

**Winona Lake Town Council
Meeting Minutes
August 15, 2023**

The Town Council of Winona Lake, Indiana, met in a regular session on Tuesday, August 15, 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, Kevin Gelbaugh, and Aaron Carl

OTHERS PRESENT (ZOOM):

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

Approval of Minutes

- Rick called for approval of the July 18, 2023, meeting minutes.
- Ashley moved to approve the July 18, 2023, meeting minutes, and Jim seconded. Hearing nothing further, July 18, 2023, meeting minutes stand approved as presented. The vote was unanimous.

Approval of Claims

- Rick called for approval of the August 15, 2023, claims.
- Ashley said she didn't mind approving, but she did have some questions. Rick offered to hold off the approval but said it holds up getting payment, making payment made. Ashley said she didn't feel the need to hold up payment. Rick said just submit those to the clerk treasurer. Jim asked if the clerk treasurer was not online. Craig said no, she is not.
- Rick said we have a motion to approve the claims and asked for a second. Austin seconded. Hearing nothing further, August 15, 2023, claims stand approved as presented. The vote was unanimous.
- Ashley said she is confused why the pavilion fund had not been used yet, because she thought when the ordinance was set up, it was for both functions, to receive and disburse out of that fund but she's getting information that a disbursement fund is needed to be able to actually start cleaning things up and using it properly. She asked if that's correct and if we have gotten that information yet on how to set that fund up. Craig said not on the distribution fund yet. He said he thought when the initial appropriation was done that would be okay and then found out we needed to establish a fund so then they established a fund. He asked Adam if he had an addendum to that and he said he didn't have it printed out or anything but basically it was just a (inaudible), and that he and Craig talked and he doesn't know where that number got missed or wrong or whatever but the ordinance should be sufficient for a home-ruled fund and it includes the in's and out's of those accounts and follows the SBOA's statute for establishing a home-ruled fund, it just was the number was wrong. He said he submitted that amendment ordinance and we can look at that next month when we have a better answer, maybe. Ashley said so she's just wondering where, since the disbursement fund is being brought up, she's just wondering why or where that came from if it is for in's and out's. Rick asked Adam if it was his understanding that the numbering of the fund. Adam said he couldn't really understand, and thinks it needs to be clarified.

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“Winona Happenings”

- August 26 from 10:00 am to 5:00 pm. – Canal Days in the Village at Winona
- September 2 8:30 am – Britts Tribe Memorial 5K at the park.
- September 9 & 10 from 8:00 am to 8:00 pm – Pickleball Tournament in the park
- September 9 & 10 is also the Guinness Book largest raft tie up attempt

Consultant Agreement

- Rick asked for approval of a consultant agreement with Retha Hicks to provide the town council and clerk treasurer with financial duties and reporting requirements for the town.
- Jim asked for someone from the sub-committee to speak to the work that is ongoing and what the team has been working on. Austin said he wasn't at the last meeting but in our first meeting, Retha met with Heather and I and offered some of her services at a rate that we felt like was very reasonable, and she feels like she can help Heather and I, in a timely manner, get caught up to speed on some things that are lagging behind right now, so we feel like this is going to be very helpful. Rick asked if Heather had anything to add. Heather said she has already provided some services just on her own and because we are starting to lean on her more, it's time to make it official with a contract for her, you know, especially helping with the transition with the budget coming up for 2024. Ashley said Retha was meeting with Heather, and Craig, and I, and offering up some advice as we try to navigate the 24 budget and how we may be able to address some issues in getting it complete so her information was very helpful and I think we just all feel better about the situation so I think having her able to consult with us is very very helpful. Jim said, so she'll be what's called a financial consultant to the town council on behalf of, with respect to the clerk treasurer's office. Rick said, right, and the transition and that whole thing, right.
- Heather made the motion to approve this contract with Retha Hicks and Ashley seconded. Hearing nothing further, the motion passed unanimously.
- [copy attached]

Trash Contract Bid

- Adam said every so many years, we look at renewal of our trash contract and sending it out to bid. He said in 2020, he believes, we sent it out for a whole bid and ended up awarding it to Advanced Waste Disposal, and they have been the contractor for the town all the way back to at least 2013, if not before. A new contract was entered in 2020 with a 3-year commitment and a 3-year increasing scale on the rate. That contract also includes language with regard to it is the town's option that it could be extended for an additional 3 years or some lesser number from that. That contract expires at the end of October, I believe, so that's coming up real quick. The proposal in talking and working with Craig, is that it never hurts from a town's economic standpoint to go ahead and let it go out to bid but we also are pretty close to the end of this contract and we want to make sure that it is a fair bidding process and there are obviously a lot of statutory timelines in that bidding process to make sure that there is sufficient time for other individuals to submit the bids, so our current provider has been working with us very well and they are open to an extension, so what I have put in front of you tonight for your consideration is a 6-month extension, which will take it through the end of April of next year and then what we would do, come January-ish is (inaudible) are all drafted any everything as well, the terms, and the notices, we would send it out and I would assume WM is what we call it now, is Waste Management, will likely put in another bid as well, but it will open it up for an opportunity to make sure that we are competitive in our pricing. It's

