

**Winona Lake Town Council
Meeting Minutes
September 19, 2023**

The Town Council of Winona Lake, Indiana, met in a regular session on Tuesday, September 19, 2023, at 6:00 p.m. – some attending in person, others by Zoom (video conference).

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

COUNCIL MEMBERS PRESENT (ZOOM):

ABSENT: Jim Lancaster

OTHERS PRESENT: Craig Allebach, Laurie Renier, Adam Turner, Joe Hawn, Kevin Gelbaugh, and Tim Goshert

OTHERS PRESENT (ZOOM):

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

Approval of Claims

- Rick called for approval of the September 19, 2023, claims.
- Rick said he had a question about one that was paid twice but thought it had been taken care of. Laurie said it had been turned in twice and the software is supposed to flag any double invoices but for whatever reason it is not flagging them.
- Ashley moved to approve the August 15, 2023, claims, and Heather seconded. Hearing nothing further September 19, 2023, stand approved as presented. The vote was unanimous.

Approval of Minutes

- Rick called for approval of the August 15, 2023, meeting minutes.
- Heather moved to approve the August 15, 2023, meeting minutes, and Austin seconded. Hearing nothing further, August 15, 2023, meeting minutes stand approved as presented. The vote was unanimous.

“Winona Happenings”

- October 6 – Grace Homecoming
- October 7 from 2 to 6 pm – Faith in Blue
- October 7 at 8 pm – Symphony of the Lakes
- October 9 – Town offices are closed for Columbus Day
- October 28 from 3 to 5 pm – Trick or Treat on the Trail
- October 31 from 5:30 to 8 pm – Trick or Treat

Nick Hauck said October 14 & 15 – Trail Fest

Ordinance 2023-9-1 Amending Ordinance Establishing Fund

- Craig said there was an ordinance created a couple months ago. The wrong fund number was listed in the creation of the fund and so this is a ordinance amending the number. I think its 2414 or 2415. I don’t know what the numbers are now, but whatever they were, they were wrong, and so we’re trying to get those corrected. Adam stated its just more just fixing that number error with that ordinance that was passed back in July, I think. Ashley asked so with this ordinance, is it all good? Are we good to go? Craig said as far as we know. (Inaudible) Laurie said (inaudible) the

numbers are correct. Ashley said so does that mean we can use it now? Laurie said we have been collecting revenue for the 2415, that's why we had to switch to 2515. There needs to be a budget created for the Miller Sunset Pavilion so that we can spend. Ashley said didn't we do that? Craig, didn't we? Craig said yeh, we just need to correct the number and we're good.

- Austin moved to approve ordinance 2023-9-1, the amending ordinance establishing fund and Ashley seconded. Hearing nothing further the motion was passed unanimously.

Thermal Imaging Approval

- Mike Cox said we applied for a grant from CSX Railroad and were awarded \$5,000 toward the purchase of thermal imagers for the fire department, which paid for about one third of two thermal imagers and the town has graciously offered to pick up the rest of the second one. These things allow us to look into a building, into smoke and see things you can't see so they're a vital role... Rick said for safety and for fighting the fires and all of that.
- Heather made the motion to approve the thermal imaging equipment and Austin seconded. Hearing nothing further the motion was passed unanimously.

Departmental Fund Transfers

- Rick said so we have some monies we need to transfer. Craig said basically we have a couple departments, one is the park department that needs to transfer money from sand into publicity. There's a shortage there and also from summer help into parks and recreation, other capital, Holly is requesting that. The street department are moving funds from bug spray, which Tim even indicated they didn't even use any or had to purchase any this year, and still actually has some in stock. The tree program and also a transfer from the sidewalk program, those three transfers appropriation numbers equals \$13,500 and then those go and split into other supplies \$7,750 and \$5,750 into parts. Obviously everything has gone up, especially everything related to supplies and parts so those two funds are almost out.
- Austin made the motion to approve the transfers as Craig has outlined and Heather seconded. Hearing nothing further the motion was passed unanimously.

