

November 6, 2023

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN at 6:00 pm, November 6, 2023. The meeting was called to order by Council President, Miranda Cripe. All in attendance took part in the Pledge of Allegiance.

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

Karl Miller, Scott Miller, Miranda Cripe, Dan Shoup, Chuck Teall – via Zoom

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

**MINUTES:**

Scott Miller moved to approve the minutes from the October 16 and October 30, 2023 meetings. Dan Shoup seconded, and the motion passed with a roll call vote – all yes.

**PUBLIC COMMENTS:**

None

**ACCOUNTS PAYABLE VOUCHERS:**

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

Accounts Payable Voucher – Payroll 10/16/2023	\$138,289.85
Accounts Payable Voucher – Payroll 11/2/2023	\$143,895.80
Accounts Payable Voucher – October Month end	\$251,650.19
Accounts Payable Voucher – November 6, 2023	\$499,842.71

**UNFINISHED BUSINESS:**

Mary Cripe presented an engagement letter from Baker Tilley for their assistance with the Waterworks Revenue Bond through SRF. The total cost is \$93,000.00. Dan Shoup motioned to approve the engagement letter and Scott Miller seconded. This passed with a roll call vote – all yes.

The discussion concerning the water infrastructure and utility rates was tabled until the next meeting to allow Baker Tilley more time to prepare.

**NEW BUSINESS:**

Emily Wehmeyer from Donohue presented a slide presentation to explain the Preliminary Engineering Report for the Wastewater Treatment Plant upgrades.

Mary Cripe presented Supplemental Agreement #1 with GAI Consultants for the Bristol Avenue Reconstruction Project. This will decrease their amount by \$13,520.00. This is due to the removal of the design of the Powell Lift Station, addition of the Sanitary Sewer Design along Hensbred and Bristol Ave., completion of Section 106 documentation, and complete Level 1 Categorical Exclusion of advance Right of Way acquisition. Dan Shoup motioned to approve the Supplemental Agreement #1 and Scott Miller seconded. This passed with a roll call vote – all yes.

Change Order #7 from C & E Excavating for the County Road 37, County Road 20, and State Road 13 Infrastructure Project in the amount of \$17,374.50. This is for gravel for shoulder restoration. Dan Shoup motioned to approve Change Order #7 and Scott Miller seconded. This passed with a roll call vote – all yes.

The Park Department is requesting permission to advertise for bids for the River Mill Trail project. The bids will be due by Monday, December 4, 2023. Dan Shoup motioned to approve the advertising and Scott Miller seconded. This passed with a roll call vote – all yes. This will need approval by the DNR before the bids may be advertised.

Mary Cripe is requesting permission to advertise for bids for the East Warren Street Sanitary Sewer Extension project. This extension and roadway reconstruction from Riverbend Park to the town limits. The town will receive \$610,210.97 from the Community Crossings Matching Grant Fund and \$404,720.33 from the Elkhart County Redevelopment Commission. The bids will be due back on December 4, 2023. Karl Miller motioned to approve the advertising and Scott Miller seconded. This passed with a roll call vote – all yes.

Jackson Beck explained the documents for 4 Seasons Landscape Lawn Care and Snow Removal, LLC and Fahlbeck Properties, Inc. Both companies are requesting water service. Jackson presented the agreements for “In Lieu of Annexation”. After some discussion, Scott Miller motioned to approve the request from 4 Seasons Landscape Lawn Care and Snow Removal, LLC and Fahlbeck Properties, Inc. Dan Shoup seconded, and this passed with a roll call vote – all yes.

Mary Cripe and Robert Miller shared a video of the tree roots in the sanitary lines in Dawn Estates Subdivision. This was for informational purposes.

Miranda Cripe presented Marshal Baker with a check for \$1,000 for the Middlebury Kid’s Christmas.

Mary Cripe is requesting approval of Amendment No. 1 with Donohue and Associates for the Powell Lift Station. This will increase the original contract by \$51,370.00 for a new total of \$141,770.00. Dan Shoup motioned to approve the Amendment and Karl Miller seconded. This passed with a roll call vote – all yes.

Mary Cripe is requesting approval for Amendment No. 1 with JPR for the proposed Water System Improvements. This will increase the contract by \$346,100.00 for a new total of \$662,500.00. Dan Shoup motioned to approve Amendment No. 1 and Scott Miller seconded. This passed with a roll call vote – all yes. The funds will be borrowed from the Riverboat Fund and paid back when the new SRF loan is closed.

Mary Cripe is requesting approval of a payment plan for the sewer connection fee for the resident at 1104 Claire Lane in the amount of \$300.00 per month. After some discussion, Dan Shoup motioned to approve the plan and Karl Miller seconded. This passed with a roll call vote – all yes.

A request has been made to close Bristol Ave. between Brown Street and Main Street on Saturday, December 2 from 5:00 to 7:00 pm for the Christmas tree lighting. This will allow for “train rides” on Bristol Ave. Scott Miller motioned to approve the closure and Dan Shoup seconded. This passed with a roll call vote – all yes.

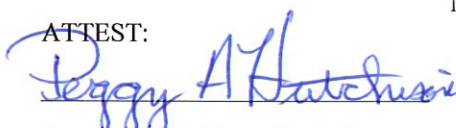
**ANNOUNCEMENTS:**

- a. Election Day on November 7
- b. Elk. Co. Plat Committee Meeting on November 9 at 9:00am at Elk. Co. Adm. Bldg.
- c. Elk. Co. Plan Commission Meeting on November 9 at 9:30am at Elk. Co. Adm. Bldg.
- d. Cemetery Cleanup – November 13-17
- e. Elk. Co. Board of Zoning Hearing Officer on November 15 at 8:30am at Elk. Co. Adm. Bldg.
- f. Park Board Meeting on November 15 at 3pm at Town Hall
- g. Elk. Co. Board of Zoning Appeals Meeting on November 16 at 8:30am at Elk. Co. Adm. Bldg.
- h. Redevelopment Commission Meeting on November 16 at 7:45am at Town Hall
- i. Town Council Meeting on November 20 at 6pm at Town Hall
- j. Town Offices Closed on November 23 & 24 for Thanksgiving Holiday

The meeting was adjourned.

  
Miranda Cripe President, Town Council

ATTEST:



Peggy A. Hutchison, Clerk-Treasurer