

April 19, 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, April 19, 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 April 5, 2021 meeting. Scott Miller seconded, and the motion passed with a roll call vote – all yes.

PUBLIC COMMENTS:

Legacy Furniture is requesting to close Mall St. May 21 and 22, 2021 for their annual Customer Appreciate Days. The Council does not have a problem with this.

On the agenda, Item J will be moved up after Item A.

Chuck Teall inquired on the group wanting to build apartments on East Warren Street. Mary Cripe has not heard anything further.

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 passed with a roll call vote – all yes.

Accounts Payable Vouchers payroll – April 8, 2021	\$110,813.81
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UNFINISHED BUSINESS:

Mary Cripe is requesting the Council accept an Easement from Middlebury Community Schools for the Southwest Quadrant Infrastructure project. Jeremy Yahwak motioned to accept the easement and Scott Miller seconded. This passed with a roll call vote – all yes.

NEW BUSINESS:

Danny Dean presented and explained proposed Ordinance No. MD-656 – “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 GPUD B-3 to DPUD B-3, to be Known as Taco Bell, DPUD, and by Changing the Zone Maps Incorporated by Reference in Section 4.1.2.A. of the Elkhart County Zoning Ordinance”. Bob Gaffer, from MLS Engineering was also in attendance and answered questions regarding parking and the number of cars waiting in the drive thru. He also stated the landowners had not responded concerning easements for a sidewalk. A public hearing was held. Jeremy Yahwak expressed concerns regarding the drive thru. Upon hearing no other comments, Jeremy Yahwak moved to close the public hearing and Dan Shoup seconded. This passed with a roll call vote – all yes. Jeremy Yahwak then

motioned to approve Ordinance No. MD-656 and Scott Miller seconded. This passed with a roll call vote – all yes.

Three (3) “Petitions for Annexation Into the Town of Middlebury” were presented. These are all voluntary annexation requests. The petitions are from Erik J. and Jennifer L. Crisp, Jayco, Inc., and Villas of River Park Homeowners Association, Inc. Chuck Teall motioned to approve all three (3) requests and Dan Shoup seconded. This passed with a roll call vote – all yes.

Craig Buche presented the following proposed ordinances:

Ordinance No. 651 – “An Ordinance of the Town of Middlebury, Indiana Terminating the General Improvement Fund”. The remaining unused balance will be transferred to the General Fund to be utilized for the 2021 Middlebury Southwest Quadrant Project for street and drainage improvements. Chuck Teall motioned to approve Ordinance No. 651 and Dan Shoup seconded. This passed with a roll call vote – all yes.

Ordinance No. 652 – “An Ordinance Establishing the Southwest Quadrant Street and Drainage Project Construction Fund for the Town of Middlebury, Indiana”. The purpose of this Fund will be dedicated to the Middlebury 2021 Southwest Quadrant Street and Drainage Construction Project. It will be Fund 410. Jeremy Yahwak motioned to approve Ordinance No. 652 and Scott Miller seconded. This passed with a roll call vote – all yes.

Ordinance No. 653 – “An Ordinance Providing for Additional Appropriations from the Elroy Drive Industrial Park TIF District Fund, the Cumulative Capital Development Fund, the CEDIT Fund, the General Fund and the Southwest Quadrant Street and Drainage Project Construction Fund”. After an explanation, a public hearing was held for Ordinance No. 653. Upon hearing no comments, Dan Shoup motioned to close the public hearing and Chuck Teall seconded. This passed with a roll call vote – all yes. Chuck Teall then motioned to approve Ordinance No. 653 and Dan Shoup seconded. This also passed with a roll call vote – all yes.

Ordinance No. 654 – “An Ordinance Providing for Additional Appropriations from the Cumulative Capital Development Fund, the Elroy Drive Industrial Park TIF District Fund, the Downtown TIF District Fund, the Public Safety LOIT Fund and the Community Crossings Grant Fund”. After Craig Buche explain this Ordinance, a public hearing was held. Upon hearing no comments, Scott Miller 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. 654 and Dan Shoup and Scott Miller seconded. This also passed with a roll call vote – all yes.

Ordinance No. 655 – “An Ordinance Establishing the ARP Coronavirus Local Fiscal Recovery Grant Fund”. This new fund will be Fund #176. The initial plan for the ARP Coronavirus Local Fiscal Recovery Fund is also attached and a part of Ordinance No. 655. This will be Fund 176. Chuck Teall motioned to approve Ordinance No. 655 and Dan Shoup seconded. This passed with a roll call vote – all yes.

Mary Cripe presented proposed Resolution No. 2021-03 – “Resolution of the Town of Middlebury, Indiana Concerning Authorization for Execution of INDOT Agreements”. This Resolution authorizes the Town Manager to execute agreements with INDOT. The agreements require electronic signing. Jeremy Yahwak motioned to approve Resolution No. 2021-03 and Scott Miller seconded. This passed with a roll call vote – all yes.

Jackson Beck then presented and explained Resolution No. 2021-04 – “Resolution Adopting Written Fiscal Plan and Establishing Definite Policy for Annexation of Westlake Estates Neighborhood”. Some concerns were expressed and upon satisfactory explanations, Dan Shoup motioned to approve Resolution No. 2021-04. Chuck Teall seconded, and this passed with a roll call vote – all yes.

Jackson Beck also introduced Ordinance No. (this will be numbered at a later date) – “An Ordinance Annexing Certain Real Estate (Westlake Estates Neighborhood) and Declaring the Same to be a Part of the Town of Middlebury, Indiana”. Jeremy Yahwak motioned to accept the introduction of the Ordinance and Scott Miller seconded. This passed with a roll call vote – all yes.

Mary Cripe is seeking permission to advertise for bids for the 2021 Asphalt Paving Phase I. If the Town is awarded funds from the Community Crossings Matching Grant, the bids will be due on May 17, 2021. Jeremy Yahwak motioned to approve advertising for bids and Scott Miller seconded. This passed with a roll call vote – all yes.

Department Reports:

Water Department – Ron is getting prices for parts for the high service pumps and motors, but the parts are not readily available.

Public Works Department – Robert did not have anything to add to the report. Mary Cripe commended both the Public Works and Water Department for all their work on Brown Street. They are now waiting on parts.

Wastewater Department – Dan, once again, commented on how “amazing” the Vactor Truck is. Jr. Slabach’s pump is now installed. A new pump has been ordered for the Villa’s Lift Station.

Park Department – Tree planting will be April 24th.

Police Department – Nothing to add to the report.

ANNOUNCEMENTS:

Park Board meeting – April 21, 2021 at 3pm – Town Hall and via Zoom

Public hearing for the US 20 from CR 35 to SR 13 project at NHS auditorium, Wednesday, April 21, 2021 – doors open at 5 pm and presentation will begin at 6 pm

Redevelopment Commission meeting – April 22, 2021 at 7:30am – Town Hall

Next Council meeting - Monday, May 3, 2021 at 6:00 pm -Town Hall

Elkhart Cty. Redev. Comm. – May 6, 2021 – 2 pm – Elk Cty. Public Servs. Bldg.

Tree Board meeting on May 6, 2021 – 7 pm – Town Hall

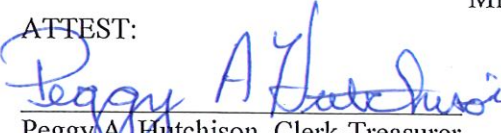
Elkhart Plan Commission – May 13, 2021 – 9 am – Elk Cty Public Services Bldg.

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.