Craig said thank you for working with us, Laurie and Teena, trying to find the, working through the process so I appreciate that. I work a lot with Teena on all this appropriation stuff so thank you. Rick said well you do your best to plan and budget for this stuff and sometimes it just doesn't work in the way you think it should.

Internal Controls Policy

- Rick said Ashley, I know you've been working diligently on this. Ashley said I have and now its time for everyone else to do it. Austin was very helpful. He did the work charts that you see in here. I wanted to ask if there was work charts already and a manual with job descriptions. Craig said not that I'm aware of, no. Ashley said okay, so we need to do that too. Craig said there may be some files related to certain job descriptions. Laurie do you know for sure, do we have, have you seen anything in the files on, you know for building commissioner or anything like that? Laurie said that's one thing that the town's salary ordinance is missing, is the job descriptions and where those jobs are supposed to be paid from, like is it from wheel tax or where's it from. We need all of that. We have not ever had that that I've found so far. Ashley said, so there's a lot that we need. That's why we started working on this and kind of took another town's as an example to

build off of and tailor it to us so I've gone through that process of tailoring it as much as I can to us and getting us now to a point where I think all the departments can take it and read through it and the point of this is that it needs to change. Rick said, oh yeh, it's just a draft, it's a draft. Ashley said I don't know everything that goes on in the office and I don't everything that's best. It's not me that's doing this and making the decisions. I'm just trying to be the vessel that's typing it and putting it all together, so I sent you the most up to date version so if we can get it printed and to Joe and Kevin and Tim and everybody. I gave Holly and Kristie a copy of it a few weeks ago. You have your there so I, just at this point we just need feedback from everybody with things in here that aren't quite right, things that need to change, whatever your feedback is, we just need that so we can go through so we can to, it'll never be final, it will always be working with us and we will always be able to change it or adjust it. Rick said one more time I just want to thank Ashley. Since she's come on the council she's done a tremendous job of asking questions and digging into things that needed to be done, so I appreciate you again for the work you've done. I know we've asked Baker Tilly as well to take a look at this. They were here last week so I'm sure that feedback hasn't come yet but that will be coming as well, which is more a professional, if you will, outsider look at what we're talking about. Ashley said yes, I was very happy to hear he is very interested in this kind of stuff too. I think that they will look at it is a great thing. Ashley said I just think this is a really great thing that will make us all better and make our team better and I think it can only lead us in a good direction. Rick said so no action, just have our departments take a look at that and give feedback and make changes and as we need to go. So are you the point person for that? How are we doing this? Ashley said so if you want to just draft it in an email and send it to me that's fine. In the end the council members will go through it and make the motion or final approval of it. Rick asked if there were any questions. Kristie asked if you can approve the different departments as a council so if the park board was ready at the October meeting for their portion, could you approve the parks department? Rick said I want to defer to Adam on that question, I don't know. Kristie said that was a question I forgot to ask the SBOA. Adam said I think the biggest thing is that we wouldn't want to approve it until we have Baker Tilly's feedback on any one section or anything. I mean I think this is where we've got to, I mean I think that each department needs to give their input. I think that's important but we need that municipal financial advice to make sure they give their seal of approval. Ashley said I would note also that this really doesn't dive into department specifics. This is more of a general for everyone that works in the town, so if you guys have been with the park board working on your own SOPs for your parks department, that's something I that don't, I guess you can bring to council for approval but I'm not sure you even necessarily have to do that for department SOPs. Adam said we do approve the police's SOPs and that kind of stuff, so it might be good to come here. Kevin asked if you have to approve SOGs as well, standard operating guidelines and some things are just a guideline. Do you want both sets of those because we have both? Adam asked have those been approved for adoption in the past? Kevin said just be us. Adam said it might be something to look at. I know when Joe and I were going through this process, he utilized a consultant out of Indianapolis, because that's out of my wheelhouse. Austin said we cannibalized one we found online. Rick said, yeh you always want to use someone else's work whenever you can, that's what we've done. Adam said when in doubt, bring it to council for review. I think that helps everybody. Rick said if anybody wants to refer to whoever. Craig said we just need to make sure that we have one document and Rick said, yeh at the end, yeh. Craig said not at the end but as we go through it. Ashley agreed to take that responsibility.

