

April 6, 2020

The Town Council of the Town of Middlebury met in regular session via Zoom 6:00 pm, April 6, 2020 and at the Town Hall.

The meeting was called to order by Council President, Miranda Cripe.

Mary Cripe presented guidelines for conducting the meeting using Zoom.

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

Jeremy Yahwak, Scott Miller, Miranda Cripe, Dan Shoup - Gary O'Dell was absent

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

MINUTES:

Jeremy Yahwak moved to approve the minutes from the March 16, 2020 meeting. Dan Shoup seconded, and the motion passed with a voice vote.

ACCOUNTS PAYABLE VOUCHERS:

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

Accounts Payable Vouchers Payroll, March 26, 2020	\$115,251.34
Accounts Payable Vouchers March month end	\$178,179.40
Accounts Payable Voucher April 6, 2020	\$332,402.47

Miranda Cripe is requesting a work session to discuss putting some items on hold due to the uncertainty of tax funds available. Mary Cripe will schedule this.

UNFINISHED BUSINESS:

No bids were received for the purchase of the vacant garage located at 204 South Main St.

Randall Jacobs and Dan Shoup then opened the bids for the demolition of the vacant garage. They are as follows:

Dana Bontrager Excavating -	\$3,525.00
Bryan Stout/A & B Lawn Landscaping	\$8,750.36
C & E Excavating	\$9,154.00

Dan Shoup motioned to accept and review the bids and Jeremy Yahwak seconded. This passed with a voice vote.

Randall Jacobs presented proposed Resolution No. 2020-05 – “A Resolution of the Town Council of the Town of Middlebury Relating to Operations During COVID-19 Public Health Emergency.” This allows the Town to follow the mandates from Governor Holcomb. Dan Shoup motioned to approve the Resolution and Scott Miller seconded. The Resolution will expire when the Executive Order is lifted. This passed with a voice vote.

The Council discussed rescheduling the Spring Cleanup Days. Since the Public Works employees handle several items, the Council decided to postpone the Spring Cleanup Days at this time.

NEW BUSINESS:

The Council discussed the Addendum to the lease with the United States Postal Service. The addendum allows for the garage to be removed. Scott Miller motioned to approve the Addendum. Jeremy Yahwak seconded, and this passed with a voice vote.

Mary Cripe is requesting permission to purchase land for a new Dawn Estates Lift Station. The land is a parcel located at 211 Dipper Drive. Appraisals are being prepared by Kevin Plank and Gary Cripe. The seller will be presented with a written offer the average of the two (2) appraisals. The seller is requesting the Town install a seawall. Jeremy Yahwak motioned to approve the land purchase and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe also requested permission to advertise for bids for the Dawn Estates Lift Station. The bids will be due by Monday, May 4, 2020. The completion date of the lift station is January of 2021. Jeremy Yahwak motioned to grant permission to advertise for bids and Scott Miller seconded. This passed with a voice vote.

Mary Cripe then presented an agreement with Donohue Engineering Services for bidding, construction records and programming for the construction of the Dawn Estates Lift Station. The total cost for these services will not exceed \$26,200.00. Dan Shoup made a motion to approve the agreement with Donohue and Scott Miller seconded. This passed with a voice vote.

The Public Works Department and the Town Manager are requesting permission to advertise for bids for the 2020 Asphalt Paving Project Phase I. The bids will be due by Monday, May 4, 2020. If the Town does not receive Community Crossings Grand Funds, the project will not proceed at this time. Dan Jeremy Yahwak motioned to grant permission to advertise and Dan Shoup seconded. This passed with a voice vote.

The Public Works Department and the Town Manager are also seeking permission to advertise for bids for the Reconstruction of Brown Street and Bristol Avenue. The bids will be due by Monday, May 4, 2020. If the Town does not receive Community Crossings Grand Funds, the project will not proceed at this time. Scott Miller motioned to grant permission to advertise and Jeremy Yahwak seconded. This passed with a voice vote.

Mary Cripe is requesting permission to advertise to sell property and building at 409 North Main Street. Jeremy Yahwak motioned to grant permission to sell the property and Dan Shoup seconded. This passed with a voice vote. The Town has ordered two (2) appraisals and should be receiving them soon. The removal of the buildings will be at the buyer's expense.

After reviewing the bids for the demolition of the garage, the Council approved Dana Bontrager Excavating for the demolition. Jeremy Yahwak motioned to approve the bid, pending legal review, and Dan Shoup seconded. This passed with a voice vote.

PUBLIC COMMENTS:

Scott and Sheri Crist, of 203 W. Spring St., expressed safety concerns regarding the parking lot at the end of W. Spring St. They also did not like how the residents were not told about the parking lot until the land was being cleared.

Jim and Deb Freeze, of 211 W. Spring St., also expressed concerns about the increase in traffic and safety. They are concerned that the parking lot will not be visible and concerns about illegal activity. Jim Freeze also complained about the lack of transparency. He asked if the construction of the parking lot could be delayed until after the zoning meeting.

Kim Noble, of 212 W. Spring St., also expressed her concern about safety since it will be so close to her house.

The Freezes and Crists asked why the Town couldn't put a parking lot at the property at 409 N. Main St. by the bike shop. Dan Shoup said there would be safety concerns with people trying to cross State Road 13 with no signals. Miranda Cripe did apologize for the Town not letting residents know what was going on. She requested this be put on the next meeting's agenda.

There will be a zoning change request meeting at the Elkhart County Board of Zoning Appeals at the Elkhart County Public Services Building located at 4230 Elkhart Road, Goshen on May 14th.

ANNOUNCEMENTS:

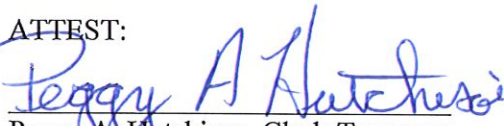
Elk. County Plan Comm. Meeting on, Thursday, April 9, 2020 at 9 am – Elk. Cty. Public Serv. Bldg.
Park Board meeting on Wednesday, April 15, 2020 at 6 pm – Town Hall via Zoom
Elk. County Board of Zoning Appeals on Thursday, April 16, 2020 at 9 am – Elk. Co. Public Serv. Bldg.
Next Council meeting - Monday, April 20, 2020 at 6:00 pm -Town Hall and via Zoom

Meeting was adjourned.



Miranda Cripe Presiding Officer

ATTEST:



Peggy A. Hutchison, Clerk-Treasurer