

SYRACUSE TOWN COUNCIL

REGULAR MEETING

August 18, 2009

Cassie Cowan, President, called the Regular Meeting of the Syracuse Town Council to order at 7:00 p.m. Other council members present were Bill Musser, Larry Siegel, Paul Stoelting, and Brian Woody. Town Manager Henry DeJulia, Town Attorney Mike Reed, and Clerk Treasurer Julie Kline were also present.

The meeting opened with the Pledge of Allegiance.

Cassie asked for comments from the public on agenda items. There were no comments.

The minutes of the Special Meeting on July 14 and the Regular Meeting on July 21 were introduced. Brian stated he had a couple of questions on the Special Meeting minutes. On Page 1, Brian advised he questioned the expenditures for 2015 and 2016, not Paul. On Page 3, where Henry stated it is a quality of life issue, he would like to add Larry and Paul to that statement. Paul moved to approve the minutes of the July 21 meeting as presented and the July 14 meeting as corrected; Bill seconded. Five voted for the motion; none against. The motion carried.

Claims #865 through # 986 were presented for payment. Brian moved to pay claims #865 through # 986; Paul seconded. Five voted for the motion; none against. The motion carried.

Cassie announced we will now hold the Public Hearing for the non-compliant tax abatement forms for AIA Countertops. She asked if there was any public input; there was none. The Public Hearing was closed.

Resolution 09-01, A Resolution Waiving Non-Compliance for AIA Countertops, was introduced. Paul made a motion to adopt Resolution 09-01; Larry seconded. Five voted for the motion; none against. The motion carried.

The council discussed the CF-1 tax abatement forms submitted by AIA Countertops. Paul made a motion to find AIA Countertops in substantial compliance, given current economic conditions. Brian seconded. Five voted for the motion; none against. The motion carried. Brian moved to allow Cassie to sign the document; Julie is to attest. Larry seconded. Five voted for the motion; none against. The motion carried.

Council members discussed the donation agreement that was received from CSX regarding the train depot. Brian asked who will own the depot; Cassie advised it will be the town. Brian asked if it would technically be the town's responsibility for renovations and upkeep. Cassie advised yes. She added she checked with our insurance company and we have the insurance required. Brian again asked about renovations. Cassie advised that has not been decided; the committee is looking into grants and other funding. The town will not have to pay for it. The committee would have to raise the funds, however, the committee can not legally own it. Paul questioned the timetable. Cassie stated the timetable would have to be adjusted or we won't be able to do it. Bill expressed concern about the \$500,000.00 to \$800,000.00 cost, especially given

the current economic conditions. He asked what the public opinion is; he has been getting a lot of negatives. He also questioned what happens if we agree to this, and the depot committee can not raise all the money. The town would have to pay the remainder. Cassie stated the funding would have to be there. Bill would like the committee to show us the funding is there. Bill would also like to know about maintenance, upkeep, insurance, etc. He added he does not feel the taxpayers are as excited as the train committee about taking on this burden.

Cassie explained the train committee has known all along they would need to consign it to a business, such as a bike shop. Brian stated then we are a lessor. Bill questioned where it says we have to secure funding. Cassie advised the agreement with CSX does not say that, however, the train committee has been told if the building would not be self sufficient, it would not happen. Paul stated he would like to save the building, but added he has concerns about the liability to maintain the building. Cassie explained a committee of three is rewriting the donation agreement. The revisions will show a five year timetable, and funds have to be found. Cassie stated the committee needs permission to stabilize the building, which the historical society recommends. Larry noted when we first started talking about this, the presentation wasn't such that the town would accept this. None of the presentation included the town accepting the donation or placing the depot on park property. He asked what if a new roof is needed in twenty years; where would the money come from. Larry added he thinks it is a great idea; but for us to commit to this without the money doesn't make a lot of sense. We don't have the money; he noted our employees are going to go without raises next year.

