

January 15, 2024

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN at 6:03pm, January 15, 2024. The meeting was called to order by Council presiding officer, Miranda Cripe. Everyone in attendance took part in the Pledge of Allegiance.

Upon the roll call, the following members of the Council were present: Mike Holloway, Miranda Cripe, Jeremy Yahwak, and Chuck Teall. Karl Miller was absent.

Attorney Jackson Beck and Town Manager Mary Cripe were also present. Clerk-Treasurer ChaLi' Kuiper was absent, because of traveling to Indianapolis to attend training.

MINUTES:

Jackson Beck recommended that the meeting minutes be revised to reflect the Redevelopment Commission appointments as follows: Chuck Teall and Scott Miller appointed by Town Council President Miranda Cripe, and Gary Cripe, John Mansfield and Don Shuler appointed by the Town Council. Chuck Teall moved to approve the minutes from the January 2, 2024 meeting. Jeremy Yahwak seconded. This passed with a voice vote.

PUBLIC COMMENTS:

Gail Monroe – 804 Staci Lane – asked if there was a revised agreement, because it was not on the agenda. Miranda Cripe explained that it will be added to the agenda under Old Business.

ACCOUNTS PAYABLE VOUCHERS:

The following Accounts Payable Vouchers were reviewed and approved on a motion by Jeremy Yahwak and seconded by Mike Holloway. The motion passed with a voice vote.

Accounts Payable Vouchers for Payroll #1 and #2 for 01/11/2024	\$152,550.99
Accounts Payable Vouchers – January 15, 2024	\$367,935.39

UNFINISHED BUSINESS:

Mike Holloway requested to revisit the discussion on asking Elkhart County Redevelopment Commission to fund up to \$200,000 of the River Mill Trail project costs from the Middlebury East TIF District. Mike Holloway stated that his concerns were about not using funds to pay now, instead of waiting until later when it will cost more. Chuck Teall stated his concern of not having enough available funds to put towards the upcoming wastewater treatment plant improvements, and he would consider an ask of \$99,000 from the County Redevelopment Commission. Chuck Teall asked if we could revisit asking for additional funds when we run into issues. Mary Cripe stated that we can always revisit it, but it takes time, up to three (3) months to get the paperwork and funding in place and things need to move quicker when it is under construction. Mike Holloway stated that he did not want the Council to be short-sited, because there are larger long-term benefits for both the trail users and the maintenance crews if the water main needed to be repaired. Mike Holloway motioned to ask Elkhart County Redevelopment Commission for additional funds up to \$200,000 to pay for construction of the River Mill Trail. Jeremy Yahwak seconded. This passed with a vote of 3-1 with Chuck Teall not in favor.

Jackson Beck presented the In Lieu of Annexation for LEJN. There were some revisions made to allow the business to continue to follow the Elkhart County sign ordinances as well as modifications to reflect the allowance for one (1) Equivalent Dwelling Unit (EDU) to put towards the water and sewer connection in return for the easement along County Road 12. Mike Holloway made a motion to accept the In Lieu of Annexation Agreement for LEJN, and Chuck Teall seconded. This passed with a voice vote.

Miranda Cripe added the revised agreement with the Monroe's to the agenda. Miranda Cripe explained that the agreement was limited to include just the limits of the lawn restoration. Copies of the draft agreement were distributed to the Town Council members. After review and discussion, Mike Holloway made a motion to approve the revised settlement agreement and offer it to Monroe's for consideration. Chuck Teall seconded the motion. This passed with a voice vote. Gail Monroe also asked about the broken hand valve on their water service, but Gail did not recall the details of who broke it.

NEW BUSINESS:

Public Works Department is requesting to schedule Spring Clean Up Days for May 2-4, 2024. Chuck Teall motioned to schedule Spring Clean Up for May 2-4, 2024, and Mike Holloway seconded. This passed with a voice vote.

