

SYRACUSE TOWN COUNCIL

REGULAR MEETING

April 16, 2019

Town Council President Larry Martindale called the Regular Meeting of the Syracuse Town Council to order at 7:00 p.m. Other Council members present were Paul Stoelting, Bill Musser, Larry Siegel, and Tom Hoover. Town Attorney Vern Landis and Clerk-Treasurer Paula Kehr-Wicker were also present.

Larry Martindale opened the meeting with the Pledge of Allegiance.

Larry Martindale asked for public comment on agenda items. There were none.

The minutes of the March 19, 2019, meeting was presented for approval. Paul Stoelting moved to approve the minutes; Bill Musser seconded. Five voted for the motion; none against. The motion carried.

Claims #'s 401 through 568 were presented for payment. Paul Stoelting moved to approve the claims; Larry Siegel seconded. Five voted for the motion; none against. The motion carried.

Larry Martindale read the Arbor Day Proclamation and designated April 26th, 2019 as the Town's Arbor Day.

Ordinance 19-05, Additional Appropriation for Cumulative Capital Improvement-Property Tax Fund, was presented. Paul Stoelting moved to approve the ordinance. Larry Siegel seconded the motion. Five voted for the motion; none against. The motion carried.

Mike Noe presented the CF-1 compliance forms for companies who have requested to receive tax abatements. Larry Siegel made a motion to find all the submissions in substantial compliance with the Statement of Benefits for Real Estate and Personal Property. The companies are: Poly-Wood LLC, and P.W. Realty, Inc., and TC Commercial Properties Inc. Paul Stoelting seconded the motion. Five voted for the motion; none against. The motion carried.

TOWN MANAGER / PUBLIC WORKS

Mike Noe reported that he took a tour of the Travel-Lite business. He stated that it seems that they make a good product.

Mike read the following press release regarding the Flood Control Structure:

"The Town of Syracuse has been working with government agencies, senators, legislators and other interested parties to determine the issue of repair and ownership (of the Turkey Creek Memorial Dam, a lake level control device located on Turkey Creek west of SR 13 in Syracuse,) of the lake level control device located on Turkey Creek just west of SR 13 in Syracuse. The renewed interest began several months ago when residents of the lake area surrounding the town came to a town council meeting inquiring about the responsibility for repair of the dam. Prior to that meeting the town had spent some \$80,000 trying to identify and solve the repair issues.

Consequently, the town felt it should research the ownership issue and try to determine who was responsible for the dam's repair. The present town manager and town council members were aware that the town had entered into an agreement with the Department of Natural Resources in 1992 to monitor and control the water level maintained by the dam. However, upon research by the local town attorney and reputable title company, the title to the dam and surround area is still vested in the original owners and heirs of Samuel Crosson and Henry Ward dating back to 1837. The town cannot find a title transferring such interest.

Councilman Siegel met with the DNR in March 2019 to discuss the ownership and control issue. The DNR was given the title information but did not want to assume ownership nor did they believe they were the owners of the dam. The DNR further commented that they did not have funds to rehabilitate the dam. The DNR has been unable to explain why they had authority in 1992 to contract with the town, but do not have ownership at this time.

Contact was made with state budget field representatives from the Department of Local Government Finance to determine the town's authority to spend its funds on the dam. The representative indicated that Syracuse (could not spend its money and suggested the Town should contact the State Board of Accounts for additional verification) had no authority to spend its money and suggested the town should contact the State Board of Accounts. For

additional verification. After Councilman Siegel made numerous attempts to contact the state, a veteran of the SBA emphatically said the town did not have such authority and again referred the town to the DNR.

The town has now hired professionals in Indianapolis at the cost of \$20,000 to find a solution. Through their efforts contact has been made with State Senators and State Representatives. Senator Blake Doriot has been most helpful and has proposed moving or soliciting funds from various sources. Research has also determined that the creation and utilization of a conservation district may be a means to resolve this issue.

In conclusion the town has gone to extreme lengths to try to resolve (the repair issues relating to the Turkey Creek Memorial Dam.) the water level control device issue. After spending significant funds, the town has come to realize it does not have the authority to maintain the dam. The representatives of the town will continue to seek assistance and ask all interested parties to find a solution to the repair of this valuable community asset."

