SYRACUSE TOWN COUNCIL

REGULAR MEETING

November 21, 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, Larry Siegel, Nathan Scherer (zoomed in), Clerk Treasurer Virginia Cazier, and Town Attorney Jay Rigdon.

Cindy Kaiser opened the meeting with the Pledge of Allegiance.

Public Comments – Town Attorney Jay Rigdon suggested anyone who would like to speak about the alley vacation should wait till it is brought up in the agenda.

The minutes from the October 17, 2023, regular meeting presented for approval. Paul Stoelting moved to approve the minutes; William Musser seconded. Larry Seigel did not approve of the minutes. The motion carried.

Claim #'s 1336-1480 for $1,268,945.40 presented for approval. Paul Stoelting moved to approve the claims; Larry Siegel seconded. All voted for the motion; none against. The motion carried.

Public Hearing, Doug and Jeannine Schrock, alley vacation Steve Snyder explained that the alley in Potawatomi Heights is behind and adjacent to the two lots that Mr. and Mrs. Schrock own, they are looking to build on that property. As long as the alley, public way, is there it creates a setback from the rear property line. The Schrock's are looking to vacation the alley, the alley is not open and does not have any pavement on it. Town Attorney asked If the public way is vacated the title passes to the underline fee entirely onto the Schrock's. Mr. Snyder stated that as shown by the plat of Potawatomi Heights, the public way was plated as part of the Schrock's lot. According to statue, the Schrock's already own the land under that public way, when the public way is vacated it will become a part of those two lots. Paul Stoelting asked if Lake View Avenue, the public way, was being used. Steve stated from what we can tell, no it is not being used by the public. Cindy Kaiser asked if there were any other discussions for Mr. Snyder. Larry Seigel stated he cannot vote against any of his neighbors, he will abstain. Cory Mast, 1102 N. Hiawatha Drive, his lot is right beside the alley, public way, to be vacated. He is at the council meeting with the Yoders who live in lot 15 & 16 and Ms. Donat who lives in lot 17. They have all been maintaining the alley and use it. Neighborhood kids use it to go back and forth from house to house, they ride their bikes back and forth, and that public way is used by people that walk so they do not have to go on the busy road. Cory also explained that the power company has used it to fix utility lines and it has also been used for tree removals. Another concern they have is that the rest of the public way will be used as a driveway for the Schrock's. Cory Mast and the rest of the neighbors are asking to leave it the way it is. Bill Musser stated he has been on the board for a long time, Mr. Seigel has never vacated an alley, has never given up town property, and that is why he is abstaining. Bill asked if the Schrock's take it over will they pay the town for the property. Jay stated no as Steve stated they have the fee titled to the property; they have ownership. Bill said he has no objections; he just wants to make sure it is fair for everyone. Bill again said we have never given up alleys or town property as long as he has been on the council. Mr. Yoder and Ms. Donat both spoke against the alley vacation. The council asked the Public Works Director to investigate any utilities in that area. Nathan Scherer asked about a variance for what they are wanting to do. Steve said until they have final plans for construction there is no way to answer that. There were more discussions on setbacks around the neighborhood. Cindy Kaiser suggested we do a little bit more research on the matter. Jay suggested tabling the request or deciding what the Council wants to do now. Bill Musser made the motion to table the request till next month in order for the Public Works Director to investigate town utilities in that area. Nathan Scherer seconded the motion. All voted for the motion; Larry Siegel abstained. The motion carried.

Indiana Telephone Network Water Tower Rental Sarah Yotter who represented Ben Plickerd, the Town Manager sent Sarah two versions of the agreement. The Town Attorney summarized it, there were several different changes in various places. One agreement state, the agreement would end if they built or leased a tower within the Town, the other agreement would prohibit them from building another tower in town. The agreement would also have to have an amount for liquidated damages. If they build a tower in town, what would they have to pay the Town? Jay stated again there is no damage if they would violate that provision unless the Town defines the damage as to what it would be. If they breach the contract, the agreement would be terminated, unless the Town puts a penalty in the agreement that the Town has nothing to gain. Bill Musser asked what the problem would be if they cancelled in the 90 days. Nathan said he had no problems with that. Sarah said that they had no intention of doing that. Larry asked if the contract requires them to have insurance and pay the lease payment until the equipment is removed and the water tower is restored. Jay answered yes, it says until remediation is complete. Sarah asked if they could have 60 days for removal of equipment, the Town is asking for 30 days. The Town agreed to 60 days. Jay asked which version of the contract the Town wanted; Nathan suggested the one that states if they built another tower, they would have to pay

the town for violating the agreement. Jay will prepare the contact, send it to Ben Plikerd to sign, then send it to the town to approve.

Koko Drive, DP Real Estate Ventures, deeding of utilities to the town agreement Bill Musser made the motion to accept the agreement; Paul Stoelting seconded the motion. All voted for the motion. None against. The motion carried.

KEDCO reference Southshore Development Cancelled

Letter of Engagement, Bose McKinney & Evans LLP for annexation work, North Trace RV Park Larry Siegel made a motion to enter into an agreement with Bose McKinney & Evans LLP; Paul Stoelting seconded the motion. All voted for the motion. None against. The motion carried.

Ordinance 2023-07 Outdoor Dining (revised), consideration for passage Larry Siegel made the motion for Ordinance 2023-07; Bill Musser seconded the motion. All voted for the motion. None against. The motion carried.

