

June 21, 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, June 21, 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 June 7, 2021 meeting. Scott Miller seconded, and the motion passed with a voice vote.

#### **PUBLIC COMMENTS:**

None

#### **UNFINISHED BUSINESS:**

A public hearing was held for the Westlake Annexation. See attached.

Upon hearing no further comments, Dan Shoup motioned to close the public hearing and Chuck Teall seconded. This passed with a voice vote.

A public hearing was also held for the new Parking Ordinance. See attached.

Upon hearing no further comments, Chuck Teall motioned to close the public hearing and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe is requesting the Council award the 2021 Asphalt Paving Plan – Phase I to Milestone Construction North, Inc. The total Milestone contract is for \$663,123.75. Even though Milestone was not the lowest bid, Niblock Excavating is being declared as non-responsive due to their projected completion date. Jeremy Yahwak motioned to approve the contract with Milestone and to declare Niblock's bid as non-responsive, due to the exception taken with the construction completion date. Chuck Teall seconded the motion and it passed with a voice vote.

#### **NEW BUSINESS:**

Mary Cripe presented Change Order No. 1 for the 2020 Asphalt Paving Project Phase 2 with Walsh & Kelly dba Milestone Construction North, Inc. This change order is an increase in the amount of \$86,347.62 due to the sidewalks. Chuck Teall motioned to approve the change order and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe also presented Change Order No. 2 for the Brown Street and Bristol Street project with Walsh & Kelly, Inc. This change order is a time extension to September 3, 2021. Dan Shoup motioned to approve Change Order No. 2 with Walsh & Kelly, Inc. and Jeremy Yahwak

seconded. This passed with a voice vote. Warren should be paved either this Wednesday or Thursday.

Mary Cripe presented Amendment No. 3 with JPR for the Brown Street Reconstruction. This amendment is for additional fees associated with the project. Dan Shoup motioned to table JPR's Amendment No. 3 request until more information is provided and Jeremy Yahwak seconded. This passed with a voice vote.

Peggy Hutchison requested approval to pay the June 1, 2021 – June 1, 2022 commercial insurance premium to First State Insurance Agency. The Council would like to receive bids before the 2022 insurance is due.

Craig Buche presented and explained proposed Resolution No. 2021-07 – “Resolution of the Town Council of the Town of Middlebury, Indiana establishing an Electronic Meetings Policy”. This resolution provides guidelines for Council members attending meetings in person and electronically. After some discussion, Chuck Teall motioned to table Resolution No. 2021-07 and Jeremy Yahwak seconded. This passed with a voice vote.

Mary Cripe presented Pay Application No. 1 from Selge Construction for the Southwest Quadrant Infrastructure Project. The total request is for \$84,550.91 with \$4,227.55 held in retainage. The total amount to be paid at this time is \$80,323.36. Chuck Teall motioned to approve Pay Application No. 1 from Selge and Dan Shoup seconded. This passed with a voice vote.

#### **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 voice vote. Miranda Cripe abstained – payment to Miller's Garage,

Accounts Payable Vouchers payroll – June 17, 2021	\$136,569.83
Accounts Payable Vouchers – June 21, 2021	\$786,676.88

The Council requested that JPR not be paid – check not on this docket.

#### **Department Reports:**

Water Department – No additional comments.

Public Works Department – Robert thanked the other departments for their help in the cemetery before Memorial Day.

Wastewater Department – Dan presented for Council consideration, paperwork explaining purchase price of a new Bobcat. He also mentioned it is getting harder to get chemicals.

Park Department – No additional comments.

Police Department – Kevin reported how Doug and Kristi Edlund went above and beyond to help an elder gentleman.

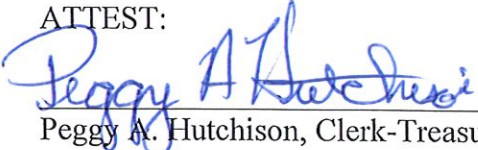
**ANNOUNCEMENTS:**

Redevelopment Commission meeting – Thursday, June 24, 2021 at 7:30am – Town Hall  
Elkhart Cty. Redev. Comm. – Thursday, July 1, 2021 – 2 pm – Elk Cty. Adm. Bldg. - Goshen  
Tree Board meeting on Thursday, July 1, 2021 – 7 pm – Town Hall  
Town Offices closed on Monday, July 5, 2021 for Independence Day  
Next Council meeting – Tuesday, July 6, 2021 at 6:00 pm -Town Hall

Meeting was adjourned.

  
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Miranda J. Cripe, Town Council President

ATTEST:

  
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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.



## Westlake Annexation Public Comments – June 21, 2021

Robert Monroe – 57354 Staci Lane

Mr. Monroe was concerned about the curbs on his cul-de-sac, will his driveway be flush and will the tree in the middle be removed. He was also concerned about his retaining wall.

Mr. Monroe also asked about the timeline.

Joe Schueneman – 57335 Terri Ct.

Mr. Schueneman asked about the location of the sewer lines from his house.

Mary Cripe responded to their questions.

On Staci Lane – there will be curbs, but no sidewalks. Yes, his driveway will be flush, and the tree will be removed in the middle of the cul-de-sac. It will be all paved.

Regarding Terri Ct – The sewer lines will be as deep as they can be. He may need his own lift station.

Mary told both gentlemen, to call and she would answer any other questions they had.

Jackson Beck explained the timeline – Tonight's meeting is the public hearing on the annexation. The ordinance will be presented at the next Council meeting – July 6, 2021. Residents can file a remonstrance from August 2021 through November 2021. In November, if no more than 50% have not objected to the annexation, the ordinance will be filed with the County and the annexation will be finalized.

Chuck Hartz – 14097 Kimberly Lane

Mr. Hartz asked about the water level in the pond.

Mary asked him to call and make an appointment, but the pond has been lowered to lower the water table.

Mary advised Mr. Schueneman the residents will be notified when the hook ups are available and ready to go. The lift station needs to be completed first. We are waiting on parts and supplies.

Dave Kozlowski – 57088 Westlake Dr

Mr. Kozlowski asked about assessments. They will stay the same as they are now. Assessments are done through the County.

Mary told the residents their water rates would go down to the in-town rates as soon as the annexation is completed.

### **Public hearing for Parking Ordinance**

Gary Duncan asked about the RV and boat parking and when the ordinance would take effect. Once the ordinance is passed, it will become effective 30 days after publication. Also, the Council did put a four (4) day limit for parking RVs on the street.