



OCTOBER 5 2023 TOWN COUNCIL MEETING

Thursday, October 05, 2023 at 7:00 PM

Council Chambers – Bristol Municipal Complex and Via Zoom

AGENDA

This meeting can be accessed via Zoom. Virtual attendance for the public is encouraged however, the Bristol Municipal Complex is open for in-person participation.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/2011667863?pwd=ZkJK2ZMcTZGNHBCaW9adUgvdUtYZz09>

Dial in to 312-626-6799 / Meeting ID: 201 166 7863 / Passcode: 1czEDo

Call in any time after 6:30 / meeting will begin at 7:00PM

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF INVOICES
6. APPROVAL OF MINUTES
7. PRIVILEGE OF THE FLOOR (AKA Public Comment)
 - a. Please state your name and address

REPORTS

8. TOWN MANAGER
 - a. Approve Borden Contract increase because county landfill rate has increased
 - b. Approve change order number 1 Niblock. Roadway extension to RR Crossing project. Change from thermo-plastic markings to paint
Reduction \$4,500
 - c. Niblock pay application #4 roadway extension to RR Crossing project \$113,253.53 .
Funding source for project: TIF south bypass budget/ current balance \$400,000.
9. CLERK-TREASURER
 - a. Public Hearing and second reading of 2024 budget

[b.](#) Permission to advertise for additional appropriation Raber Golf course / 2550001430 / Capital improvements \$14,800

[c.](#) Resolution 10-05-2023-21 Procurement Cards and adoption of procurement card policy

10. TOWN ATTORNEY

[a.](#) HTIW Properties LLC & W & A Properties LLC voluntary annexation petition

[b.](#) First reading ord. 11-02-2023-24 amendment to utility fees for 10" sprinkler

11. NEW BUSINESS

12. TOWN COUNCIL DISCUSSION ITEMS

a. Doug DeSmith

b. Andrew Medford

c. Cathy Burke

d. Gregg Tuholski

e. Jeff Beachy

NEXT MEETINGS:

13. MOTION TO ADJOURN

Borden

**SOLID WASTE DISPOSAL CONTRACT
BRISTOL, INDIANA**

This contract made and entered into this 1st day of July, 2019, by and between the TOWN OF BRISTOL, INDIANA hereinafter referred to as "TOWN" and BORDEN WASTE-AWAY SERVICE, INC., ELKHART, INDIANA, 46514, hereinafter referred to as "BORDEN".

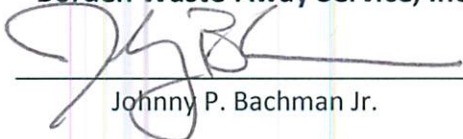
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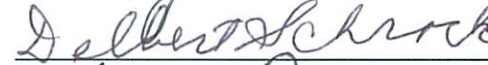

For and in consideration of the mutual covenant and agreements herein contained, the parties hereto do mutually agree each with the other as follows:

1. The following definitions shall apply wherever used in this contract:
 - A. The word "garbage" as used herein shall mean and comprehend any and all refuse accumulation of animal, fish, fowl, fruit, or vegetable matter that results from the preparation, use or cooking of meats, fowl, fruit or other substances.
 - B. The word "trash" as used herein shall mean and comprehend material (other than / garbage) resulting from ordinary household operations including such items as tin cans, bottles, ashes, paper, magazines, corrugated boxes, rags and lawn cuttings.
2. The collection of solid waste by Borden shall be subject to the following conditions during the term of this contract:
 - A. Borden shall make collection of garbage and trash once each week throughout the year.
 - B. All residential trash and garbage to be collected shall be placed for collection by the owner or producer on collection days, in a Waste Cart supplied by Borden at Borden's expense. Ownership of the Waste Cart supplied shall at all times remain with Borden. Risk of loss or damage to the Waste Cart shall be the responsibility of Borden except for damages caused by the resident or the resident's family and guests which shall be the responsibility of the resident. Resident trash and garbage placed in each Waste Cart supplied by Borden shall not exceed two hundred (200) pounds in total weight. Under the terms of this Contract, each residence shall be entitled to one (1) Waste Cart for residential trash and garbage to be collected each week. At the resident's request, additional Waste Carts will be provided by Borden for a monthly fee per additional cart which additional cost shall be the responsibility of the resident. The use of other type containers for apartment complexes or mobile home parks shall be by agreement between the complex or park owner and Borden.
 - C. Collection of all garbage and trash shall be in steel, water-tight, fully enclosed trucks. Said trucks shall be kept at all times in good repair.
 - D. Borden shall be subject to all the rules and regulations of the State of Indiana, concerning the collection, transportation, and disposal of solid waste material and shall assume any applicable fees or charges.

