# SYRACUSE TOWN COUNCIL

## REGULAR MEETING

April 18, 2023 @7:00 P.M.

Town Council President Cindy Kaiser called the Regular Meeting of the Syracuse Town Council to order at 7:00 p.m. Other Council members present were Paul Stoelting, William Musser, Nathan Scherer, Larry Siegel, Virginia Cazier, Clerk-Treasurer and Town Attorney Jay Rigdon.

Cindy Kaiser opened the meeting with the Pledge of Allegiance.

Public Comments – No public comments.

The minutes from the March 21, 2023, regular meeting presented for approval. Paul Stoelting moved to approve the minutes; Nathan Scherer seconded. All voted for the motion; none against. The motion carried.

Claim #'s 395-535 for $528,863.38 presented for approval. Paul Stoelting moved to approve the claims; William Musser seconded. All voted for the motion; none against. The motion carried.

Arbor Day Proclamation was read by the President, Cindy Kaiser and signed.

Erin Rowland Jones, CASA, spoke about April being the Child Abuse Prevention Month. This year Warsaw, Mentone and Syracuse were the three top towns in Kosciusko County where children were removed from their homes. Erin spoke about what CASA is all about, there are 55 volunteers, serving 108 abused and neglected children. Town Council President, Cindy Kaiser, read the Proclamation for Child Abuse Prevention Month.

Public Hearing for QES Realty LLC, Steve Snyder presented tax abatements on 2021 compliance form. The CF-1 Form which was filed with the Council but was not filed with the County Auditor. It happens now and then. Compliance wound have been filed in April of this year. Need Resolution 2023-02 signed by Council President and Clerk Treasurer. There were no comments from the public, Cindy closed the public meeting. Paul Stoelting made a motion to approve Resolution 2023-02; William Musser seconded. All voted for the motion; none against. The motion carried.

Cassy Griffin, Kelly Jae's General Manager, and some of her staff Ashley and Molly came and ask for approval for outdoor seating at 110 E. Main St. They brought with them a slide show to present to the Council. This would help promote outdoor dining, curb appeal, and increase profit within the town. This would also be suitable for wheelchair access. There are 2 benches in front of Kelly Jae's, the 4 tabletops would not stick out as far as the benches are currently. William Musser asked David Wilkinson if we had an ordinance prohibiting outdoor seating. Yes, there is Ordinance 07-16 prohibiting outdoor seating. Paul Stoelting made a motion for the Town Attorney to write an Ordinance for certification of approval to pass at next month's meeting.

Steve Showalter, Showalter RV and Debra Hughes, Engineer, sent a formal request to allow the high-end RV resort to connect to the Towns utilities without annexation. Mr. Showalter has spoken to the adjacent landowners, and they are not interested in annexation. Larry Siegel mentioned Senate Bill 219 which is still being worked on. If you have 75% of the assessed value, that will force annexation on the neighbors. Paul Stoelting asked what if this bill does not pass? Mr. Showalter stated he is not opposed to annexation in the future, he needs utilities to move forward. Ms. Hughes explained how far the distance is from the town utilities to the RV site. William Musser stated it is revenue for the Town knowing that Mr. Showalter is paying for all the expenses to hook up to the Town utilities. William Musser asked the Public Works director how much this would cost the town. The only expense the town will have would be the treatment, everything else will be covered by Mr. Showalter. Larry Siegel asked how do we make money on a break-even utility providing utilities? Nathan suggested charging a high rate and even if it's a break-even for the Town it outweighs an economic impact on the Town. Most of the Council agreed. The Clerk asked why can't we bill them like we billed Turkey Creek Sewer District, we charged them extra for the testing? Jay Ridgon said that we can do that, for an out-of-town user, the Town can charge anything they want. Jay Rigdon said that we can charge rates differently for an out-of-town user than a residential user. You can charge up to 15% more without any review available, at a 15-50% surcharge there is a review process, and over 50% there is a presumption that the rates are excessive. Ms. Hughes agreed with everything that Jay Ridgon stated. William Musser asked if we have anyone else that we charge a higher rate for utilities? Macy's Slip, Kitson Lanes, and the trailer park right outside of town. William Musser is all in favor of granting Mr. Showalter access to the Town's utilities. Mr. Musser made a motion to have sanitary sewer and water utilities provided to Mr. Showalter's RV Resort and will determine the rates later. Nathan Scherer seconded the motion. All in favor except Larry Siegel abstained. The motion carried.

## ENGINEER – COMMONWEALTH

Jeremy Hardy was not present.

## TOWN MANAGER

David Wilkinson asked if there were any questions in his report. The property on the corner of Harkless Dr. and Kitson Dr. was offered to the Town by the property owner. We received the cost for moving the utility post and a cost for the property which is $8,000. William Musser asked If we agreed to buy that piece of property what happens to the pole? Nipsco agreed to move the pole to the property at no cost, they would locate it somewhere on the property so we can finish the sidewalk. Nathan Scherer made a motion to purchase the property; Paul Stoelting seconded the motion. All voted for the motion; none against. The motion carried.