Discussion followed on long term maintenance. Cassie advised the committee is looking at some grants; the grant applicant must be the town. Larry asked what if we accept it and immediately turn it over to the depot committee; Cassie stated we can't do that. Larry stated he thinks this is a good project, however, the train committee needs to keep looking for funding. The town doesn't have it. By default, the town would be accepting financial responsibility. Paul stated we always talked about funding from the community; he suggested funding through the Park Foundation. We have always had struggles with the park budget; Chad or Park Board would have to raise \$50,000.00 for annual maintenance. The project has been slow moving and so little money has been raised; Paul wondered if the money can be raised. Paul went on to state he has reservations about accepting the donation agreement. Bill noted the train committee will be aware of tonight's discussion; he suggested we put it away and move on. Larry would like to ask for input from the community whether they want to use tax dollars to save the depot. Bill added it has been suggested it might be a bike shop, canoe rental, etc.; he does not want to know what it might be, but what it will be. Larry stated if the community gets involved, the committee may be able to find the money. Paul suggested having a petition. Brian stated he is not crazy about the location. Lauren Zeugner, Mail Journal reporter, advised part of the decision about the location was based on the plan to replace the restrooms at Ward Park and add some

storage. Cassie noted most historical structures can not even be moved. Discussion ended with comments about the train depot renovation that was done in Bremen.

Kenny Jones Jr., of Wightman Petrie, updated the council on the utility design for the North Industrial Park. He presented a project memo and advised they initially looked at the lowest cost. The engineers worked on a design for water and sewer on Long Dr. The council voiced concern over that option, and Wightman Petrie began to look into running the lines on S.R. 13. The current plan is for an 8" water line going south on S.R. 13 from the industrial park; at county line road, it would change to a 12" line and continue south to the water tower. Kenny Jones Jr. also recommended constructing an 8" ductile water main to Long Dr. to make a loop in the system. He pointed out the areas not presently served by municipal utilities. The sanitary sewer was to originally connect at Long Dr and had a combination of gravity lines and force mains. The revised design is a forced main to a new lift station, and the force main continues south down S.R. 13 to Wood St. A gravity line is proposed to go north from Wood St with a grinder station to serve the properties that do not presently have access to sewer. Discussion followed on the original cost vs. the new cost. Brian questioned what the amount of the cost difference is from the plan last month; Henry states he believes from \$1.3 million to \$1.5 million. Larry noted the new option may be less since we won't have to line any of the old sewer lines. Brian asked Jeremy how he felt about the design; Jeremy said it is good. Kenny introduced discussion on costs for Wightman Petrie's contract. The original cost quoted was \$101,105.00. He noted the contract included the utility design, as well getting the DPUD approved and the master plan updated. Kenny Jones Jr. stated the contract did not include the design for utilities on S.R. 13, which is an additional 3,000 feet. Wightman Petrie is requesting an addition \$23,485.00 for utility design. Larry stated our position is we want to abide by the original agreement of \$101,105.00. Henry pointed out that according to the original agreement, the engineers should have brought it before the council. That was never done. Kenny Jones Jr. explained the original proposal was based upon the routing of the utilities; that routing was based upon conversations with town staff. Larry added this says council; we approved a fixed quote. Kenny Jones Jr. stated the bottom line is he wants the project go forward; if this is the understanding of the council, the project will go forward. Brian asked about the \$101,105.00 quote. He said Ken Jones Sr. came before us last month, and we talked about making it easier for the unserved businesses to hook on. Brian asked how that changed the contract. Kenny Jones Jr. explained the original project involved providing water and sewer to the industrial park; it did not involve providing service to the unserved businesses. Cassie stated she expected to be presented with some options. She added this is difficult because first design was poor; we should have been given options early on. Discussion followed. Brian asked what we are looking at; he was advised another \$23,000.00. Larry again questioned the additional fees; he thought we were still in review process according to the contract. Kenny Jones Jr. again stated the project is not going to stop because of this issue; he added