- E. Borden shall take and maintain during the term of this contract suitable liability insurance coverage and shall maintain Workers Compensation Insurance for all employees in carrying out any work related to this contract. Borden agrees to hold harmless the Town of Bristol, Indiana, from any and all liability of any kind or nature as a result of Borden's negligence arising out of the collection of solid waste by Borden within the Town of Bristol, Indiana, in accordance with this agreement.
 - F. The following items shall be excluded from the collection service: furniture, leaves, tires, appliances, concrete, construction or demolition debris, any items which in Borden's sole discretion are too large for or could damage the collection vehicle and any item not acceptable for disposal at the landfill.
 - G. Borden will provide town cleanup services for the Town one or two times per year using roll-off services or curbside item removal as requested by the Town.
3. The Town, in consideration for the above services, agrees to and shall pay to Borden the agreed upon rates as listed in "Attachment A." The fees established by this contract are based upon 609 residences. The number of residences shall be adjusted if annually on July 1st in accordance with the number of residences being serviced weekly at that time.
 4. The Town further agrees that in the event the fees to dispose of the Elkhart County landfills are increased during the term of this agreement, a proportional adjustment will be made to the monthly fee.
 5. The initial term of this contract shall be from July 1st, 2019 through June 30th, 2022 and may continue annually for three one-year extension terms thereafter until either party notifies the other of their intent to terminate. Service shall continue monthly thereafter until either party notifies the other of their intent to terminate. Notification shall be by first class mail and be made a minimum of ninety (90) days prior to such modification or termination.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above appearing.

Borden Waste-Away Service, Inc.
 By: 
 Johnny P. Bachman Jr.

Town of Bristol, Indiana
 By: 




Attachment A

Residential Service Rates

<u>Year</u>	<u>Rate Per Unit</u>	<u>*Monthly Rate</u>
2019	\$9.29	\$5,657.61
2020	\$10.54	\$6,418.86
2021	\$11.79	\$7,180.11
Extension Years		
2022	\$12.15	\$7,399.35
2023	\$12.52	\$7,634.68
2024	\$12.90	\$7,856.10

*Monthly rate is based on 609 homes serviced. The number of homes and therefore monthly rate may be adjusted as of July 1st each year.

Town Clean-Up Rates

**Roll-Off Container Service Rates

Haul Rate – \$209.00 per Load
Disposal Rate – \$36.00 per Ton
State/District Fees – \$2.10 per Ton

**Rates may be Subject to a 3% per year.



Borden Waste-Away Services, Inc. • 610 N Wildwood Ave., Elkhart, IN 46514 • (574) 293-5001

To: Mike Yoder, Town Manager of Bristol
303 E. Vistula St.
Bristol, IN. 46507

Re: Disposal Rate Adjustment

Dear Mike,

On behalf of all Borden Waste-Away Service, Inc. associates, I would like to thank you for your continued partnership as we service your town for the collection and disposal of municipal solid waste and/or recycling services. As Town Manager, I'm sure you have personally witnessed the rise in costs necessary to effectively run and operate the town's business. With the adoption of Elkhart County Ordinance No. CC-2021-10 (an ordinance revising and establishing rates/fees/charges/ for Elkhart Co. Landfill). Landfill disposal rates have adjusted from \$18.60 per ton in 2022, to \$20.00 per ton as of January 1, 2023. Beginning January 1, 2024, the County Landfill Disposal rate will again adjust to \$22.00 per ton with subsequent adjustments to follow each calendar year. As a result of the adoption noted above, we too have experienced an increase in operational cost and are in need of making a minor adjustment to our cost structure.