Report from Town Engineer

- Aaron was not present. Craig said late this afternoon, we got a pay estimate from the contractor, Global, so Aaron has been reviewing all this and requesting approval for a pay voucher for \$141,697.38. Rick asked was this what we already had budgeted. Craig said some of this comes out of the waterline bond but we're still in the process, trying to get it wrapped up with Indiana American Water to get our three hundred and some thousand dollars back. Aaron's been working on that too and I think we're getting pretty close to that, that they're going to pay that, but in the meantime, we pay this particular part of it out of EDIT and then once we get the reimbursement we can... Ashley asked if these costs were in addition. Craig said they are not in addition they are part, as we talked about before, there was an original bid and then it looked like it was going to go up and it did go up, uh, this is isn't really any change orders. All these are things that would have taken place. If there's change orders then Aaron will note that going forward. Any change orders, plus or minus, they would also come to you. Behind this big sheet are all the costs for things that have been done already and I know Aaron has gone back with the contractor to make sure that what they are requesting, they have done and that there is documentation to support the work. Laurie asked what was the original bid. Craig said right off the top of my head, I don't know. It was, I think, around \$368,000. Rick said so this is partial obviously and Craig agreed.
- Ashley made the motion to approve the invoice for \$141,697.38 and Austin seconded. Hearing nothing further the motion was passed unanimously.
- Craig said Aaron was in town today and looked at 2 or 3 storm drainage situations and probably the biggest one is out by the curve on the Pierceton Road. There's a culvert that has deteriorated that he's going to look at in engineering that will probably have to be replaced sometime within the near future, within the year if not sooner, so once he does something with design and figures out what's going on we can get in there and do the project. It's going to be kind of a messy project because Pierceton Road would have to be shut down for who knows how long, maybe a week or so if we can get right in there and get out and there's also utility poles in there that will have to be moved and there is trees. We marked it today where the culvert's at between Packerton Road and Miller Field. It's going to be a little bit lengthy project and kind of an expensive project, just to give you a little heads up. Ashley asked if this was for next year and Craig said as quickly as we can get it done and designed, and it scheduled and bid out, then we would probably start it. Rick said we have been collecting money in the storm water fund for those sorts of repairs.

Report from Town Attorney

- Rick said Adam, I know you've been busy with various things and Adam said I was actually going to say the opposite. Since the last council meeting I've been pretty busy with other matters. Unfortunately I was out sick for about a week, week and a half, so it's been kind of a quiet since the last council meeting.

Reports from Supervisors

- Street Dept/Tim Goshert – We're just getting ready for leaf pick up but we probably won't do anything real serious until the 1st of October. We're rebuilding the storm drains that we can do. We're doing the one out on the island now and we've got the one down at the park and we'll have those about wrapped up. Other than that, we're keeping ourselves busy.