Mike reported on the wastewater influent gate installation by Kokosing. Mike has been accepting applications for Wastewater Foreman due to Gary Garber retiring in July. Craig Fannin and David Menefee are taking classes to help pass their Wastewater Certification exam.

Mike will be taking his first Water Classification exam in June. Mike has ordered a backup pump for the sludge press. He also ordered a pump for the humidifier in the Water Department.

The Street Department has been busy doing concrete work, curbing and landscaping throughout the town. Repair will be done at the Municipal Pier this week. There will be sidewalk repairs on Main and State Road 13.

POLICE

Police Chief Jim Layne asked the council if they had any questions regarding his report. There were none.

Jim presented a request to allow the Police Department to join the Indiana Public Employee Retirement System's (INPRS) '77 Plan and all other employees to join the Hybrid Plan of the Public Employee Retirement Fund (PERF). Mike spoke on the benefit this would give our current employees as well as help in retaining them. Tom Hoover moved to approve the employees to enroll in PERF. Paul Stoelting seconded the motion. Five voted for the motion; none against. The motion carried.

There was one ADA complaint regarding the municipal pier. The seawall has fallen and has caused the pier to be tilted. The Street Department can take care of correcting this issue.

Jim requested that the Council also allow a full-time elected official to join PERF. Bill Musser asked who was on the Retirement Board for the Fire Territory. Mickey answered that it included the Township Board President, a secretary, and himself. Bill Musser stated he would volunteer to be on the Town's retirement board. Tom Hoover moved to approve allowing an elected official to join PERF. Bill Musser seconded the motion. Five voted for the motion; none against.

PARK

Park Superintendent, Chad Jonsson, reported on upcoming events. There were two Egg Hunts; one was a Flashlight Hunt for Middle School students on Friday April 12, and the other was a traditional youth hunt on April 13th. There were approximately 60 kids that participated in the Flashlight Hunt. The Geo Cache Egg Hunt is currently going on until April 22nd. In celebration of Arbor Day, Chad will go to the Elementary School on Thursday, April 25th, and do a presentation. On the 26th, there will be a tree planting program with the 3rd grade students at 12:30. Baseball/softball opening day at Schrock Field will be on April 27th. The annual Touch A Truck will be on May 4th at the Community Center. May 11th will be the start of the weekly Farmer's Market.

The Arbor Day Foundation did present us with the Tree City U.S.A. award for 2018.

Bill Musser asked about the status of Laudeman Park. Chad stated they have the 1st draft of the plan located at the Community Center. They will send that out to the local home-owners along with an invitation to come to the May meeting. They expect to do a final draft in July.

FIRE TERRITORY

Mickey Scott asked the council if there were any questions on his reports, there were none. Mickey reported on the fire uptown at Shoemaker Electric and the Revolving Closet. He stated that the Arial truck and airboat was used to control the fire. There was also a vehicle fire. Approximately \$51,000 in property loss for the month of March, and \$750,000 of property saved.

Mickey stated that the construction project should be completed by the end of the month. There will be a final walk-through a week from Friday (April 26th). An open house is scheduled for May 18th.

The Township and the Fire Territory are still working on getting the Safe Haven box that will be installed at Station 2. He announced that 3 babies have been turned into various Indiana baby boxes since the first of the year.

CLERK

Clerk-Treasurer, Paula Kehr-Wicker, announced that the Town Hall will be closed on Friday the 19th in observance of Good Friday.

TOWN ATTORNEY

Town Attorney, Vern Landis, had nothing to report.