As outlined in section 4 "Contract Term and Renewal Option, 17" of the contract which states: "Contractor reserves the opportunity to request a rate adjustment in the event fees, taxes or the availability of land disposal facilities change significantly."

Based on the above, please accept this correspondence as a formal opportunity to request that an appropriate rate adjustment be made which enables Borden Waste-Away Service, Inc. to cover the additional increases in our cost related to servicing your residents. The rate adjustment that is being requested takes the current trash rate per home from: \$12.52 to \$13.25.

Additionally, I requested to be added to the agenda at the next council meeting to speak to this adjustment.

All the best,

Eric Ivory
Account Representative
Borden Waste-Away Service, Inc.
574-612-9006

PRICE ADJUSTMENT BREAK DOWN BRISTOL

GENERAL CPI ADJUSTMENT

<u>2023 CPI</u>		<u>2023 ADJUSTMENT</u>	=	<u>REQUESTED ADDITIONAL ADJUSTMENT</u>
7%	-	3%		4%

DISPOSAL ADJUSTMENT

<u>2023 Landfill Rate</u>		<u>PREVIOUS RATE</u>	=	\$3.40/ton
\$22.00/ton	-	\$18.60/ton	→	35lbs/home/week
			→	820lbs/yr/home
			→	\$3.094/home/yr
			→	\$0.26/home/month increase request

UNIT ADJUSTMENT

\$0.73 PER HOME

TOTAL ADJUSTMENT / HOME / MONTH

\$13.25

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Change Order

No. 1

Date of Issuance: October 2, 2023 :

Owner: Town of Bristol, Indiana

Project: Earthway Rail Park Phase IV Roadway Extension to RR Crossing Owner's Contract No.:

Contract: Date of Contract:

Contractor: Niblock Excavating Engineer's Project No.: 2021-0113:211

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

The following changes are proposed:

- As requested by the Town of Bristol, all thermoplastic pavement markings for the project are herein revised to be painted pavement markings. A lump sum credit of \$4,500.00 is offered by the Contractor to account for the reduced cost for painted pavement markings as compared to thermoplastic pavement markings.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Previous Contract Price:

\$459,743.00

[Increase] [Decrease] to original contract price:

\$4,500.00

Contract Price following this Change Order:

\$455,243.00

Original Contract Times: Working days Calendar days

—Substantial completion (days or date): _____

—Ready for final payment (days or date): _____

~~[Increase]~~ ~~[Decrease]~~ from previously approved Change Orders

No. _____ to No. _____:

—Substantial completion (days): _____

—Ready for final payment (days): _____

~~Contract Times prior to this Change Order:~~

~~—Substantial completion (days or date): _____~~

~~—Ready for final payment (days or date): _____~~

[Increase] [Decrease] of this Change Order:
- Substantial completion (days or date): _____
- Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:
- Substantial completion (days or date): _____
- Ready for final payment (days or date): _____

RECOMMENDED:
By: [Signature]
Engineer (Authorized Signature)
Date: 10/2/23

ACCEPTED:
By: _____
Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: [Signature]
Contractor (Authorized Signature)
Date: 10-2-23

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G 702

TO (Contractor): Town of Bristol
 PO Box 122
 Bristol, IN 46507

FROM (SUBCONTRACTOR):
 Niblock Excavating
 PO Box 211
 Bristol, IN 46507

CONTRACT FOR:

PROJECT:
 Earthway Rail Park Phase IV
 Roadway Ext. to RR Crossing
 & RR Coordination Construction

VIA (ENGINEER):
 Jones Petrie Rafinski
 325 S Lafayette Boulevard
 South Bend, IN 46601

APPLICATION NO: FOUR (4)
 INVOICE NO: 10637
 INVOICE DATE: September 28, 2023
 PERIOD TO:

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

CONTRACT DATE: April 20, 2023

Application is made for Payment, is shown below, in connection with the Contract.
 Continuation Sheet showing, SCHEDULE OF VALUES, is attached.