Ordinance 2023-10 One-way alley, introduction, and consideration for passage Larry Seigel asked why we were doing this ordinance. Jim Layne explained that there were traffic issues going in and out. Traffic will be going one way onto Main Street. Paul Stoelting made the motion for Ordinance 2023-10; Nathan Scherer seconded the motion. All voted for the motion. None against. The motion carried.

ENGINEER – COMMONWEALTH

Jeremy Hardy, Commonwealth Engineer, was not present.

TOWN MANAGER

David Wilkinson asked if there were any questions in his report. David met with Tony Bonaventura, 800 N. Long Dr., earlier this summer about the municipal pier. Mr. Bonaventura wanted to know if the Town would be willing to move the pier a couple of feet south. This has been discussed several times with the Town in the past. The way the concrete is shaped, the pier would have to be reshaped to move. Larry Siegel stated that at times there are boats parked side by side and Mr. Bonaventura is unable to park his own boat on his pier. Paul Stoelting suggested putting another section onto the pier. David informed the Council that the Town does not own the pier, the Chamber of Commerce does own it, but the Town pays the liability. Jeff Dyson, Chamber of Commerce, said that the pier is aging and there is a concern that they would have to get a new pier. There were talks about finding a donor for a new pier, and changing the design, then all this discussion will go away. Paul suggested tabling this discussion.

MACOG has paid for a couple study at the Dolan Drive property, everything has turned out good. They did find an anomaly underground, which we assume is an old water tank. MACOG has offered to pay up to $25,000 for the removal of that but if there is any contaminated soil the grant will not cover that. If they find contaminated soil who will pay for it? Bill Musser made the motion to move forward with MACOG; Larry Siegel seconded. All in favor. None against. Motion carried.

POLICE

Jim Layne, Police Chief, asked if there were any questions in his report. The 2024 Terminal Service Data Agreement with Kosciusko County was signed and approved. Larry Siegel made a motion to approve the agreement for $5,500.00; Bill Musser seconded. All in favor. None against. Motion carried.

PARK

Chad Jonsson, Park Superintendent, stated next Saturday is breakfast with Santa from 8-11 at the Community Center.

Chad provided five different quotes for the Community Center roof, Park Board reviewed them, they recommend Premier Roofing & Construction LLC for $115,480.00. The town has offered to pay $115,480.00 from the ARPA funds. Premier is looking to start in late March. Bill Musser made a motion to spend $115,480.00 out of the ARPA funds for the new roof at the Community Center; Larry Siegel seconded. All in favor. None against. Motion carried.

PUBLIC WORKS

Mark Aurich, Public Works Director, asked if there were any questions in his report. One update, the Booster station is scheduled for electrical repair for the week of December 4th.

FIRE TERRITORY

Mickey Scott, Fire Chief, was not present.

CLERK

The Clerk-Treasurer asked the Council if they would want to have a year-end meeting. Paul Stoelting made a motion to not have a year end meeting; Larry Siegel seconded. All in favor. None against. Motion carried.

The clerk asked if they received the email on the health insurance comparison with PHP and IPEP-Anthem. The Town will be saving $80,000 switching from PHP to IPEP-Anthem. Both PHP and IPEP-Anthem raised their single deductible from $3000 to $3200. The clerk asked the Council if they would raise the HSA contribution from $3000 to $3200 to cover single employee's deductible. Paul Stoelting said it is manageable. Larry asked if employees could get health insurance after 60 days of employment. Yes, they can get on the Towns health insurance after 60 days of employment.

TOWN ATTORNEY

Jay Rigdon, Town Attorney, stated he sent a letter to David in response from the Indiana Access Counselor, regarding a KEDCO meeting in with there were three council members in attendance.

Larry Siegel asked Jay to comment on the minutes to a meeting. Jay received an inquiry on various obligations of a Clerk Treasurer, one is keeping the minutes. The statute simply says record keeping of the minutes is the obligation of the Clerk Treasurer. The Clerk types up the minutes every month and submits them to the Town Council. The Council can approve them as they are or amend them. The Clerk can choose what to put in the minutes, that is not a violation of her obligation. The Clerk has the right to make judgements on what appropriate record keeping and activities of the Town are, if the Council disagrees, they have the right to amend the minutes. Bill said legally she must do the minutes, he also stated that the Clerk said she does not have to do the minutes. The clerk stated that she sent out an email to the Council stating she was incorrect, she does have to present the minutes they just do not have to be signed by the Council. Jay stated the signature on the record by the Clerk states that the Clerk has fulfilled her requirement, signature by the Council means they looked at the minutes and they agree that the contents are what they should be. Jay stated the minutes do not have to be a transcript of the proceedings. The clerk asked if the Council would like a copy of the recording, they could have it.

DISCUSSION FROM THE FLOOR

Nothing

DISCUSSION FROM THE COUNCIL

Nothing

OLD BUSINESS

Nothing

NEW BUSINESS

Nothing

Paul Stoelting adjourned the Town of Syracuse Council Meeting; Bill Musser seconded. The meeting was adjourned at 8:20 p.m. All in favor. Motion carried.

ATTEST: Virginia Cazier

Virginia Cazier, Clerk-Treasurer

Cindy Kaiser

Cindy Kaiser, Council President