DISCUSSION FROM THE FLOOR

John Earnest presented a report regarding the Flood Control Structure committee that started in August of 2018. He provided a timeline of events and a list of all involved. He stated that the committee continued to work on a resolution for the Flood Control Structure repairs through January of this year. In late January, Larry Siegel called John and questioned the committee on who owned the dam and if the Town had the ability to pay for it. Shortly after, notice was given by Bill Musser that he would resign from the committee and Larry Siegel would be the contact. In late February, John and Bill Pipp had a conference call with Larry Siegel. After the conference call, John chose to step back from the committee until he returned to Indiana. Bill Pipp spoke on his concern of the immediate needs of the Flood Control Structure. He stated he had contacted three legal firms, free of charge, regarding changing ownership. Vern Landis announced that the Town of Syracuse does not own the dam. Larry Siegel stated that no one owns the dam. There is no deed or title. Larry Siegel stated that the jurisdiction ends at the water's edge. He also stated that even if we adversely possess the land or park, we still wouldn't have authority in the state water way or the land under it. The agreement from 1992 has no expiration date; therefore, it is not a binding contract. There was an honorable mention of the Town being an owner, but that doesn't make it so. There is an original patent signed by President VanBuren that was given to Crosson and Ward, making their heirs continue to be the owners. Larry Siegel presented a timeline and information he was given by the State representatives. Larry Siegel stated that the County and the Indiana Department of Natural Resources have the authority to pay for the repairs; the Town does not.

Bill Pipp explained that he has worked with the Wawasee Property Owner's Association (WPOA) and other entities that have an interest in the lakes that are not affiliated with the Town of Syracuse to achieve funds to start a conservancy. Bill Pipp exclaimed that if the Town is moving the issue to the County, then he and WPOA would need to stop spending money. Larry Siegel stated that the question would go to the County for an answer.

Sue Ann Mitchell, President of the Kosciusko County Council, stated that if the Town doesn't have authority to work on the Flood Control Structure, then she can't guarantee that the County has the authority, either. She stated that the Mike Kissinger from the Kosciusko Drainage Board would only be able to help with the area from the toe on down and has a plan to do so. The Drainage Board does not have authority to work on the flood control structure. She then suggested contacting Ed Rock from the Kosciusko Emergency Management Agency. She believes there may be a Mitigation grant available to help with the costs. Discussion ensued regarding ownership and authority to apply for the grant. Larry Siegel provided history on the property starting in 1837. Larry Siegel stated that he was informed by "Abbott" that we should not press on the DNR or they may drain the lake as was done with

Sylvan Lake. Sue Ann mentioned that similar issues have happened with North Webster and Warsaw (Center Lake) in which the Town and City paid for the repairs. Discussion followed regarding jurisdiction of the drainage ditch and body of water. Larry Siegel stated that the Syracuse-Wawasee Park Foundation is set up to receive private donations. More lengthy discussion on who has the authority and how to achieve the authority for the repairs.

Kim Cates, Kosciusko County council member, informed the council that Ed Rock jumped in with the mentioning of the grant because it is a pre-disaster mitigation grant. She stated that it is possible to apply again in October. She suggests that the town should at least talk to him, since it is in the County, he may be able to help in some way. Larry Siegel stated that it may be that the County needs to apply for it, and not the Town.

Jim Silcox asked the council if they could get the authority to maintain the flood control structure, what would they say? Tom Hoover answered no. Jim Silcox stated that the flood control structure is the "crown jewel" of this area, and if we don't view it as such, we would be in trouble. Jim Silcox state that the structure represents some of the best recreation in the state. He states that it represents a lot of money that the Oakwood Inn and a lot of business bring into the area. He asked why we would run away from that. He wanted to know (rhetorically) how it would get explained if and/or when the structure fails. Larry Siegel states it is not just the gem of the Town, it is the gem of the whole county. Larry Siegel reiterated the issue of who has the authority and ability to fund the structure repairs. Larry Siegel suggested posing those questions to the county, and not just the town.

Larry Martindale gave thanks to Larry Siegel for time spent on researching and going to Indianapolis.

OLD BUSINESS

Childcare issues were brought up at last month's meeting. He orchestrated a meeting with approximately a dozen people. A study has begun and there are sources of funding that could help.

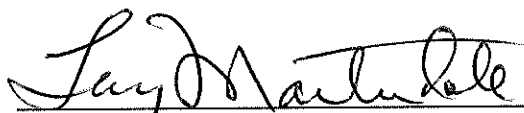
NEW BUSINESS


Nothing to report.

Bill Musser moved to adjourn; Paul Stoelting seconded. Four voted for the motion; none against. The motion carried.

The Syracuse Town Council adjourned at 8:22 pm.

ATTEST:


Larry Martindale, Council President


Paula Kehr-Wicker, Clerk-Treasurer