

March 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, March 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:**

Chuck Teall moved to approve the minutes from the March 1, 2021 meeting. Dan Shoup seconded, and the motion passed with a roll call vote – all yes.

**PUBLIC COMMENTS:**

Dave Kozlowski, representing American Legion Post 210, asked the Council if the Legion could hold the Memorial Day activities as in the past. This would include the parade, the ceremony in Memorial Park and the cemetery. The council gave their permission to hold the activities unless otherwise directed by the State.

Mary Cripe stated there is a shortage of PVC piping and a special Council meeting may need to be held on April 12<sup>th</sup> to award the contract for the Southwest Quadrant project.

**ACCOUNTS PAYABLE VOUCHERS:**

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

Accounts Payable Vouchers payroll – March 11, 2021    \$112,514.89

**UNFINISHED BUSINESS:**

A public hearing was held for Ordinance No. 647 – “Sewer Rate Ordinance” and Ordinance No. 649 – “Water Rate Ordinance”. Comments were heard from: Sheri Howland, Middlebury Chamber of Commerce, spoke on behalf of the business owners. There is concern regarding the hydrant and sprinkler usage being increased. The Council replied these would be increased also. Sheri stated the “timing” is causing a hardship due to COVID-19. She is also requesting the rate increases to be phased in.

No other public comments were heard at this time. Jeff Rowe, from Baker Tilly explained the financial aspect of the project.

Water – The Town will be refunding the current loan at First State Bank and adding \$1,000,000 to the current loan to pay for the water portion of the improvements. The water rates will be increased 11% to cover future projects and the current loan. The Town needs coverage of 125% to cover all the expenses.

Sewer – The Town will be borrowing \$2,300,000 from the SRF and use local funding. The Sewer rate increases need to be 30.5% to provide for the 125% coverage needed. Two thirds of the

increase will be used for future projects with the other one third for the current project. Jeff stated even if we used all the Town's share of the American Rescue Plan funds, the rate increase would only be a one to three percent decrease.

Randy Fenwick, 57206 Staci Lane, asked the Council what all the funds will be used for. Miranda Cripe responded with the reason for the project.

Upon no further comments, Jeremy Yahwak motioned to close the public hearing and Scott Miller seconded. This passed with a roll call vote – all yes. Both Chuck Teall and Scott Miller would like to see the rates phased in.

After the public hearing, Chuck Teall motioned to approve Ordinance No. 647 (with phase in rates) and Dan Shoup seconded. This also passed with a roll call vote – all yes.

A public hearing was held for Ordinance No. 649 – “Water Rate Ordinance”. Upon hearing no further comments, Jeremy Yahwak motioned to close the public hearing and Scott Miller seconded. This passed with a roll call vote – all yes. The water rate increases will not be phased in.

After the public hearing, Chuck Teall motioned to approve Ordinance No. 649 and Dan Shoup seconded. This also passed with a roll call vote – all yes.

Craig Buche presented proposed Resolution No. 2021-01 – “Resolution of the Town of Middlebury Supporting a Special Purchase for a Backhoe”. This Resolution permits a special purchase under an emergency and authorizes the Public Works Department to purchase the 2021 Case backhoe from RPM Machinery, LLC. Jeremy Yahwak motioned to approve Resolution No. 2021 – 01 and Scott Miller seconded. This passed with a roll call vote – all yes.

#### **NEW BUSINESS:**

Miranda Cripe announced Spring Clean-Up days will be April 15, 16 and 17, 2021. This will be posted on the Town's website and social media.

Miranda Cripe and Robert Miller also announced the Cemetery clean-up will begin on April 15, 2021. This will also be posted on the website and social media.

Mary Cripe presented a second amendment to independent contractor agreement between the Town and Jones Petrie Rafinski Corp. (JPR) for construction staking for NIPSCO gas main relocation on Brown Street and Bristol Avenue. The markings are for right of ways. This will be an increase of \$1,200.00. Chuck Teall motioned to approve this amendment and Dan Shoup seconded. This passed with a roll call vote – all yes.

Mary Cripe presented agreements with Baker Tilly for the proposed Revenue Bonds of 2021 – Sewer Bonds and Revenue Bonds of 2021 – Water Bonds for the Town. The cost for their advisory services will be \$55,000.00 for sewer and \$45,000.00 for water. Chuck Teall motioned to accept the agreements with Baker Tilly and Dan Shoup seconded. This passed with a roll call vote – all yes.

Tom Enright is requesting the Town accept the dedication of Lot 1 in Trestle Terrace Minor Subdivision from the Friends of the Middlebury Parks for the Krider Garden restrooms. Jeremy Yahwak motioned to accept the dedication of land and Scott Miller seconded. This passed with a roll call vote – all yes.

#### **Department Reports:**

Water Department – Ron explained the increase in the unaccountable gallons was due to the break on Bristol St. He once again, thanked the Council for the new Vector truck.

Public Works Department – Nothing to add to report.

Wastewater Department – Priority-One will be repairing the fire alarm. The part will cost \$5,000. Dan will contact the insurance company regarding this since the damage was caused by a lightning strike.

Park Department – Nothing to add to report.

Police Department – Complaints have been received on the property located at 400 Wayne St. The resident is taking steps to clean up the debris.

**ANNOUNCEMENTS:**

Executive Session immediately following the regular Town Council meeting.

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

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

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

Westlake Community meeting #1 on Monday, March 29, 2021 – 6 pm – Town Hall

Westlake Community meeting #2 on Wednesday, March 31, 2021 – 3 pm – Town Hall

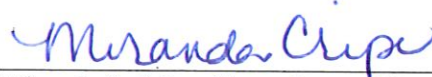
Elkhart Cty. Redev. Comm. – April 1, 2021 – 2 pm – Elk Cty. Public Servs. Bldg.

Tree Board meeting on April 1, 2021 – 7 pm – Town Hall

Westlake Community meeting #3 on Saturday, April 3 – 10 am – Town Hall

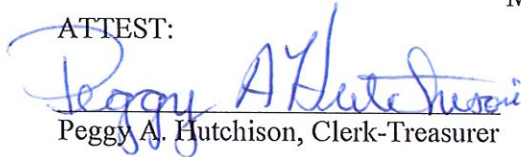
Next Council meeting - Monday, April 5, 2021 at 6:00 pm -Town Hall

Meeting was adjourned after the Executive Session.



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.