

JULY 17, 2019

Jeff B. opened the meeting.

Delbert led the Pledge of Allegiance.

Council in attendance were Whitney P., Floyd L., Delbert S., and Jeff B. Cathy was absent.

There were no changes to the agenda.

Floyd motioned to approve the bills. Del seconded, Carried.

Floyd moved to approve the minutes of June. Whitney seconded his motion. Carried.

Public comment time-- Sandra Ford, the director of the day care center at 207 W Vistula, was present to seek help with the cost of removing a very large tree that fell from her front lawn, across the alley east of her facility. She stated that she had sent a certified letter to the council members, stating the tree was in bad condition, and she was not financially capable to have the tree removed. She never got a response from anyone. Now the tree has fallen, and in doing so has damaged a house to the east of the alley. Jeff turned the response of the issue over to town attorney. The attorney stated that "the tree was not on town property and therefore not town responsibility to remove." Mrs. Ford was not happy with the response, but thanked the council for their time.

Cathy Antonelli was present and introduced herself as a candidate for the position of clerk treasurer for the 2019 election.

Stephanie Floyd of Progressive Engineering spoke of a proposed rezoning for property located on SR 15N from R-1 to M-1 for Mr. Daniel Wingard. The issue has not been taken to the county yet, and she was advised to please follow the process established by the county plan department. The town will not comment on the situation until it is brought to the town from the county.

Town manager items- Mitch had several pay applications for the projects being completed in the town. 1. Pay applications 4 & 5 for the municipal complex #4- \$119,837.35 and #5- \$38,848.76. Jeff moved to approve the change for app #4, Floyd seconded. Carried. #5 Jeff moved to approve the change. Delbert seconded. Carried by unanimous vote. The clerk will forward to First State Band for payment.

Application #3 for the Business Route phase #2 was submitted for \$475,575.32 from Niblock Excavating. Whitney motioned to approve the request. Floyd seconded her motion. Carried unanimously. Next was change order #3 for phase 2, changes for Bloomingdale and Ponderosa for \$90,117.25. Delbert motioned to approve the change order. Floyd seconded his motion. Whitney voted no to the change order. Delbert, Floyd, and Jeff voted yes. Motion carried 3-1 vote. Change Order #4 for the Bristol Business Route, Phase II, Divisions III-VII, Maple St/Vistula St. (SR 120) intersection change of contract increase of \$16,902.50. Floyd motioned to approve the change order. Delbert seconded his motion. Carried by unanimous vote. The Elkhart County Economic Development Commission requested their annual fee for 2019 in the amount of \$3298. Whitney motioned to approve the request. Floyd seconded the motion. Carried by unanimous vote. A proposal for engineering services from JPR, for Elkhart St improvements - from Pearl to Chaptoula St was read with a proposed lump fee of \$21,000. Whitney suggested the language should state the "Scope of Service is" blank dollars with the verbiage "not to

exceed "prior to dollar amount. Jeff moved to accept Whitney's recommendation and include the terms "not to exceed" after \$21000.00, and to approve the proposal from JPR. Floyd seconded his motion. Carried by unanimous vote. This verbiage will be on all future documents involving dollar proposals.

Mitch presented a proposal for engineering service for the 2020 Community Crossing Matching Grant Project in the amount for \$15,415. Jeff moved to accept the proposal with adding the term "not to exceed" after the total dollars. Delbert seconded the motion. Carried by unanimous vote.

The clerk presented Ord 7-18-19 an ordinance to accept an additional appropriation request of \$61,000 within the LIT Fund. Personnel Services \$1000 police expenses, and \$55,250 for contractual services, fire dept expenses. Delbert motioned to approve the ordinance as presented. Whitney seconded his motion. Carried unanimously. The clerk asked to advertise for another additional approp. for August for \$12000. This request will cover the expenses incurred from having a second mosquito spraying charge, and an additional \$8220. for any other contractual services needed in the remainder of the year. She asked for suggestions as to where to obtain the funds. Jeff suggested that Rainy Day funds be used. There were no objections to his request. Jeff moved to appropriate \$12000 from Rainy Day for contractual services. Floyd seconded the motion. All vote yes. The Ord will be presented at the Aug meeting. Mary presented an invoice, which she received from Dean Rentfrow, for sidewalk construction at his residence. The work was completed when the Maple St road work was being done. The total invoice was \$523.40. The clerk was asked to turn the invoice over to Town Manager and he will do a follow up with Niblock/ Dean Rentfrow.

The clerk presented 3 utility bills for write-off. Acc. # 209000- \$57.09, Acc # 209010- \$128.55 and Acc # 862010- \$665.22 -Total amount for write off \$850.86. Floyd moved to allow the write off's. Delbert seconded his motion. Carried.

Marshal Albin gave a police report. See report. Dennis Swartz presented a fire dept report. See reports

Linda Powell gave a Park report. The ordinance for park rentals will be amended to classify Cummins and Congdon Parks as "open shelter" parks and Cummins shelter near the splash pad will now be rented for \$50 per event. Also amended will be verbiage dealing with a cancellation fee for Hermance Pavilion within 30 days of rental day. The park will retain \$50 as a cancellation fee and will refund the remainder of the rental fee and cleaning deposit. Glenn will prepare the ordinance for the August meeting.

Town attorney-

Glenn informed all that the Elkhart County Plan Commission approved the Declaratory Resolution and the Economic Development Plan for the GGT Economic Development Area. The clerk was provided with the requirements of public notification of such.

Jeff motioned to approve Resolution # 7-18-2019, a Resolution approving a written order and a determination concerning the GGT Economic Development area. Delbert seconded his motion. Carried by unanimous vote.

----

Ordinance # 8-15-19, An Ordinance to amend Title V. Water Works Public Works Chapter 51.01 and 51.02 was presented for second reading. The ordinance deals with the increase in water rates. There were no objections to the ordinance. Delbert moved to approve the ordinance for second reading. Floyd seconded his motion. Carried unanimously. The ordinance will be brought to the August meeting for third reading and final approval.

Glenn stated he had reviewed the weed ordinance #12-15-05 (A) within our nuisance ordinances and recommended the height of weeds be changed to 8 inches from 12. Also changing would be the fine for not complying with the height requirement. The ordinance will be revisited in August.

Mitch gave a brief report on the municipal complex. The basement walls are complete. The floor should be poured this week, and we should see a structure soon. Completion date is estimated for the end of March 2020.

Floyd moved to adjourn. Whitney seconded the motion. Carried.

---

---