

February 15, 2021

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN and via Zoom at 6:00 pm, February 15, 2021. The meeting was called to order by Council President, Miranda Cripe.

Upon the roll call, the following members of the Council were present:

Jeremy Yahwak, Scott Miller, Miranda Cripe, Dan Shoup and Chuck Teall

Also present were Craig Buche, Attorney, Mary Cripe, Town Manager and Peggy Hutchison, Clerk/Treasurer.

MINUTES:

Jeremy Yahwak moved to approve the minutes from the February 1, 2021 meeting. Scott Miller seconded, and the motion passed with a roll call vote – all yes.

PUBLIC COMMENTS:

Jeremy Yahwak read an email from Sally Hershberger. She was asking if the Town could shovel the sidewalks on East Warren from the Villas into Town. This will be looked into.

ACCOUNTS PAYABLE VOUCHERS:

The following Accounts Payable Vouchers were reviewed and approved on a motion by Chuck Teall and seconded by Jeremy Yahwak. The motion passed with a roll call vote – all yes.

Accounts Payable Vouchers payroll – Feb. 11, 2021	\$ 111,425.77
Accounts Payable Vouchers – Feb. 15, 2021	\$ 352,499.00

NEW BUSINESS:

Danny Dean from Elkhart County Zoning, presented proposed Ordinance No. MD 646 – “An Ordinance to Amend Ordinance No. PC 2016-03 Known as the Elkhart County Zoning Ordinance by Rezoning the Area of Real Estate Hereinafter Described from M-2 to B-3.” This is for property located at 335 North Main St., Middlebury, IN (Old Creamery). A public hearing was held for this proposed amendment. Jonathan Yoder explained what he is wanting to build on the property. Jeremy Yahwak wants to make sure all the parties work together on this project. Upon hearing no more comments, Chuck Teall motioned to close the public hearing and Dan Shoup seconded. This passed with a roll call vote – all yes. Chuck Teall then motioned to approve Ordinance No. MD 646 and Dan Shoup seconded. This also passed with a roll call vote – all yes.

UNFINISHED BUSINESS:

The following is a list of consultants who submitted proposals for the Spring Valley Lift Station study.

A & Z Engineering and Abonmarche Consultants, Inc. – both declined to submit proposals.

Donahue & Associates and Jones Petrie Rafinski Corp. (JPR) both submitted proposals. Dan Shoup motioned to accept the proposals and Jeremy Yahwak seconded. This passed with a roll call vote – all yes.

The Council reviewed the contract from J. Bowman Carpentry for the Krider Garden restrooms building construction in the amount of \$69,600.00. The Park Department is requesting to use up to \$38,500.00 from the 2018 GOB for this project. After some discussion, and hearing from both John McKee and Tom Enright, Jeremy Yahwak motioned to approve using funds up to \$38,500.00 from the 2018 GOB. Scott Miller seconded the motion and it passed with a roll call vote – four (4) yes and Chuck Teall voted no.

The Council then approved the contract with J. Bowman Carpentry for the construction of the restrooms at Krider Gardens on a motioned by Jeremy Yahwak and seconded by Scott Miller. This passed with a roll call vote – all yes.

The Council then discussed the contract with A&B Landscaping for the Krider Garden restrooms utility infrastructure and buried debris removal in the amount of \$23,521.72. A motion was made by Jeremy Yahwak to approve the contract with A&B Landscaping and Scott Miller seconded. This passed with a roll call vote – all yes.

Mary Cripe presented the tentative findings from JPR for the Southwest Quadrant Project. JPR has reviewed all the bids and found the bid from Selge Construction Co. to be acceptable. JPR is requesting the Council to award and sign the tentative contract to Selge Construction. The total bid from Selge was \$3,696,527.80. Chuck Teall motioned to award the contract to Selge Construction Co. and Scott Miller seconded. This passed with a roll call vote – all yes. This is contingent on all the funding and financing being approved by the SRF and First State Bank of Middlebury.

Mary Cripe reviewed the bids for the SR 13 Sanitary Sewer Extension and is requesting the Council award the contract with Haskins Underground, Inc. in the amount of \$191,680.00. This project will be funded by the Elkhart County Redevelopment Commission with funds from the Middlebury East TIF. Chuck Teall motioned to award the contract to Haskins Underground, Inc. and Jeremy Yahwak seconded. This passed with a roll call vote – all yes.

Mary Cripe also reviewed the bids for the 2020-02 asphalt paving project and is requesting the Council to award the contract with Walsh & Kelly, Inc. in the amount of \$249,999.00. Funding will be 75% Community Crossings Matching Grant and 25% Town funds. A motion was made by Jeremy Yahwak to approve and award the contract to Walsh and Kelly, Inc. and Dan Shoup seconded. This passed with a roll call vote – all yes.

NEW BUSINESS:

Jeremy Yahwak presented a grant opportunity the Parks Department is pursuing. This is a Tactical Urbanization Grant to promote physical activity and nutrition for up to \$10,000.00. Jeremy Yahwak motioned to approve and support the Tactical Urbanization Grant and Chuck Teall seconded. This passed with a roll call vote – all yes. The grant is for safety and accessibility to trails.

