

January 16, 2023

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN at 6:00 pm, January 16, 2023. The meeting was called to order by Council President, Miranda Cripe.

Upon the roll call, the following members of the Council were present:

Karl Miller, Scott Miller, Miranda Cripe, Dan Shoup and Chuck Teall

Also present were Jackson Beck, Attorney, Mary Cripe, Town Manager and Peggy Hutchison, Clerk/Treasurer.

MINUTES:

Chuck Teall moved to approve the minutes from the January 3, 2023 meeting. Dan Shoup seconded, and the motion passed with a voice vote.

PUBLIC COMMENTS:

Miranda Cripe made an addition to the agenda. Item "K" was added to discuss the Community Crossings Matching Grant.

Gerald Kauffman – 210 E. Lawrence – asked about the recycling bins. The Council members told him the Town has contacted Elkhart County stating they can keep the bins in town if they still maintain them. The Town is not interested in maintaining the recycling bins. He was also told the County is looking into providing individual recycling containers. Mr. Kauffman also inquired about the drainage problem in front of his home. Mary Cripe informed him there is a lot more involved than just fixing the drain. (Road torn up, pipes replaced)

ACCOUNTS PAYABLE VOUCHERS:

The following Accounts Payable Vouchers were reviewed and approved on a motion by Chuck Teall and seconded by Scott Miller. The motion passed with a voice vote.

Accounts Payable Vouchers payroll – Jan. 12, 2023	\$139,330.90
Accounts Payable Vouchers – January 16, 2023	\$904,240.17

UNFINISHED BUSINESS:

The Council once again discussed Ordinance No. 679 – “An Ordinance to Amend Ordinance No. PC 3016-03 Known as the Elkhart County Zoning Ordinance by Rezoning the Area of Real Estate Hereinafter Described from R-1 to B-1”. This is for the property located on W. Lawrence across the street from Atlas IT. Atlas IT would like to install a parking lot. Petitioner Jeremiah

Hochstetler gave his consent on the Change from R-1 to B-1. Dan Shoup motioned to approve ordinance No. 679 and Scott Miller seconded. This passed with a voice vote.

NEW BUSINESS:

Robert Miller informed the Council of the Spring Clean-up Days. The Clean-up Days will be May 4 through May 6, 2023.

The Middlebury Then and Now committee is requesting to close West Warren Street from Railroad to the dead end on Saturday, October 14, 2023 from 12-4 pm for the annual Middlebury Pumpkin Races. Scott Miller motioned to approve the street closure and Dan Shoup seconded. This passed with a voice vote.

A new cleaning contract between the Town and Janae Nisley for the cleaning services for the Town Hall and Police Department was presented. This is a five-year contract. After some discussion, Chuck Teall motioned to approve the contract and Scott Miller seconded. This passed with a voice vote.

Dan Holderread is requesting the Council approve the 2023 Agreement with Donohue and Associates for the On-Call engineering services for the Wastewater plant. The contract is for up to \$10,000.00. Chuck Teall made a motion to approve and accept the Donohue agreement and Dan Shoup seconded. This passed with a voice vote.

Robert Miller is requesting the Council approve the contract with Beer & Slabaugh, Inc. for the 2023 leaf and brush removal. The total contract is \$29,750.00. Scott Miller motioned to approve the Beer & Slabaugh, Inc. contract and Karl Miller seconded. This passed with a voice vote.

Mary Cripe presented a proposed "Interlocal Agreement for Preliminary Design Engineering Services for East Warren Street Infrastructure Improvement Project" between the Elkhart County Redevelopment Commission and the Town of Middlebury and the Middlebury Redevelopment Commission. This is for the design portion of the East Warren Street Sanitary Sewer Extension, up to \$60,000.00. After some discussion, Chuck Teall motioned to approve the Agreement and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe also presented the first "Amendment to Interlocal Agreement for Intersection Improvements at County Road 22/County Road 37 Intersection, County Road 37/County Road 20 Intersection, and County Road 20/State Road 13 Intersection". This takes the contract to a new "Not to exceed" amount of \$372,500.00. After some discussion, Dan Shoup motioned to approve the Amendment and Scott Miller seconded. This passed with a voice vote.

An "Interlocal Agreement for Road Improvement of County Road 20 and County Road 37 and County Road 20/State Road 13 Intersection" was also presented. Elkhart County is willing to loan \$3,150,000.00 for these improvements. The County RDC will repay \$1,750,000.00 and Middlebury's RDC will repay \$1,400,000.00. Elkhart County is willing to loan the funds from their Major Moves Fund. Scott Miller motioned to approve the Agreement and Dan Shoup seconded. This passed with a voice vote.

Discussion was held regarding County Road 12 Easements and waivers for utility connections. Mary Cripe presented an estimate of costs for the easements. The landowners are requesting to have the connection fees waived as payment for the easements. Chuck Teall made a motion to approve the request for the waivers and Scott Miller seconded. This passed with a voice vote.

Discussion was also held for consideration for tax incentives for Coulter's Project on York Dr. Elkhart's EDC is requesting the Town consider the incentives. Chuck Teall stated he is not in favor of any abatements. Karl Miller agreed. The entire Council is not in favor of any incentives. Mary Cripe will let the EDC know of the Council's decision.

Mary Cripe requested permission to apply for the 2023 Community Crossings Matching Grant and to have Miranda sign a letter stating financial support. She and Robert Miller reviewed several streets in town and determined streets in Dawn Estates and Deer Run need repairs. These are concrete roads. Chuck Teall motioned to approve the CCMC application and to allow Miranda to sign the financial letter. Dan Shoup seconded, and this passed with a voice vote.

Department Reports:

Water Department – The chlorine leak was in the plant and not the water. Repairs were made.

Public Works Department – Nothing to add to the report. The department was thanked for their time on repairing the water leak on Heritage Dr.

Wastewater Department – The report on the grating should be ready by the end of the month.

Park Department – Nothing to add to the report.

Police Department – The new Durangos are scheduled to be built.

ANNOUNCEMENTS:

Park Board meeting – January 18, 2023 at 3 pm – Town Hall

Redevelopment Commission meeting – January 26, 2023 at 7:45 am – Town Hall

Elk. Cnty. Redev. Comm. Meeting – February 2, 2023 – 2 pm – Elk. Cty. Administration Bldg.

Tree Board Meeting – February 2, 2023 at 7 pm – Town Hall

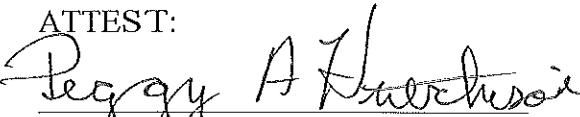
Next Council meeting - Monday, February 6, 2023 at 6 pm -Town Hall

The meeting was adjourned.



Miranda Cripe, Town Council President

ATTEST:



Peggy A. Hutchison, Clerk-Treasurer