

July 6, 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, July 6, 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 June 21, 2021 meeting. Scott Miller seconded, and the motion carried with a voice vote.

PUBLIC COMMENTS:

Mary Cripe stated she will be attending the County Council and Finance meeting to present her presentation regarding the up coming needs and projects in Middlebury.

ACCOUNTS PAYABLE VOUCHERS:

The following Accounts Payable Vouchers were reviewed and approved on a motion by Dan Shoup and seconded by Chuck Teall. The motion carried by voice vote.

Accounts Payable Voucher – Payroll July 1, 2021	\$118,867.34
Accounts Payable Voucher – June month end	\$324,935.92
Accounts Payable Voucher – July 6, 2021	\$201,344.00

UNFINISHED BUSINESS:

The Council once again opened the floor for comments on the parking ordinance. The ordinance should be ready to vote on at the next Council meeting on July 19th. The comments are attached.

The Council also discussed Resolution No. 2021-07 – “Resolution of the Town Council of the Town of Middlebury, Indiana Establishing an Electronic Meetings Policy. Scott Miller and Dan Shoup are in favor of the resolution and think it is a positive action. Jeremy Yahwak is in favor of it being only for emergencies. Chuck Teall motioned to approve Resolution No. 2021-07 and Dan Shoup seconded. This passed with a voice vote. Jeremy Yahwak opposed.

Ordinance No. 416-B is not ready to be voted on at this time.

NEW BUSINESS:

Mary Cripe is making the Council aware of the SWIF Grant Application to IFA for the Southwest Quadrant. She is submitting a grant for the SW Quadrant in the amount of \$2,800,000.

Mary Cripe is requesting financial approval for the second round of Community Crossings Matching Grant Funds. The request is for \$502,657.19 with local funding of \$168,552.81 (from the Elroy Dr. TIF). Jeremy Yahwak motioned to approve the request and Chuck Teall seconded. This passed with a voice vote.

Rich Utley, representing the Middlebury Summer Festival Committee, is requesting the services and support of the Town Council and the Town departments for the 2021 Summer Festival. The dates are August 13 – 14. He is requesting the usual street closures and use of the parks as of Thursday, August 12. Jeremy Yahwak motioned to approve the closures and to offer support and Scott Miller seconded. This passed with a voice vote.

The office has received several calls asking if the Council would agree to including June in the summer sewer rate break. Normally, the summer rate is only for the months of July, August, and September. Chuck Teall motioned to approve and allow the summer rate to include June and Scott Miller seconded. This passed with a voice vote.

Mary Cripe and Ron Chupp are requesting to hire Dustin White for the position in the Water Department. Chuck Teall motioned to approve the hiring and Jeremy Yahwak seconded. This passed with a voice vote.

With the new hiring, Ordinance No. 642-D – “An Amendment to the Town of Middlebury 2021 Salary Ordinance” was presented. The ordinance shows both the Operator and Laborer I position vacant and establishes two (2) Laborer II positions. After some discussion on the town’s pay rates, Dan Shoup motioned to approve Ordinance No. 642-D and Jeremy Yahwak seconded. This also passed with a voice vote. Chuck Teall opposed.

Mary Cripe has received a request from Gary Smith to hold a neighborhood party on Highfield Court on Saturday, July 31 from 3 – 8 pm. Dan Shoup motioned to approve the request and Scott Miller seconded. This passed with a voice vote.

Dan Holderread is requesting permission to purchase a 2021 Bobcat. After trading in the current 2013 Bobcat, the total price would be \$33,220.21. Chuck Teall motioned to approve the purchase and Dan Shoup seconded. This passed with a voice vote.

Craig Buche explained and is requesting approval to file paperwork regarding the Purdue Pharma L.P. Bankruptcy for Opioid Litigation Claims. Craig’s recommendation would be to approve and vote to support the plan and the proposed settlement. Chuck Teall motioned to approve the filing and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe is requesting permission to pay Milestone for the 2020-0005 paving project (Brown St., Bristol Ave., and Warren St.) in the amount of \$123,504.75. This will be paid with Community Crossing Matching Grant funds and from local funds. Chuck Teall motioned to approve the payment to Milestone and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe presented Change Order No. 1 from Selge Construction. The Change Order is for an increase of \$3,170.00. This is due to several pipe changes for the Southwest Quadrant Infrastructure Project. Dan Shoup motioned to approve the Change Order and Jeremy Yahwak seconded. This passed with a voice vote.

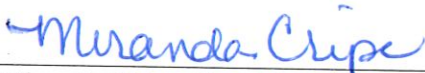
Mary Cripe also presented Change Order No. 2 from Selge Construction. This Change Order is for an increase of \$25,642.00. This is for changes in the water lines for the Southwest Quadrant Infrastructure Project. Chuck Teall motioned to approve the Change Order and Jeremy Yahwak seconded. This passed with a voice vote.

Mary Cripe presented a "Dedication to Town of Middlebury, Indiana from Mast & Sons, LLC for water main and associated appurtenances built and constructed within the utility easement involving the new Krider restroom, Chalet Party Shop and the former Royal Motors. A motion was made by Jeremy Yahwak and seconded by Scott Miller to approve the dedication. This passed with a voice vote.

ANNOUNCEMENTS:

Elk. Cty Plat Committee meeting – Thur. July 8, 2021 at 8:30 am at Elk. Co. Admin. Bldg
Elk. Cty. Plan Comm. meeting on Thurs, July 8, 2021 at 9am at Elk. Co. Admin. Bldg.
Elkhart Co. Board of Zoning Appeals meeting on Thurs, July 15, 2021 at 8:30am – Admin. Bldg.
Town Council Meeting on Mon, July 19, 2021 at 6pm at Town Hall
Budget meeting immediately following regular council meeting
Park Board Meeting on Wed, July 21, 2021 at 3pm at Town Hall.
The July Redevelopment Commission meeting – meeting has been cancelled

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.

Parking Ordinance Comments – July 6, 2021

Clinton Lawrence – 805 Hidden Court

Mr. Lawrence asked for an explanation of the parking ordinance. The Council explained there will be no parking on the side of fire hydrants and limited parking on all the cul-de-sacs. Mr. Lawrence asked if the department personnel were included in the discussion. Kevin Miller stated Public Works was consulted and very involved in the decisions of where the no parking should be.

Ron Jones – 803 Hidden Ct.

Mr. Jones thanked Scott Miller for returning his calls concerning the parking ordinance. Scott then showed Mr. Jones the proposed drawings regarding the no parking on his cul-de-sac. Mr. Jones complained he was losing on the parking in front of his house and feels the Council needs to speak to the residents of Middlebury regarding the parking.