service contracts agreement with the operations group, someone to service the Zamboni, tables and chairs, and rubber mats. We had rubber mats but we're finding as we go along that we need to have some better things than what we started out with to make it a lot nicer. One of the things we're currently looking at is mops for the moisture that builds up when there's a lot of people taking shelter from the rain. Jerry asked for clarification that some of the purchases are startup costs. Craig said yes.
- Rick asked for any further discussion.
- Hearing none, Rick closed the hearing.
- Austin made the motion to approve Ordinance 2023-6-1 and Heather seconded. Motion passed unanimously.

Ordinance 2023-6-2 Transfer to Rainy Day Fund

- Craig asked Brandon Scruggs to provide any comments on the additional appropriation or the rainy day fund. Brandon said everything was good with the additional appropriation piece. He said all he would say with the rainy day transfer, is that by statute a unit is permitted to transfer 15% of all of their current year DLGF certified budget, so that calculation is how they came up with the amount of \$452,000, and the reason we feel comfortable transferring this is because your general fund has a very healthy operating balance. At the end of 2022 it was at 72% and we recommend a 25% balance so that's well above that which makes it okay to transfer the rainy day and that also shows that you're prepared for anything that may come up in terms of an emergency or whatever the case may be.
- Rick said, so to be clear, that gives us the ability to use that money should we need it for some sort of emergency or unforeseen circumstance we might have come up. Brandon said correct, it is really just separating it out so that you don't think you have a ton of money in the general fund, you set it aside just in case. Craig said there could be other things that would come up, and clarified that this money goes into the rainy day fund but we can't spend the money until it's appropriated.
- Jim made the motion to approve Ordinance 2023-6-2 and Ashley seconded. Motion passed unanimously.

Heritage Trail East Agreement

- Craig said we bid this out in 2021 and this is just an agreement to accept that bid but since there have been so many issues with the waterline, and we've been waiting so long to start the project, the prices have gone up and we are going to have discussions with consultants to see if we're going to have to re-bid that or see if the contractor can stay within the parameters. For right now we'll accept this and if it is not accepting of it at that price and we find it is going to be too expensive then we might want to re-bid it. Ashley asked Craig for confirmation that they will have the opportunity to do that and he said yes.
- Rick said this is an agreement between the town and Global Paving for the Heritage Trail East that runs between Lakeland Christian and Racoon Run and asked for approval. Jim asked for clarification that the intent is to leverage the quote we have if they'll honor it but we don't know if they will honor it. Craig said he has had conversations and knows he is asking for more money based on the cost of stone and asphalt. Ashley asked what the purpose was of this. Craig said it is just to see what they will ask for and if it gets too high, then we will re-bid it, but that's going to put things behind. His concern is that we want to be fair.
- Kristie Maiers asked for the amount of the bid in 2021. Craig said it was \$328,000, and he didn't have the other bids in front of him but thought the next highest bid was \$600,000 and the next one was way over \$1,000,000.
- Kami Johnson asked if it would not only connect Racoon Run to Lakeland Christian, but also include the area to Christ Covenant Church. Craig said at least 2 property owners between Christ Covenant and 250E will not allow easement. A study was done 2 years ago that would connect it on the north side of Pierceton Road, but it would be a lot less aesthetically pleasing. Cami questioned spending \$350,000 when it wouldn't do anything more than connect the 2 properties but not really go anywhere and would create safety issues by potentially having kids on bikes trying to cross Pierceton Road. Craig said he agrees but we're just trying to get done what we can. Cami said unless the project can be done all in one shot, she doesn't think it's a good idea. We have already had one child killed in that area, we don't need another one.
- Jim moved to approve the agreement to allow us to keep the work moving. The motion died for lack of a second.
- Ashley moved to table this until the next council meeting and an unnamed council member seconded. Motion passed unanimously.

Designation Park & Recreation Month

- Holly said proclaiming July as park and recreation month is just an opportunity for the community and local leadership to acknowledge the importance of park and recreation and the benefits it provides to the people we serve.
- Heather moved to accept July as park and recreation month and Jim seconded. Motion passed unanimously.

Report from Town Engineer

- Aaron reported they are still testing the water lines for leaks, but he is not aware of a date they are expected to be done. Once no leaks are found, they will fill the lines with chorine to clean everything and then flush the system and then Indiana American Water will be able to test the water quality. He estimates not more than another 2 or 3 weeks.
- Has been working on a couple other drainage projects and some sewer issues on the southside of town, the parking lot, some turn lanes, and a sidewalk project.

- Unknown speaker said she lives in Tuscany and asked if they were going to put the dirt back on the hilly part like it was before or is it just going to be flat now. Aaron said most of it will be flat because that's where the bike trail will go.