the design fee part of the original contract was \$58,515.00. Henry was asked his opinion; he stated he feels the council should have been presented with a design that we all could have agreed to. He was surprised to be presented with only one option. Kenny Jones Jr. again stated their goal was to present the least expensive option. Larry noted the council expected the utilities would be run down S.R. 13. ; he was surprised to see that the design ran through the old part of town. Brian stated he feels the big surprise is the 22% increase in cost to redraw it the other way; no one expected that. Mr. Jones noted part of the increased cost is maintenance of traffic, dealing with INDOT, and other issues that go along with construction on S.R. 13. Paul suggested Henry, Mike, and Ken can get together on the legalese of the original contract. Henry asked the council if they agree with this plan. Discussion followed on concerns with the first design. It was the consensus of the council to move forward with the S.R. 13 design. Mr. Jones advised the final design estimate is \$1.7 million including the line for the businesses that are not served now. Mike Reed noted there is a balance of about \$8,000.00 for the design part of their contract; he asked if the design can get done for that. Mr. Jones said that's his intention. He suggested we could make constructing the lines for the unserved businesses as an alternate and see how the bids come in.

Benjamin Kipfer, an Indiana University graduate and Syracuse summer resident, spoke to the council about implementing a smoking ban in Syracuse. He noted I.U. has been smoke free since 2003. Mr. Kipfer works at The Frog here in town. He advised he has written a no smoking ordinance for Syracuse to take effect on May 1, 2010; he adopted the ordinance from Bloomington. Mr. Kipfer went over the various provisions of the ordinance he prepared. He noted 17 states are smoke free and 351 counties and cities. He predicts that within three to five years, the State of Indiana could go that way. He provided reasons why the Town of Syracuse should go smoke free; he stated the owners of The Frog support him in this. He has not visited other businesses yet; he is waiting for council reaction. Mr. Kipfer provided additional examples and statistics to support a no smoking ordinance. He noted the ordinance provides a notice of nine months before it takes effect. He would like to create a taskforce to work with him and get local business support to implement a smoking ban. Mr. Kipfer listed the responsibilities of a taskforce. He asked if there were any questions and encouraged the town to adopt the ordinance.

Paul stated he appreciated the presentation; he is little concerned because this would affect 75% of the restaurants in town. He also noted the Sleepy Owl and Channel Marker are outside town limits and would not be affected. Since we are a small rural county, Paul feels it might be better for the county to pass a bill. It is something to talk about and consider in the future. Mr. Kipfer asked about the next step in taking it to the county; Brian suggested taking it to the Indiana General Assembly. Brian agreed he shouldn't have to go into a place where his kids would be exposed to smoke, however, he would object if the government told him he had to do it. He added he owns a business that is already non-smoking, so his business would not be affected.

Discussion followed on personal choice and the health cost to all taxpayers for smokers. Mr. Kipfer stated the ordinance allows stepping outside to smoke.

Cassie told Mr. Kipfer that his generation is moving in that direction and she feels it is going to come. Almost nothing in the Town of Syracuse allows smoking now, except bars and restaurants; all have gone non smoking. The business owner needs to make his own choice. Cassie suggested getting a committee to find what the community as a whole thinks. She added she agrees with Paul that in a small town like ours it would not be difficult to drive to the Sleepy Owl or Channel marker to smoke. Larry explained he is allergic to smoke, and he does avoid those places. He also does not ride in town vehicles because of the smoke. Larry agreed smoking is expensive.

Bill stated he feels Mr. Kipfer's focus is too narrow. People can go three miles and smoke; that's what they will do. The ordinance will virtually shut down businesses in town. He noted the City of Elkhart just reversed their decision; they have gone to smoking for exactly that reason. He advised Mr. Kipfer his next step should be county wide or state wide, as Brian said.

Mr. Kipfer asked if anyone could help him or support him since he does not have a network here. Brian suggested he could contact Tammy Cotton of the Chamber for businesses. Paul suggested Brad Jackson for the county.

DEPARTMENT REPORTS

TOWN MANAGER

Henry reported Beef's Booze Barn is remodeling. There is a right of way that we own on Medusa St. We are looking to cut out a 10' X 20' area in the right of way on Medusa to prevent people from driving through the business parking lot to make a left hand turn. Brian questioned why the no left turn from Medusa St was done; Tony and Henry agreed to research it. Brian moved to allow Beef's Booze Barn to plant landscaping in our right of way; Bill seconded. Five voted for the motion; none against. The motion carried.