the council's option to renew, it's the council's option to send it out to bid, and I think from a proposal standpoint, we kind of put it out to you this way. Rick said in summary, if we would change to a different provider, it gives them the time to gear up for that, whatever that might be. That's the bottom line here, is what I understand. Adam said, that's the concern, we're kind of pushing off on a little bit of a timeline of if we were to say put it out for bid right now, you know the bid after public notice and the publication of the notice and all that, I believe it's 6 weeks. That has to be open for bids to be submitted and then just the logistics of any sort of turnaround following that and October 31, I don't know if it's reasonable we could get somebody that would be able to switch it over to a new bidder, or a different bidder, and again, we may end up with the same again. Adam said we kind of did this a few years ago too, we kind of got tied up against our timelines and so we did a smaller extension on the contract and then set it for bid and ended up with Waste Management and I don't see any issues there. This locks it in for the next 6 months. It is going up a little bit based on our home counts are up a bit, but it is at the same rate per unit as the current rate. Rick said, you say home count, is that the number of people being served is going up? Adam said that's correct. Rick asked Craig to speak to the fact, and we've said this before at a council meeting, would you tell the people and the council that we pay about half of that and the rest of it's from user fees. Craig said it's about 50/50 split between user fees and property taxes.

- Rick asked for approval to extend that contract of the, have everything in place for a January 2024 award, to give time as Adam has explained. Adam said think I emailed that, right?
- Jim made the motion and Austin seconded. Hearing nothing further the motion was passed unanimously.

Request for a Park Fundraiser

- Rick asked Kristie if she wanted to explain what we have here or is it pretty much self-explanatory. Kristie Maiers said it should be self-explanatory. Both Holly and she met with the State Board of Accounts (SBOA) and they have asked for some procedures to be put into place. Going forward, any time the park board and park district do a fundraiser, we are to advise the council and have the council make a motion to approve the fundraiser, so the fundraiser is for the great pumpkin race, which is conjunction with, as the same day as the trick or treat on the trails. The goal is \$4,000 that will go back into the donation fund to finish the limitless park. Rick said, just FYI for each department, we've not done this in the past, we've realized we need to do it now, any department that wants to do a fundraiser needs to bring it us, and just we'll approve it or not, but typically approve it to go on.
- Rick asked for approval the park to hold a fundraiser.
- Heather made the motion and Ashley seconded. Hearing nothing further the motion was passed unanimously.

Travel Request

- Rick asked for approval for Craig to attend the AIM annual conference ideas summit next week.
- Jim made the motion to approve, and Heather seconded. Hearing nothing further, the motion passed unanimously.

Report from Town Engineer

- Aaron said we have quite a few things going on. The water main along 250 and Pierceton has passed all the testing. There will be some paperwork and some things that we need to do to finish

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up for the transfer of ownership from the town to Indiana American Water. That paperwork has started, and it will take about a month or so to finish it all up. The trail is starting along 250E and Pierceton Road. Aaron said he has been doing the inspections for that. He and Craig have met with the contractor, and we know with the bidding process being 2 years ago, we adjusted some rates. We also found several locations where things had already done during the water main installation that we can remove from their contract, so we are trying to get back down closer to what it was when they bid it 2 years ago. Rick asked Aaron to talk about the cross-over, he's had a question or 2 from residents about where that would cross-over. Aaron said it will be right next to the NIPSCO gas station, there on 250E, north of the roundabout, and then there are quite a few drainage projects that he's been working on.

Report from Town Attorney

- Adam said he has been working on a lot of various items, actually really this month has been kind of quiet, but the last few days were pretty busy. I've put in a lot of hours related to the trash contract stuff and those type of things and other various matters. Appreciate the work.

