

April 20, 2020

Before the meeting, a moment of silence was held for Gary O'Dell who passed away on April 19, 2020.

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, April 20, 2020. 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

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

**MINUTES:**

Jeremy Yahwak moved to approve the minutes from the April 6, 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 Jeremy Yahwak. The motion passed with a voice vote.

Accounts Payable Vouchers payroll – April 9, 2020	\$101,459.25
Accounts Payable Vouchers – April 20, 2020	\$250,890.90

**UNFINISHED BUSINESS:**

The Council once again discussed the Trailhead parking lot at the end of West Spring St. Deb and Jim Freeze of 211 W. Spring St. were in attendance and expressed how they still do not want the parking at the end of W. Spring St. but appreciate the move and access to the trail. They also expressed disappointment with Merlin Miller for dictating something that affects so many residents on W. Spring St.

Scott and Sheree Crist of 203 W Spring St. also expressed concern about the traffic and disruption of a residential street. They too would prefer the trailhead not be put in at the end of the street.

Kim Noble of 212 W Spring St. would like to see additional shrubs put by her property line. She too appreciates the move but does not want the parking at all. Mary Cripe reported no work will be done on the trailhead parking until after the zoning change meeting. The zoning board will issue a recommendation to the Town Council, but ultimately the decision is up to the Town Council.

## **NEW BUSINESS:**

Jeff Rowe from Baker Tilly presented the Financial Management report for the Water and Sewer Utilities. Both utilities finished 2019 with an increase in cash. However, rates may need to be increased to fund the capital plans.

Steve Henschen from JPR presented an application form for “Drinking Water State Revolving Fund SRF Loan Program” and the “Wastewater State Revolving Fund SRF Loan Program”. They are requesting approval of the Preliminary Engineering Reports (PER) and the SRF Applications. Pending legal review, Jeremy Yahwak motioned to approve the PER and the SRF application and Dan Shoup seconded. This passed with a voice vote. The Town will score more points if the SRF application is received before May 1, 2020. Should the Town decide not to continue with the projects, the Town would not have to borrow the funds even if we were approved.

Jeremy Yahwak read a declaration proclaiming April 20, 2020 as Arbor Day.

A representative from the American Legion also expressed sympathy for Gary O’Dell. He was asking the Memorial Day activities to be put on the May 4, 2020 agenda.

Ron Chupp presented for approval, a maintenance contract with North American Pump Company for Well #5. The cost will be \$24,500.00. Dan Shoup motioned to approve the contract and Jeremy Yahwak seconded. This passed with a voice vote. Well #8 will be on the schedule for 2021.

Miranda Cripe presented proposed Ordinance No. 631 – “An Ordinance of the Town of Middlebury, Indiana Establishing Comprehensive Parking Regulations for the Public Streets and Roads in the town of Middlebury, Indiana”. This is an initial introduction of the ordinance. Jeremy Yahwak stated he would like to take another look at the streets before moving forward. He thanked Kevin Miller for his time put into this.

Mary Cripe is requesting approval of Interlocal Agreement with INDOT for 2020 Community Crossings Matching Grant (CCMG) funding. The agreement is like the previous agreements the Town has had with INDOT. The current contract is for \$1,000,000.00. Jeremy Yahwak motioned to approve the agreement and Scott Miller seconded. This passed with a voice vote. The Council thanked Mary for all her work getting the funding.

### **Department Reports:**

Water Department – Nothing to add to report. Ron is not sure when the new truck will arrive since GM is not working.

Public Works Department – Nothing to add to report. Tim thanked the Council for the new bucket truck and the sewer camera.

Wastewater Department – Nothing to add to report but echoed the thanks for the sewer camera.

Park Department – Summer Fun is cancelled for this summer.

Police Department – Nothing to add to report.

**PUBLIC COMMENTS:**

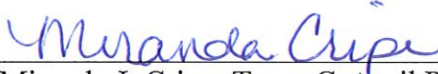
Cary and Kristie Coulter were expressing concerns of the driveway approach at 405 S. Main St. Ever since the fall of 2015, the driveway has flooded. Mr. Coulter is wondering if the Town can help with the situation or is it an INDOT question. Mr. Coulter feels if the approach were fixed, it would solve the problem. Jeremy Yahwak told Mr. Coulter he would come out and look at the situation in the next day or two.

**ANNOUNCEMENTS:**

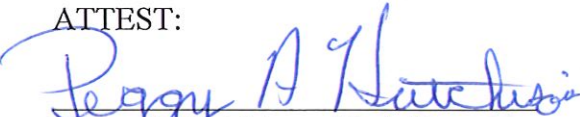
Redevelopment Commission Meeting – April 23, 2020 at 7:30 am – Town Hall  
Next Council meeting - Monday, May 4, 2020 at 6:00 pm -Town Hall  
Tree Board Meeting – Thursday, May 7, 2020 at 7 pm – Town Hall  
Elkhart County Redev. Comm. On Thursday May 7, 2020 – 2 pm – Elk. Co. Public Serv. Bldg.

Work Session immediately following to discuss the Five-Year Capital Plan to prioritize projects.

Meeting was adjourned.

  
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Miranda J. Cripe, Town Council President

ATTEST:

  
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Peggy A. Hutchison, Clerk-Treasurer



*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Jeremy Yahwak, Parks Commissioner of the City of Middlebury, Indiana, do hereby proclaim April 24, 2020 as

# Arbor Day

In the City of Middlebury, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* 20th day of April  
Parks Commissioner