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- Fire Dept./Kevin Gelbaugh – I would have our paper here with me but we had a printer problem. We have 80 kids that we're getting ready to run through fire prevention next month for the Kiddie College of the Good Shepherd. We had 20 runs last month and those runs are on the uptake again due to the college kids with their microwaves, apparently you have to put water in Ramen. Kristie confirmed Holly is providing the wood for the bonfire for trick or treating. The engineers provided phase 2 of Raccoon Run. I approved the fire hydrant information and got that back to them today and will send copies to Craig for Aaron.
- Police Dept./Joe Hawn – Have been getting a lot of positive feedback from Phil starting the D.A.R.E classes out at Lakeland. He's not only doing classes but he's doing a lot of changes in the security out there. He's working with Grace College on a couple changes that we had and had nothing but positive feedback from Lakeland on that. Got a couple of grants I wanted to report. We did our Homeland Security body cam grant and spent a little over \$5,000. We paid the bill, we're waiting on the check which I think close to \$4,000 we will get because it was a matching grant. We are going to apply for a KCode grant to purchase a computer for the cameras in the park to be able to run or be able to watch the cameras in the park and the new trail cameras. We're hopefully going to have those in place soon. That's been a long process so I appreciate Craig and Tim working with us on that because that has been kind of a nightmare to be able to try to get this thing going but it looks like we're finally headed in the right direction. We've got a JAG grant coming up, which we have typically done every year so we're looking at right now applying for more Dell computers for our in-care computers, and to be able to get more tablets. The reason why I did the bodycam grant was because they charge so much for warranties and everything on those, I figured why not just buy new cameras and that will be our warranties. That is our same plan with the Dell computers and the tablets. Next month the additional appropriations with Phil's salary, we'd been looking at using those funds from the opioid money and we've looked at using that opioid money so next month we're going to look at that. I have been talking to Joe Elrod out at Lakeland Christian. I'm keeping my fingers crossed because it looks like he maybe will be able to come up with money not only for next year, but this year so that we'll be able to salvage some of that money from the opioid money we could use for future plans. I'm keeping my fingers crossed that that will happen. Rick asked about the cameras on the rails. Joe said the tablets will be used to download the data from the cameras out on the trails.
- Laurie said I would like to give a report with the auditors that have been here.

The State Board of Accounts has been conducting an audit. They started in May and we do not know when to expect completion.

Because of this, there is a lot I have not been able to discuss over the past year, and maybe I've been over cautious, because I've been accused of being uncooperative, even though the council has disregarded any financial advice I've offered, including advice I received from the State Board of Accounts back in February that I was told was not going to be followed. There was even an argument with my chief deputy over the fact you were not willing to take that advice. I just recently learned from two council members that what I shared was never disclosed to them, at least not in the way I presented it.

I would like to share, at least for the public to know, that the current year is not even included in the timeframe of the audit. I have repeatedly said since the first of the year that the town's accounting system cannot accurately reflect the town's finances because it hasn't operated correctly since it was first

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established. The town has eleven bank accounts, and only two are implemented in the software. There is only a slim possibility that bank recs have EVER been done correctly. That is why I needed a consultant's help with the year end. Even her ability to help was hindered by discrepancies in the system. There are several corrections that need to be made in 2023. What she was able to complete was a work in progress so that we could finish the yearend and file the annual report timely.

The problems my staff and I found over this past year are significant. They were not discovered in my first year because there were people in place who had done their jobs for many years and I trusted that they were doing them correctly. That was my mistake and I take full responsibility for the things I didn't know.

Since this all began, I have not been included in many conversations about the Town's finances. I have repeatedly reported these problems and asked for the help I needed to get the clerk's office in order, as the law requires. The questions I've asked about spending and whether the town has money for various projects and purchases, are not because I want to control these things. It is to ensure that the financial future of the town is protected.

As I've said, there is still quite a bit I'm not allowed to say until the audit is complete and is released to the public. It's been a tough year to say the least, and not just for me, but also my staff, and our families. It's not just me that has fought daily to do the best for the town.