Reports from Supervisors

- Fire Dept./Kevin Gelbaugh –It's slower this month. To go with that, you'll see it's a different format on our runs, there is actually a printout the dispatch center sends every month and it will be from the beginning to end of the month, so it will be different from board meeting to board meeting. Kevin asked whether they, as a contracted private entity, need town board approval for fundraisers. Rick said his understanding is yes, from the SBOA, unless someone else has a different opinion. You are under our auspices so as far as he knows, just let them know what you are doing. Adam said the clear discussion is that it doesn't need to be anything big and formal, it's just a matter of memorializing it on (inaudible). Kevin said because they come up to us and they go through our books too. Rick said they want our documentation that we've approved it. Adam said we can resolve a lot of doubt by just bringing it up to the council and having the council approve it. Rick said he and Ashley spoke with the SBOA yesterday and that was their recommendation. Kevin said beside the fire runs, they have been assisting with a lot of community things, the biggest one would be the Camp HERO. We had 8 guys put in over 30 hours with the kids for 3 days. We have our physicals and hose testing done for the year. Lastly, Kevin said, he has been approached by one homeowner and has filled the paperwork out and provided it to her with the new water system. If you live within 1,000 feet of a fire hydrant, it will cut down on your insurance. He got an email from the homeowner saying she had gotten her deduction. Craig said we might want to get with the office and draw a circle around those hydrants and send letters out to those homeowners within 1,000 feet, and then they can check with their insurance company. Kevin said he would like to verify it is 1,000 feet. Craig said it would be nice for everybody to have that, and Kevin agreed and said it would be easier than them having to notify each homeowner and asked if the town could do a mailing. Craig said yes and he and Kevin agreed it is something that could be done using the GIS. Rick said he was going to ask because that would probably make it into the news report. Craig said Bill... Rick asked who should they contact? Craig said I think if you contacted Bill Holder, the GIS coordinator for the county, he could plug in the parameters. Kevin said sometimes they need something with a letterhead, I just typed something up that I got from Warsaw. Rick asked so we get the details later so when David prints the story, we've got the right number of feet? Kevin said he will check and let somebody know. Craig said, also where the firetruck pull-off for refilling the tankers, I think the best spot is right

there at 250 at the roundabout on the north side. It's actually, there's asphalt there right now, pretty much where you can pull right off there and the trail comes and wraps right and the hydrant is right next to it, the other ones there's not enough pull-off. Kevin said he would go look and asked if it was thick enough they won't destroy it if they pull-off onto it. Craig said he was going to talk to Global and see if they could beef that up because it cuts short there and then goes into the trail. Craig said we'd have to make the repairs if necessary.

- Police Dept./Joe Bumbaugh – The only thing they have is the new camera system that we are having installed out on the trail for additional security. Spoke with the company this morning and they gave us an additional 30 days, it should be complete and those cameras operational. Rick asked so that's what all the bases are that were put in, I wondered. Joe said they've installed we think 5 new foundations for poles, some of them are existing that we're going to utilize. They have 2 poles yet to install and it should all be complete in roughly 30 days. Rick said that's great for security so thank you.

Other Business

- Rick said, I know Ashley you had an item of 2 you wanted to share. Ashley said I wanted to follow up on some things from last meeting but I don't know if we can get the answer if the bank recs had been done and uploaded as was stated and I don't know. Rick said, and you wanted to share some of the background of the work that was being done. Ashley said yes, we met with the SBOA briefly, Rick and I yesterday. We've been kind of talking about the internal control manual which includes different internal control, which basically just means checks and balances of policies and procedures basically for the goings on in the town and with the town employees. A lot of it involves the clerk treasurer's office, of course, because normally checks and balances come into play when you're dealing with money, but it's really for all elements of the government and how all of us communicate and interact with each other and just making sure that a lot of what we do is documented and as we're seeing with the audit we're going through now, having that documentation to prove we're doing what we say we're doing, so I've been kind of working through a template internal control manual to build off of some of that and then add in what we do now or maybe in some places where we're missing some steps that we need. It's kind of like how we found out about the fundraising policy things, so we are working on that and trying to compile that, so I will be at some point, kind of reaching out to each department and there are different checklists to work through on the SBOA's website to kind of guide you and think about things that you do on a daily/monthly basis and how you do them and we can kind of build it from there. It's really just about putting the documentation together. Rick said she's done a tremendous amount of work, and council you already know but thank you for the amount of work you've done and your focus on that it's needed and we appreciate it.

Floor Topics

- Don Townsend said I live here on Wooster Road and I've got some concerns that are going on in my neighborhood. I made a call down here last night. I live on the corner of Bibler's Addition and we have a residence back there that looks like they are conducting a scrap business. They are bringing in multiple items and tearing them apart. He said he understands that people need to make a living but this is a residential neighborhood and it effects the value of his and his neighbors homes. There's a house for sale across the road that is not moving and animals are living in all their junk. Rick asked him to get the address to Joe {Bumbaugh}. Joe said we have it and being worked on. Don said he didn't know if there were town ordinances against it and Joes

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said there are. Don said he's just tired of sitting outside and smelling the trash and the nasty things they're burning. Joe asked if he has seen them burning and called it in. Don said he has.