David also thanked Chad Jonsson and his staff for all the hard work at the Ballpark.

## POLICE

Jim Layne, Police Chief, asked if there were any questions in his report. No ADA complaints.

## PARK

Chad Jonsson, Park Superintendent, informed the Council that we are having an Arbor Day Celebration on April 28th at the new ballpark from 10-2 with the 3rd graders. They will plant some trees and play some games.

This Saturday is the Princess Party at 10 o'clock.

Touch a truck will be on the 13th of May at 10 o'clock.

Ball Park will be open on the 29th of April, encouraging anyone to come and enjoy the festivities.

## PUBLIC WORKS

Mark Aurich, Public Works Director, asked if there were any questions in his report. He appeared before the RDC to ask for $30,000 from the S. Benton TIF, for control upgrades for the booster station leading water to the tech park, which was approved by the RDC. Received two quotes, one for $38,000 and one for $28,000. Mark is asking for approval from the Council as well. Larry Siegel made a motion to approve the $30,000; Paul Stoelting seconded. All voted for the motion; none against. The motion was carried.

## FIRE TERRITORY

Mickey Scott, Fire Chief, asked if there were any questions in his report.

Mickey informed the Council that they are now a Safe Sitter Provider, first class is May 20th for 6th to 8th grade students, cost is $30.00. They have about 5 to 6 people signed up for the class.

CPR Class will be May 31st, it is filling up now. They have been teaching CPR Classes around town. Bill Musser stated how impressed he was when he and his wife took their CPR Classes.

## CLERK

The Clerk-Treasurer let the Council know she earned her first certification (IAMC) Indiana Accredited Municipal Certification with the ILMCT.

## TOWN ATTORNEY

Jay Rigdon, Town Attorney, asked David if he circulated the deed for the library. He did receive the description from the title company. It was deeded to the Town over 100 years ago and has never been deeded since. The deed has a reversionary clause stating that if it is used for anything other than the library it will return to the town. Larry Siegel voted for the deed to say just library. Paul Stoelting seconded the motion. All voted for the motion; none against. The motion carried.

Jay has the Dam and Dike Conservancy District Agreement and has been updated for the year 2023. He has not had a chance to send them out yet, does the Council want to review them before sending them out? I know the Conservancy District wants a copy. There are three; one is for the Town providing personnel to adjust the Dam, A Quick

Claim Deed for the property around the Dam, and to allow the Town access to the Dam. Jay received the documents from the attorney who wrote them up two years ago, unsigned. Larry Siegel asked why these were not completed two years ago. Jay replied he was not the town attorney at that time, so he does not know. William Musser stated he is fine with moving forward, signing, and circulating the documents. Paul Stoelting seconded the motion. All voted for the motion; none against. The motion was carried.

DISCUSSION FROM THE FLOOR

Matt Goodnight, 702 N. Lake St, received his property taxes, and noticed a big increase. For every dollar he pays in taxes, .485 cents go towards the Town, he is happy to see where the tax dollars go. In speaking with neighbors please be aware that there are those who are on a fixed income. Larry Siegel stated that we have always been under max levy. The increase assessments on the properties in Syracuse went up, which made the property taxes go up.

