

March 1, 2021

The Town Council of the Town of Middlebury met in regular session and via Zoom at the Town Hall, Middlebury, IN at 6:00 pm, March 1, 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 Mary Cripe, Town Manager, Craig Buche, Attorney and Peggy Hutchison, Clerk/Treasurer.

**MINUTES:**

Jeremy Yahwak moved to approve the minutes from the February 15, 2021 meeting and the Certification of the executive session. Scott Miller seconded, and the motion carried with a roll call vote – all yes.

**PUBLIC COMMENTS:**

Chuck Teall questioned if the Town had any liability for the USPS parking lot. Since the lot is mostly mud, he wanted to make sure the Town would not be held responsible for any injury or other accident. Craig Buche said the Town would not be held liable since the USPS leases the property. Mary Cripe will contact the USPS and ask about the time schedule to having the lot paved.

**ACCOUNTS PAYABLE VOUCHERS:**

The following Accounts Payable Vouchers were reviewed and approved on a motion by Chuck Teall and seconded by Dan Shoup. The motion carried by roll call vote – all yes.

Accounts Payable Voucher – Payroll Feb. 25, 2021	\$113,032.32
Accounts Payable Voucher – February month end	\$235,987.97
Accounts Payable Voucher – March. 1, 2021	\$246,493.93

**PRESENTATIONS:**

Lauren Hoover gave a presentation on Everbridge Nixle. This is a Cloud based software platform for community notifications. The cost would be \$2,600.00 annually plus a \$300.00 set up fee. Chuck Teall expressed concern about the system being used for too many notifications. This would only be used for emergency notifications. Kevin Miller stated the fees could be paid out of the Public Safety LOIT fund. Chuck Teall motioned to approve purchasing the Nixle system, pending legal review, and Dan Shoup seconded. This passed with a roll call vote – all yes.

Bil Murray gave a presentation on a new program in the Vibrant Communities Initiative. The new program is called Vibrant Neighborhoods. Mr. Murray is asking for help spreading the word about this new program. Neighborhoods could receive up to \$500.00 for holding neighborhood functions.

## **NEW BUSINESS:**

Danny Dean from the Elkhart County Planning & Development is recommending the Council approve approval of a 1-101 minor subdivision to be known as Greencroft Middlebury Phase IIA DPUD R-4. Mr. Dean presented proposed Ordinance No. 428b – “To Amend Ordinance No. M428 by Rezoning the Area of Real Estate Hereinafter Described from General Planned Unit Development (GPUD) R-3/R-4 to Detailed Planned Unit Development (DPUD) R-4 to be Known as Greencroft Middlebury Phase IIA DPUD R-4 DPUD; and by Changing the Zone Maps Incorporated by Reference in Section 4.1.2.A of the Elkhart County Zoning Ordinance.” A public hearing was held regarding this proposed change. Crystal Welch from Abonmarche and Tim Deluca from Greencroft were also in attendance and answered any questions the Council had. Upon hearing no further comments, Dan Shoup motioned to close the public hearing and Scott Miller seconded. This passed with a roll call vote – all yes. Then, Chuck Teall motioned to approve Ordinance No. 428b and Dan Shoup seconded. This also passed with a roll call vote – all yes.

## **UNFINISHED BUSINESS:**

After a team of three (3) members reviewed engineering studies from Donohue & Assoc. and JPR for the Spring Valley Lift Station Sanitary Sewer Study, Mary Cripe is requesting the Council approve the agreement with Donohue & Assoc. in the amount of \$38,300.00. Jeremy Yahwak motioned to approve the agreement with Donohue and Dan Shoup seconded. This passed with a roll call vote – all yes.

Craig Buche once again presented 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”. This ordinance is the Sewer Bond Ordinance. Chuck Teall motioned to approve Ordinance No. 646 and Dan Shoup seconded. This passed with a roll call vote – all yes.

Craig Buche also presented 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”. This is the Water Bond Ordinance. Jeremy Yahwak motioned to approve Ordinance No. 648 and Scott Miller seconded. This passed with a roll call vote – all yes.

## **NEW BUSINESS:**

Mary Cripe presented an “Interlocal Agreement Between Elkhart County, Indiana and Town of Middlebury, Indiana for Animal Control Services”. The term of the agreement is from January 1, 2021 through December 31, 2021 and may be renewed for 2022 and 2023. The agreement is for \$5,400.00 a year. After some discussion, Jeremy Yahwak motioned to approve the agreement and Chuck Teall seconded. This passed with a roll call vote – all yes.

Robert Miller and Mary Cripe are requesting the Council ratify the purchase agreement with RPM Machinery for a new backhoe for the Public Works Department. The cost is \$111,498.00 minus a trade in value of \$26,500.00. The final total cost is \$84,998.00. Dan Shoup motioned to approve the purchase and Jeremy Yahwak seconded. This passed with a roll call vote – all yes.

**PRESENTATIONS:**

Vincent Baltazar and Micah Miller representing the Middlebury Magic Soccer Club are requesting permission to construct an indoor training facility on the Bontrager Fields Soccer Fields property. The Club would provide all the funding for this project. The Council will contact the Bontrager Family to get their feelings on this project. The Council will take the request under advisement and will contact the Club.

**ANNOUNCEMENTS:**

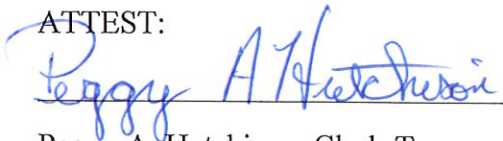
Elkhart Cty Redev. Comm Mtg – March 4, 2021 at 2 pm – Elk Cty Public Services Bldg.  
Tree Board Meeting – March 4, 2021 – 7 pm – Town Hall  
Elkhart Cty Plan Comm. Mtg. – March 11, 2021 at 9 am – Elk Cty Public Services Bldg.  
Next Council meeting - Monday, March 15, 2021 at 6:00 pm -Town Hall  
Park Board Meeting – March 17, 2021 – 3 pm – Town Hall  
Elkhart Cty Bd of Zoning Appeals – March 18, 2021 – 9 am – Elk Cty Public Services Bldg

Meeting was adjourned.



Miranda Cripe, President, Town Council

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.