

June 1, 2020

The Town Council of the Town of Middlebury met in regular session at the Town Hall and via Zoom at 6:00 pm, June 1, 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 and Chuck Teall

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 May 18, 2020 meeting. Scott Miller seconded, and the motion passed with a voice vote.

**PUBLIC COMMENTS:**

Deb Freeze asked about the trail head parking lot at the end of West Spring St. She will comment during the public hearing.

Josh Owen asked about chickens and a rooster at his neighbor's house and the size of shed he can place on his property. Mae Kratzer, Elkhart County Planning & Development, was in attendance and answered his question.

Judy Wall also asked about chickens. Mae Kratzer informed both Mr. Owen and Mrs. Wall that chickens need three (3) acres or a special use application needs to be filed. Also, no roosters are allowed.

Cary and Christie Coulter asked what was being done for his mother's driveway on Main St.

**ACCOUNTS PAYABLE VOUCHERS:**

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

Accounts Payable Vouchers Payroll, May 21, 2020	\$103,721.24
Accounts Payable Vouchers May month end	\$166,109.79

**UNFINISHED BUSINESS:**

A public hearing was held regarding the sale of 409 N Main St. Upon hearing no comments, Jeremy Yahwak motioned to close the public hearing and Dan Shoup seconded. This passed with a voice vote.

Miranda Cripe opened the bids for the sale of 409 N Main St. They are as follows:

Lloyd Yoder	\$3,650.00
Spencer Short	\$8,000.00

Dan Shoup motioned to take the bids under advisement and Jeremy Yahwak seconded. This passed with a voice vote.

Mae Kratzer from the Elkhart County Planning & Development submitted a recommendation of denial for the rezoning of the property at the end of West Spring St. A public hearing was held after her explanation. Deb Freeze spoke for the residents of West Spring St. Deb expressed appreciation for the changes made but emphasized how the residents were all in agreement of not wanting the parking lot. Scott and Sheri Crist also spoke regarding the parking lot. They asked about other locations instead of the end of West Spring Street. After further discussion, Chuck Teall motioned to close the Public Hearing and Dan Shoup seconded. This passed with a voice vote.

Mae Kratzer then presented proposed Ordinance No. 632 – “An Ordinance to Amend Ordinance No. PC 2016-03 Known as the Elkhart County Zoning Ordinance by Rezoning the Area of Real Estate Hereinafter Described from R-1 to M-1”. Jeremy Yahwak motioned to approve Ordinance No. 632 and Scott Miller seconded. This passed with a voice vote. After the vote, Miranda Cripe stated the parking lot would be discussed further at a later date. Dan Shoup also stated he does not want any signage indicating there is a parking lot at the end of West Spring St.

Mary Cripe presented an agreement amendment for the Dawn Estates Lift Station Project. A replat of Dawn Estates 45 needs to go before the Elkhart County Planning Department. Donohue & Assoc. has provided an agreement amendment for these services and permit fees for the replat. Their price is not to exceed \$4,950.00. Chuck Teall motioned to approve the agreement amendment with Donohue and Scott Miller seconded. This passed with a voice vote.

Mary Cripe is also seeking permission to award the contract for the Dawn Estates Lift Station to Selge Construction. Dan Shoup motioned to award the contract to Selge and Scott Miller seconded. This passed with a voice vote.

Mary Cripe is seeking permission to award the contract for the 2020 paving, Brown/Bristol reconstruction & alternate projects to Walsh & Kelly. Jeremy Yahwak motioned to approve the contract to Walsh & Kelly for the base rate plus the following six (6) alternates: Trailhead at West Spring Street, Parks Dept. Driveway A and B, reconstruction of Police and Town Hall driveway and parking lots and to repair the drive at 405 S. Main Street. Scott Miller seconded. This passed with a voice vote with Chuck Teall opposing.

The Fiber project was removed from the agenda at this time.

Mary Cripe announced a public Comment period for the 10-year Comprehensive Plan from June 1 – 30. MACOG will give a presentation at the June 15, 2020 Council meeting.

#### **NEW BUSINESS:**

Craig Buche presented a one (1) year lease agreement for the land and buildings at 109 Grand Street. After some discussion, Chuck Teall motioned to approve the lease agreement and Scott Miller seconded. This passed with a voice vote.

Kevin Miller is requesting permission to sell a 2012 Chevy Impala Police car. Bids will be due by the July 6, 2020 meeting. Dan Shoup made a motion to approve selling the 2012 Impala and Chuck Teall seconded. This passed with a voice vote.

Craig Buche presented a Disclosure of Relatives Proposed Contract for Mary Cripe. Her husband, Steve Cripe, has started working for JPR. Chuck Teall motioned to approve the disclosure and Dan Shoup seconded. This passed with a voice vote.

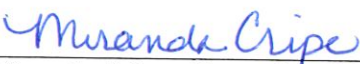
Mary Cripe is requesting approval with JPR for Construction Inspection Services for the Brown Street & Bristol Avenue Reconstruction project. The services will not exceed \$29,000.00. Jeremy Yahwak motioned to approve JPR's services and Dan Shoup seconded. This passed with a voice vote.

Craig Buche presented and explained the "Certification Regarding Tax Increment Replacement Amount". The Town of Middlebury Redevelopment Commission is certifying it will not seek a tax increment replacement levy in 2021. Dan Shoup made a motion to accept the Certification and Jeremy Yahwak seconded. This passed with a voice vote.

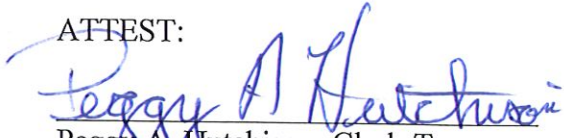
#### **ANNOUNCEMENTS:**

Work session to discuss financial plan for 5-year Capital Plan Financial immediately following Elk. County Redev. Comm. meeting – June 4, 2020 at 2 pm – Elk. Cty. Public Serv. Bldg.  
Tree Board meeting – June 4, 2020 at 7 pm – Town Hall  
Elk. Cty Plan Comm. meeting on, Thurs. June 11, 2020 at 9 am – Elk. Cty. Public Serv. Bldg.  
Next Council meeting - Monday, June 15, 2020 at 6:00 pm -Town Hall  
Park Board meeting on Wednesday, June 17, 2020 at 6 pm – Town Hall  
Virtual Public Open House for the 2030 Comprehensive Plan on June 23, 2020 from 4:30 – 6 pm  
Redevelopment Commission – June 25, 2020 at 7:30 am – Town Hall (This meeting will include reporting on the TIF Districts by Baker Tilly).

Meeting was adjourned after the work session.

  
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Miranda Cripe, Council President

ATTEST:

  
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Peggy A. Hutchison, Clerk-Treasurer

This meeting commenced pursuant to public notice under the Indiana open door law and Governor Holcomb's Executive Orders. This meeting was made available for the public and press to attend in person or engage in remote real-time electronic observation.