DISCUSSION FROM THE COUNCIL

Nothing

OLD BUSINESS

Nothing

NEW BUSINESS

Larry Siegel stated he received a letter from the State Board of Accounts, he wanted to document our viewpoint on the Health Savings Account based on the information that Larry provided to them. He read the email that was sent to him from SBOA relating to the Towns HSA. Per Ordinance No. 2019-19 on page two it notes Annually, the Town may elect to fund any portion of the HAS up to the maximum allowed by Federal regulations to which we would expect to see that the Council has annually an amount to be contributed to each employees' HSA account. Larry stated there is nothing in our minutes that states the Council has approved a contribution to the HSA account. If an amount has not been approved by the Council and is being contributed to the employees' HSA account, we would advise this at the next Council meeting. "That is tonight," stated Larry Siegel. Unless noted specifically by Council upon their approval of the contribution amount, the amount contributed to each employees' HSA account would be the same. Per Larry Siegel to correct some errors, and to be complaint, Larry made a motion to predate this to January 1, 2023, allocate $3000 to each employee's health savings account and each account be the same. The clerk treasurer stated that according to the IRS Employers HSA Contributions under the Comparability Rules "Employees who are in the same employment category (full-time, part-time, or former employees) with the same tier of HDHP coverage. The Comparability Rules require an employer to make the same dollar amount contribution to such employees or contribute the same percentage of the deductible." All full-time employees are PHP Insured and have a deductible of $3,000, Larry Siegel is Anthem Insured and has a deductible of $2400. Larry Siegel is a part-time employee. He is in a different category according to the IRS Comparability Rules. Currently all full-time employees do get $3000 in their HSA. If you go back to the Special meeting on November 30, 2004, the Council states three times that the town will only contribute a single person's deductible. The Clerk-Treasurer stated again that Larry Siegel is a part-time employee not a full-time employee like the rest of us. Larry is not PHP he is Anthem, according to the IRS Compatibility Rules, it does say the same employee's category, full-time, part-time, and former employees, Larry Siegel is part-time. Larry stated, "Council members are not part-time employees, we are elected officials. We are not under the regulated in the Federal Fairs Labor Standards Act, the governments full-time and part-time, the large posters are supposed to be displayed in your office. "Clerk-Treasurer stated they are posted in our office and again Larry is not a full-time employee, different category." Larry stated "We don't make a salary or minimum wage as required to be a part-time employee, we don't get paid overtime, we don't clock in, we don't have a regular schedule, we are on call 24 hours a day, we are elected official, we are not part-time or full-time. We collect a stipend." The Clerk-Treasurer pointed out that Larry just stated he was an elected-official not a full-time employee, according to the IRS, Larry is not in the same category. Larry reread "upon their approval of the contribution amount, the amount contributed to each employees' HSA account would be the same." Clerk Treasurer stated again "You just stated again, you are not a full-time employee." Larry said, "No we are town council people, according to Ordinance 2019-19 we get a stipend, and we get health insurance." Larry asked what his deductible was, $2,400.00, he wondered what he was getting for the first 12 years, $2,000.00. Larry claims he was short $4,800.00. The Clerk-Treasurer stated we were paying Larry $2,500.00 a year in his HSA, when it started it was $2,000 just like the full-time employees. The Clerk's office has never had records of Larry's Insurance plan, never knew his deductible, the only thing we received from Larry was his monthly statements. Jay Ridgon stated that there has been much discussion on this matter. Jay stated there are three questions being answered differently from people.

The first question, what has the Council approved? That is what is being determined today. The State Board of Accounts stated it is not clear what has been approved. Second question, what can be approved? There is nothing wrong with approving a rate that is the same as a full-time employee. The purpose of the IRS Comparability Rules is to make sure that certain people do not get ripped off by getting less than others. For example, if a CEO of a company received a higher HAS deduction than his regular officers, higher than the regular workers etc., etc. that is the purpose of that. There is nothing wrong in my opinion, having the same for everybody, then no one is being short changed. Part of the discussion, can we contribute more to someone else's HSA, more than their deductible, 10 years ago you could not, that was before the Obama Care. Jay has not found anything that prevents the Town from putting more into a person's HSA Account. The third question is your policy, what should the Council do? As an attorney that is up to the Council, I have no input on this matter. The motion that Larry made can be done, that you are treating everyone the same, giving them the same deductible, now and into the future. SBOA specified that they were not sure what had been done, it was vague, that is why they suggested having a meeting. Larry stated, "He had to change his deductible to $2,400.00 so it was complaint with the Town's Health Savings Account High Deductible and that Chris Cotton the same person who started the Town's policy also did my insurance, I have always had a $2,400 deductible while all the full-time employees had $2,000 deductible" Clerk-Treasurer stated I have no records of your insurance policy. Larry claimed that all the records were in the Clerk's office with the monthly statements and knows his deductible. The Clerk-Treasurer stated 'We have never had any record of your insurance policy, only the monthly statements. We just recently received Larry's deductible after the Clerk-Treasurer had to beg for it in January. The Clerk's office has no record of Larry's insurance policy or deductible till just recently. Jay announced there is a pending rule of motion that the Town pays $3000 to all full-time employees or officers towards their Health Saving Account. Clerk-Treasurer stated, "So we are going to pay Larry Seigel $3000 in his HSA, $600 extra of Taxpayers money into his HSA even though his deductible is only $2,400.00?" According to Larry Siegel, for 12 years he was shorted $4,800. The current Clerk-Treasurer was not Clerk at that time and asked for proof of Larry's insurance that he was only given $2,000 in his HSA when his deductible was $2,400. Larry claims the Clerk office has his policy in the office. The Clerk's Office just recently received Larry's policy. Bill Musser asked if all employees were getting $3000 in their HSA. Clerk-Treasurer replied "Yes, all PHP employees are getting $3000 into their HSA." Bill stated it does not bother to him that they are PHP employees and seconded the motion that Larry Seigel stated. All employees and Council members also get $3000 into their HSA. Bill stated it sets a standard, so we don't have a problem with this in the future. What has happened in the past, happened in the past, in going forward we are giving all employees and Council $3,000. Does not pertain to them who are on social security. Nathan Scherer reiterated "To keep it equal to all employees and Council." Larry made sure it was dated back to January 1, 2023, and it won't get us in trouble with the IRS. The Town has never been in trouble with the IRS, stated the Clerk-Treasurer. Cindy stated we have a motion and a second. Paul Stoelting opposed the motion and Cindy abstained. Motion carried.

William Musser stated that on May 13th they will be working on the Dike, behind Wawasee Village.

The meeting was adjourned.

ATTEST:

Cindy Kaiser, Council President

Virginia Cazier, Clerk-Treasurer