Respectfully,
Laurie Renier

And I had thought that the State Board of Accounts were going to come here this week but they have not come back. They are off-site working now, still on information. Rick said thank you Laurie, for that report. Laurie said and then I have one other question. The claim that was submitted several months ago to pay Jack Birch, for Birch Kauffman, the check is still in my filing cabinet, waiting to have the approval of the council to pay, and I did want to share Indiana Code 36-5-6-8, employment of attorneys or research assistants. A clerk treasurer may hire or contract with competent attorneys or legal research assistants on terms the clerk treasurer considers appropriate. Appropriations for the salaries of attorneys and legal research assistants employed under this section shall be approved in the annual budget, and anytime you ever see anything in the Indiana Code, when it says you shall, that's a must. There's no if, and, but, about it. When it says shall it's a must, everyone has to do. C) the appropriations for attorneys and legal research assistants under this section shall be approved in the annual budget and must be allocated to the clerk treasurer for the payment of attorneys and legal research assistants salaries, and I just wanted to bring that up again because like I said, it's still in my drawer and I don't want to incur late fees. I've not heard anything about late fees from Jack but Adam may have talked to him, I don't know. Rick said alright, thank you. Ashley said my understanding here that it says must be allocated to the clerk treasurer, that would be a separate. What we have is a general legal fund. Rick said for the Council. Ashley said we don't have one that has been allocated separately to the clerk treasurer for the purpose of a lawyer, whoever that may be. Laurie said that's one of the many problems with the town's budgets, each department needs... Ashley said that may be but that was not there this year. For the 2023 budget, it's not there. Laurie said but legal fees are. Ashley said for general, yes. Laurie said and I can go through, I requested information. I have not finalized that but I can tell you of the allocated legal fees that are there, how many the street department's utilized, how many the fire department maybe has used, the police

department or the council has used, and the only fees that I have used is for this. Ashley said but that's irrelevant. That really doesn't matter because you do not have a separate line item that you requested. Laurie said nobody does. Ashley said ok, well that's a personal responsibility. Laurie said ok.

Floor Topics

- Nick Hauck said Holly Hummitch's husband was injured at a workplace accident, and there is a GoFundMe page for their family so if anybody wants to donate to that it's been shared through multiple sources. Craig said it was actually MealTrain but they have a donation section to that. Craig asked Joe if there is anything further on the lady you had in my office the other day who wanted to do a fundraiser. Joe said Holly wanted to stop that, am I correct on that Kristie? Kristie said (inaudible). Joe said she maybe wanted to hold off on that. Kristie said they are dealing with a lot at the moment. Anybody wanting to help out can contact the town hall. Rick said who should they contact. Craig said Kristie and Rick said but that's with the park and Craig that's who we've been working through, the clerk's office, and I know we've posted some things too.
- Jo Faulkner said, Ashley, I love what you're doing with all the procedures and everything but when I heard you say each department's going to turn there's in, do you have a deadline for them to turn them in? Ashley said, well, I know they're all really busy so I would love to keep it going and have it at a an even further place by next meeting by next month. Jo said I just want to say and suggest a deadline because I've seen policies and procedures sit and sit and sit, and so you might want to come up with that. The other thing is, I don't know who's responsible or anything but you guys put the fire hydrant in front of our sign for Tuscany Crossing instead of behind it. Rick said it's got to be in front of it, and Jo said ok, that's what I wanted to hear. Unknown speaker was inaudible. Craig said, yeh, I'm no engineer but I think they put it as close to the road as they could. Jo said Lexington was behind their sign so I just thought I'd find out why. Kevin said unfortunately they have to be every 500 feet. You just happened to have... Jo said sure, I get it. The other thing too, the safety fair that they just had in Warsaw, I want to tell you guys, I have an autistic granddaughter, and I cannot tell you what meeting an autistic meteorologist did for this kid, and I just want to say thank you for providing that. Craig said, it was talked about at the last meeting, that if you live within 1,000 feet of a hydrant, you can get a reduction in your home-owners policy. Kevin said it's within 5 miles of the fire station AND within 1,000 feet, which you are. Craig said I've got a letter that I can provide to the resident that they can take to their insurance company.

Meeting adjourned – Austin motioned to adjourn. Meeting adjourned at 6:44 p.m.

RICK SWAIM
PRESIDENT

LAURIE RENIER
CLERK TREASURER