Henry listed the various projects that have been completed this summer. They include; the water tower has been torn down, the maintenance garage is up, the sidewalk on E. Pickwick Dr is done, as well as the Brooklyn St and Henry St sidewalks. Turtle Bay is completed and the Dana storage tank is out, we got the piping out of there. The installation of the warning siren is also complete. Work was scheduled to begin this week on the drain by the Post Office; that was delayed due to yesterday's weather.

Henry noted we received 8.3 inches of rain in twenty-four hours; of that amount, 7 inches were in the first five hours of the storm. Yesterday, we had six areas in town that were under 2 ½ to 3 feet of water. Henry explained these heavy rain events are increasing; he suggested we may want to look at storm water projects next year

Henry discussed the web site development. He went over the various numbers provided in the quotes. Henry recommended Digital Hill as our site developer. Paul clarified that Henry is asking for approval for the \$4,880.00 quote, plus the \$24.95 per month. Henry advised yes. Brian asked what the annual hosting fee would be; Henry stated \$360.00. Paul moved to approve Henry's request to have Digital Hill update our website for an amount not to exceed \$4,880.00. The monthly fee is not to exceed \$24.95 per month, and the work is to be completed in 90 days. Bill seconded. Cassie asked for any comments; Brian commented he did not like it. Bill commented he knows the people and customers that use Digital Hill; he feels it is an excellent choice. Four voted for the motion; Brian against. The motion carried.

Henry distributed a copy of what Elkhart County Redevelopment does to promote business.

POLICE

Police Chief Tony Ciriello reported last month was a little bit slower, but there were still 13 criminal arrests. He went over the various arrests.

Tony made several announcements. He reminded everyone that school started today and the first high school football game will be on Friday. Day of Caring will be on August 26. A new Crossing Guard has been hired. Tony added the police department received numerous calls about high water, but there wasn't much that could be done.

Henry thanked our employees for the work that they did yesterday; he noted wastewater worked all night to keep the plant running. Jeremy commented we had the same amount of rain, minus the wind, in the same time frame as when Katrina hit.

PARK

Park Superintendent Chad Jonsson announced the dates for upcoming Park events. A Mother/Son picnic will be held on September 12. The Farmer's Market continues; the last scheduled day is October 17. The Halloween Carnival will be on October 24, and the Haunted House will be on October 29, 30, and 31. The triathlon held last Saturday was very successful; attendance was up this year.

PUBLIC WORKS

Public Works Superintendent Jeremy Sponseller announced he received quotes from two contractors, Cut Rite Services and Superior Tree, for our annual tree trimming and removal. Superior Tree was the lowest for both the removal and trimming for a total bid of \$11,225.00. Jeremy added we have approximately \$21,000.00 left this year for trees. Brian moved to approve the quote from Superior Tree; work is to be done by Thanksgiving; Larry seconded. Larry commended the town for the work that has been done over the last

several years on tree maintenance. Five voted for the motion; none against. The motion carried.

CLERK

Clerk Treasurer Julie Kline advised she provided the council with a completed Budget Form 3, the Budget Estimate, and a completed County Council Property Tax Budget Review Form. She requested council permission to advertise the budget as shown, and to submit the budget to county. Brian moved to have Julie advertise Budget Form 3 and submit the budget to the county as presented; Paul seconded. Five voted for the motion; none against. The motion carried.

Julie announced that we are now eligible for a 5% discount on our health insurance through our insurance carrier, PHP, because of our membership in the Syracuse Wawasee Chamber of Commerce. The annual savings will be over \$10,000.00 per year.

TOWN ATTORNEY

Nothing further to report.

DISCUSSION FROM THE FLOOR

None.

OLD BUSINESS

Brian stated he wanted to correct an amount he provided last month. He previously said the town's portion of fire was 20%; he said the correct number is 15.6%.

NEW BUSINESS

Larry commented that the police department is also doing a good job; so many things in town are running smoothly now.

Paul moved to adjourn the meeting; Larry seconded. Five voted for the motion; none against. The motion carried.

The Syracuse Town Council adjourned at 9:15 p.m.

ATTEST:

Cassandra Cowan, President

Julie Kline, Clerk Treasurer