Mary Cripe explained the Water Department's request for pre-selection of materials/services for the Water Treatment Plant upgrades. There are two processes that can be used for pre-selection – solicit vendors for quotes or sole sourcing for quotes. The Water Department's preferred option is sole sourcing, since there are certain vendors/providers that match the existing equipment used in the town. If sole sourcing is acceptable to the Town Council, then a Resolution would be presented at the February 5, 2024 meeting. The Council agreed to the sole sourcing of materials/services.

Abonmarche Consultants submitted an engineering services agreement for construction inspection services in the lump sum amount of \$19,000. Jackson Beck submitted a supplemental to attached to the agreement. Jeremy Yahwak motioned to approve the agreement for construction inspection services by Abonmarche in the lump sum amount of \$19,000 along with the supplemental agreement, and Mike Holloway seconded. This passed with a voice vote.

The Middlebury Then & Now is requesting permission to close West Warren Street from Railroad Street to the dead end, and Grand Street from West Warren Street to Berry Street on October 12, 2024, from noon to 4:00pm for the Pumpkin Races. Chuck Teall motioned to approve the street closures on October 12, 2024, for the Pumpkin Races, and Jeremy Yahwak seconded. This passed with a voice vote.

Donohue & Associates have prepared a report for the Lift Station Study, which looks at the possibility of eliminating up to three (3) of the existing lift stations. Emily Wehmeyer with Donohue & Associates will attend the February 19, 2024, meeting to go over the report.

Mary Cripe explained that Emily Wehmeyer with Donohue & Associates presented the Preliminary Engineering Report (PER) for the Wastewater Treatment Plant Expansion to the Elkhart County Redevelopment Commission and to the Elkhart County Regional Sewer District. When the PER was presented at a Town Council meeting, there were no costs included in the report. Emily Wehmeyer will attend the February 19, 2024 meeting to go over the PER.

Mary Cripe is asking for permission to solicit proposals from developers for the land located at 109 Grand Street. The draft solicitation was presented a couple of months ago to the Town Council and the Redevelopment Commission. Town Council gave their support to solicit proposals.

A Council Member Disclosure or Relative's Proposed Contract with the Town of Middlebury was presented for Miranda J. Cripe for Miller's Garage of Middlebury, Inc. Jeremy Yahwak motioned to approve the disclosure and Chuck Teall seconded. This passed with a voice vote with Miranda Cripe abstaining.

DEPARTMENT REPORTS:

Water Department – Not in attendance, because dealing with the cold temperature issues.

Public Works Department – Not in attendance, because of the long hours over the weekend plowing snow.

Wastewater Department – Not in attendance, because dealing with the cold temperature issues.

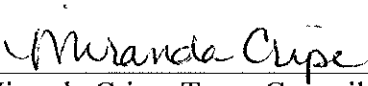
Park Department – Tom Enright added that the Town's Capital Plan included the purchase of a Bobcat and Truck in 2024. The Park Department plans to get quotes for these two pieces of equipment.

Police Department – Robert Baker added that the two squad cars brought over \$16,000 at the Brightstar Auction in December 2023. Also, two of the three Durango's have been delivered to Cops gear in Columbia City.

ANNOUNCEMENTS:

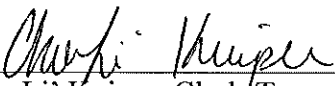
- a. Elk. Co. Board of Zoning Hearing Officer on January 17, 2024 at 8:30am at Elk. Co. Adm. Bldg.
- b. Middlebury Park Board Meeting on January 17, 2024 at 3:00pm at Town Hall
- c. Elk. Co. Board of Zoning Appeals Meeting on January 18, 2024 at 8:30am at Elk. Co. Adm. Bldg.
- d. Middlebury Redevelopment Commission Meeting on January 25, 2024 at 7:45am at Town Hall
- e. Elk. Co. Redevelopment Commission on February 1, 2024 at 2:00pm at Elk. Co. Adm. Bldg.
- f. Town Council Meeting on February 5, 2024 at 6:00pm at Town Hall

The meeting was adjourned.



Miranda Cripe, Town Council President

ATTEST:



ChaLi' Kuiper, Clerk-Treasurer