Ordinance No. 646 – “An ordinance concerning the construction of improvements to the sewage works of the Town of Middlebury, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith” was introduced. Jeremy Yahwak motioned to accept the introduction and Scott Miller seconded. This passed with a roll call vote – all yes.

Ordinance No. 647 - “Sewer Rate Ordinance” was introduced. Penny Price from Baker-Tilly explained the rate study and ordinance and stated there would be an across the board 30.5% increase. Chuck Teall motioned to accept the introduction and Dan Shoup seconded. This passed with a roll call vote – all yes.

Also introduced was Ordinance No. 648 – “An Ordinance of the Town of Middlebury, Indiana, concerning the construction of certain additions, extensions and improvements to the waterworks of said Town and the current refunding by the Town of its Waterworks Refunding Revenue Bonds of 2017, authorizing the issuance of waterworks revenue bonds for such purpose, providing for the collection, segregation and distribution of the revenues of the waterworks and for the safeguarding of the interest of the owners of said waterworks bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith”. Jeremy Yahwak motioned to accept the introduction and Scott Miller seconded. This passed with a roll call vote – all yes.

Ordinance No. 649 – “Water Rate Ordinance” was also introduced. Penny Price explained the rate study for this Ordinance. Jeremy Yahwak motioned to accept the introduction and Scott Miller seconded. This passed with a roll call vote – all yes.

Mary Cripe presented Amendment No. 1 with Donohue & Associates, Inc. for their services regarding Hardwoods Lift Station & Force Main Replacement Project. The amendment is for the land surveying and platting process which are estimated to cost \$8,140.00. This would bring the total contract to \$113,040.00. Scott Miller motioned to approve Amendment No 1 with Donohue & Associates and Chuck Teall seconded. This passed with a roll call vote – all yes.

Mary Cripe also presented Amendment No. 2 with JPR for the Southwest Quadrant Infrastructure project. This amendment is for easement description preparation and acquisition assistance. The fees would be on a time and material basis, not to exceed \$26,621.59. Scott Miller made a motion to approve JPR’s Amendment No. 2 and Jeremy Yahwak seconded. This passed with a roll call vote – all yes.

Change Order No. 3 from Selge Construction for the Dawn Estates Lift Station Project was presented. This is for the installation of riprap along the bank of Trout Lake, near the lift station, along with the installation of a sanitary manhole in the location of the old lift station. The Change order is for an increase of \$7,109.20 bringing the total project cost to \$288,501.70. Scott Miller motioned to approve Change Order No. 3 and Dan Shoup seconded. This passed with a roll call vote – all yes.

Mary Cripe presented Amendment No. 1 from Jones Petrie Rafinski Corp for the updating of the GIS System. This will be on a time and material basis, for no more than six (6) months. Dan Shoup motioned to approve Amendment No. 1 and Chuck Teall seconded. This passed with a roll call vote – all yes.

A proposal from A & Z Engineering for the SR 13 and Warren Street intersection improvements was presented. This is the first step towards improving the traffic flow through the intersection. The proposal is for \$5,915.00. Chuck Teall motioned to approve the proposal from A & Z Engineering and Dan Shoup seconded. This passed with a roll call vote – all yes.

Proposed Ordinance No. 642 – A – “An Amendment to the Town of Middlebury 2021 Salary Ordinance” was presented. This is to make updates for a Laborer I position in Wastewater and a Laborer III in Public Works. Chuck Teall motioned to approve Ordinance No. 642-A and Dan Shoup seconded. This passed with a roll call vote – all yes.

Department Reports:

Water Department – Nothing to add to the report.

Public Works Department – Robert will schedule the spring and fall cleanups.

Wastewater Department – Nothing to add to the report.

Park Department – Nothing to add to the report.

Police Department – Noting to add to the report.

ANNOUNCEMENTS:

Executive Session Immediately following tonight’s meeting.

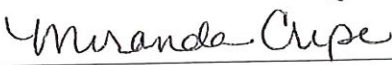
Park Board meeting – February 17, 2021 at 3pm – Town Hall and via Zoom

Elkhart Cty. Bd of Zoning Appeals– February 18, 2021 – 8:30am – Elk. Cty, Public Servs. Bldg.

Redevelopment Commission meeting – February 25, 2021 at 7:30am – Town Hall

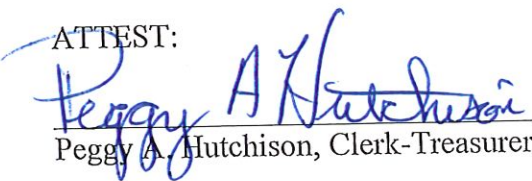
Next Council meeting - Monday, March 1, 2021 at 6:00 pm -Town Hall

Meeting was adjourned.



Miranda J. Cripe, Town Council President

ATTEST:



Peggy A. Hutchison, Clerk-Treasurer

This meeting commenced pursuant to public notice under the Indiana open door law and Governor Holcomb’s Executive Orders. This meeting was made available for the public and press to attend in person or engage in remote real-time electronic observation.