Reports from Supervisors

- Park Dept./Holly Hummitch – Thinks they are up to 21 programs and the numbers just continue to rise. Ashley said she noticed the grant was delayed for a signature. Kristie Maiers said they are still waiting on signatures on the grant from NPS and DNR. They had their bid openings in May and the park board is talking about sending a few things back out to bid based on the increases in costs. Kristy clarified that the signatures they were waiting for were not from the town at the moment.
- Fire Dept./Kevin Gelbaugh – We have been busy. Have made 24 runs since the last meeting. Did fire protection for Grace College's concert over the weekend, and also sprayed little kids with water at the Grace Soccer Camp. Unfortunately, they have put a pretty healthy dent in their repair budget for the broken tanker. It was a \$7,000 repair and it still has to go back in. We are still on the waiting list for the new tanker and are expecting it to be started by end of summer, early fall.
- Police Dept./Joe Bumbaugh – Nothing to report.
- Street Dept./Tim Goshert – Tim was not present.

Report from Town Attorney

- Adam was not present.

Other Business

- Rick said we have a budget coming up that we need to plan for and asked if a couple council members would be willing to volunteer to serve on a committee. Heather and Austin volunteered. Rick said he would get back with them on the arrangements.
- Ashley asked about a committee for ordinance review. Ashley volunteered to serve on a committee and said her thought for the committee was just to go through the ordinances and internal controls for the town, and work with the department heads on that. Rick said he would work with Ashley on that.

Floor Topics

- Kami Johnson asked for the amount of the attorney fees for the clerk treasurer office that got tabled. Jim said the claim was \$3,410 in this voucher package. Kami asked when it was dated. Jim said he doesn't know what the claim date was and that he doesn't have all the details for the invoices. Kami said since you are about to do your budget talks, she would like council to consider a sign that would announce all the dates of the great events that the town has going on. She said the town is not the village. The village is a shopping center and they have an advertising budget. She said it would be great to see all the events on it so people don't have to go searching for the information. Holly said she is working on getting a stable board for the center of the park. Kami said since property values went up and property taxes went up tremendously, we're going to have a big influx of money that you guys are going to be able to budget for upcoming years, she thinks it would be a great investment and another thing, the pavilion or gazebo that's at the park, it might be nice to put a little extra money into making it bigger. Lastly, on the day the splash splash event is planned, there's a group that's going to do a Guinness Book of World Records (trailed off).

Rick asked Nick Hauk from the village about cooperating with the sign once it's back up to do some of the things happening within the town with the signage you will have down at the village. Nick said they don't usually do too much outside the village. Nick said they did purchase a new sign and they are waiting for the roundabout construction to get done and hopefully within the next month their sign will be up advertising all the village events and some of the community events. The location of the sign will be close to where it was. Kami asked if it could come this way a little more so it isn't a distraction for all the people who don't know how to use the roundabout.

- Cindy Hepler had a follow up to her same question last month about the additional expenses we're paying in addition to paying our clerk treasurer. She said a friend educated her afterwards that all of the payments are online, which she had no idea. It's on winonalake.net so everyone should be able to see but no one mentioned that before. She said we wrote a check to Baker Tilly 4/13 for \$7,275 and up until June have paid them over \$9,000. She said she knows they do other things as well but it says financial management services and what does that mean. Rick said it means they provide us consultation, help with appropriations, and the things that we need to do in order to make the town work on a financial basis. She said that's over \$11,000 that we're paying for outside services, and asked how that compares to previous years. Craig said probably very comparable but we haven't yet started the budget process since it's only June. We will continue to need their services for the budgeting process. Cindy asked if that doesn't fall under the responsibilities of clerk treasurer. Craig said no. We have contracted with Baker Tilly for 5 or 6 years to help us with things like the budget. They put together the information tonight and they do work on many other things. Jim said similar questions have been asked, specifically about Baker Tilly Services and some of the answers we got back. Through probably May appropriations, so far in 2023 we've paid \$9,396.73 to Baker Tilly. In 2022, we paid \$9,058 for the year. In 2021, we paid \$6,415 and in 2020, we were told we paid \$8,262. We did pay more in 2019, which included about \$9,154 in budgeted services but we paid almost \$6,000 in doing a fire territory analysis, so it looks like on average Baker Tilly expenses have been about \$9,000.
- Jo Faulkner thanked Craig for when she called him about them dumping their cement down at the end of our street. She said she was told by the cement people that they had permission to dump their stuff down there as long as they make it rock and not cement. She said the problem is the HOA doesn't own the end of the street and asked who she should call to complain about them dumping cement down there at the end of the street. Craig said the town didn't give them permission and it would be something to take up with the concrete people.
- Ron Faulkner asked the town engineer, Aaron, who handles boat launch ramps for the town. Craig said the town does not own a boat launch. Ron said it is very difficult to launch a boat and he will contact someone at DNR.

Meeting adjourned – Ashley motioned to adjourn. Meeting adjourned at 6:10 p.m.

RICK SWAIM
PRESIDENT

LAURIE RENIER
CLERK TREASURER