- Jerry Nelson asked for some clarification on the consulting agreement. He said he got a copy of it earlier today and looked through it, and it says the agreement is between the town and Retha and then it says she is going to assist the clerk treasurer of the town of Winona Lake. Rick said she will indeed. Jerry said, ok, is there any kind of working relationship that's been established with the current clerk? Rick said we've attempted that. It's not worked. Jerry said so then she isn't... Rick said I'm just being honest with you. Jerry said well then this is just... Rick said hang on Jerry, this is mainly a transition as I think I alluded to or even said earlier this evening it's to help with the transition from the current clerk to the new clerk treasurer, go ahead. Jerry said that's fine except that if she's going to assist her, there has to be some working relationship or there isn't, then she isn't going to assist her. I take it that she reports to the president of the board, you Rick. Rick said sure. Jerry said ok, I guess that means that you would approve any hours or assistance or timing because this is an unlimited, this doesn't have an ending. Rick said there is a \$5,000 limit as I recall. Jerry said there is nothing in here like that. Rick said that was the original, I haven't... Jim said that's an ordinance right? Isn't there (inaudible) an ordinance. Craig said anything over \$5,000 would have to be approved by the town council. Jerry said right, but the town council could keep approving? Rick said we could. Jerry said because when I look at this... Rick said that at \$40 an hour, that would be a lot of hours but yeh. Jerry said well, it looks like it could run from \$70,000 to \$100,000. Rick laughed and said, ok Jerry. Ashley said I don't have it in front of me but I believe I read in there that it would be billed monthly so we would see it monthly and approve it monthly. Rick said it's all good. Jerry said but then the question is that where did the money come from because I've heard this council over the last 3 or 4 months say the board of accounts from the state says they recommend this one, so you use it, then all of a sudden the council's saying \$8,000, where'd that come from? So where is this money coming from? Is this another rainy day fund type of thing or where is the money? If there's no money in the budget and nothing has been budgeted for a consultant then where's the dollars coming from. Rick said money is budgeted for a consultant every year. Jerry said, ok, so there's money in there? [no audible answer was heard]. And then, the question I have also is coverage. This is an independent consultant. Adam can tell you that independent consultants make mistakes. Is she well covered by... Rick said she is providing advice, decisions will be made by us. Jerry said, but there still should be some insurance to protect the town. I would think if there's any errors made by the consultant that you need to have fully covered... Rick said it's advice. It is not policy. Policy will be made by us, by the council. Jerry said I understand but you know, I can come in and give advice but if I make a mistake or... Rick said then it's on us to verify it because it's advice, it's not policy. Jerry said ok, if Aaron makes a mistake or Adam makes a mistake, do they carry liability insurance? I would hope they would. Rick said we make the decisions (inaudible). Jerry said ok, well I just want to make sure there's some liability insurance. Rick said thank you.

Meeting adjourned – Austin motioned to adjourn. Meeting adjourned at 6:35 p.m.

RICK SWAIM
PRESIDENT

ABSENT
LAURIE RENIER
CLERK TREASURER

Consulting Proposal For the Town of Winona Lake

Submitted by:

Retha Hicks
206 ½ Chestnut Ave.
Winona Lake, IN 46590
574.527.9161

AGREEMENT: This agreement is entered, by, and between the Town of Winona Lake and Retha Hicks. Retha Hicks agrees to consult and assist the Clerk Treasurer of the Town of Winona Lake.

**PROJECT
METHODOLOGY:** This program is designed for the Town of Winona Lake and is for the selected area mentioned below. This project will be conducted with the Clerk Treasurer and Town Council.

A. Consult and assist with financial duties and reporting requirements.

**WORKING
SCHEDULE:** Retha Hicks will arrange to meet with the Clerk Treasurer and Town Council members and begin work immediately.

The estimate for the project is open ended. This total may change at the request of the Town Council.

**PAYMENT
SCHEDULE:** Retha Hicks will charge the Town of Winona Lake, Indiana \$40.00 per hour if she travels to the town. Retha will charge the Town of Winona Lake \$35.00 per hour if worked is accomplished at her home.

This proposal constitutes an agreement between the Town of Winona Lake, Indiana, and Retha Hicks. Retha Hicks agrees to meet and assist the Clerk Treasurer/Town Council with the financial duties and reporting requirements of the Town. In return for this service, the Town of Winona Lake, Indiana agrees to pay Retha Hicks \$40.00 per hour and \$35.00 per hour if working from home. Retha Hicks will bill the Town of Winona Lake monthly. Payment is expected within 30 days of completion of the project.

Retha S. Hicks
Retha Hicks

8/15/2023
Date

[Signature]
Town of Winona Lake Council or
Representative

8/15/23
Date