1. ORIGINAL CONTRACT SUM	\$ 459,743.00
2. Net change by Change Orders	\$ (4,500.00)
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 455,243.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on Schedule of Values)	\$ 455,243.00
5. RETAINAGE:	
a. 10% of Completed Work (Column D + E on S of V)	\$ 45,524.30
b. 10% of Stored Material (Column F on S of V)	\$ -
Total Retainage (Line 5a + 5b or Total in Column I on Schedule of Values)	\$ 45,524.30
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 409,718.70
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 296,465.17
8. CURRENT PAYMENT DUE	\$ 113,253.53
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$ 45,524.30

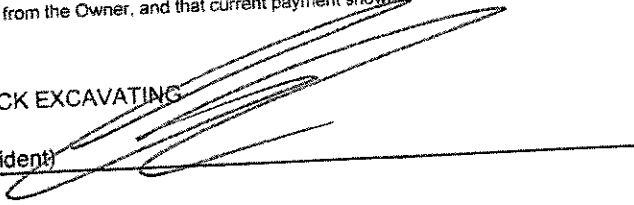
CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER / EXTRA WORK SUMMARY		ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner		TOTAL \$ -	
Approved this month			
Number	Date Approved		
1	10/2/2023		\$ 4,500.00
TOTALS:		\$ -	\$ 4,500.00
Net change by Change Orders		\$ -	\$ (4,500.00)

The undersigned Contractor certifies that to the best of the Contractor's Knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: NIBLOCK EXCAVATING

By: Chad Niblock (President)



State of: Indiana
 County of: Elkhart
 Subscribed and sworn to before me this 28th day of September, 2023
 Notary Public: Abigail Mishler
 My Commission expires: May 5, 2027

Abigail Mishler

ABIGAIL MISHLER
 Notary Public - Seal
 Lagrange County - State of Indiana
 Commission Number NP0720119
 My Commission Expires May 5, 2027

AMOUNT CERTIFIED: \$ 113,253.53

(attach explanation if amount certified differs from the amount applied for)

ARCHITECT: Michael Valt

By: _____
 This Certificate is not negotiable, the AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

CONTINUATION SHEET

SIMILAR TO AIA DOCUMENT G 703

This APPLICATION AND CERTIFICATE FOR PAYMENT, has a Contractor's signed Certification attached.
In tabulations below, amounts are stated to the nearest dollar.

APPLICATION NUMBER: FOUR (4)
APPLICATION DATE: 9/27/2023
PERIOD TO:

ARCHITECT'S PROJECT NUMBER:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULE VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G / C)			
1	Mob and Demob	\$ 39,500.00	\$ 22,910.00	\$ 16,590.00	\$ -	\$ 39,500.00	100%	\$ -	\$ 3,950.00
2	Clearing and Grubbing	\$ 8,500.00	\$ 8,500.00	\$ -	\$ -	\$ 8,500.00	100%	\$ -	\$ 850.00
3	Site Grading	\$ 57,500.00	\$ 51,750.00	\$ 5,750.00	\$ -	\$ 57,500.00	100%	\$ -	\$ 5,750.00
4	Construction Engineering	\$ 5,500.00	\$ 4,950.00	\$ 550.00	\$ -	\$ 5,500.00	100%	\$ -	\$ 550.00
5	Railroad Coordination	\$ 8,500.00	\$ 6,375.00	\$ 2,125.00	\$ -	\$ 8,500.00	100%	\$ -	\$ 850.00
6	Type III-B Barricade	\$ 4,620.00	\$ -	\$ 4,620.00	\$ -	\$ 4,620.00	100%	\$ -	\$ 462.00
7	Road Closure Sign Assembly	\$ 1,800.00	\$ -	\$ 1,800.00	\$ -	\$ 1,800.00	100%	\$ -	\$ 180.00
8	Temp. Concrete Barrier	\$ 2,400.00	\$ 2,400.00	\$ -	\$ -	\$ 2,400.00	100%	\$ -	\$ 240.00
9	HMA Pavement Removal	\$ 17,250.00	\$ -	\$ 17,250.00	\$ -	\$ 17,250.00	100%	\$ -	\$ 1,725.00
10	24 in E 80 Rated CMP	\$ 11,200.00	\$ 11,200.00	\$ -	\$ -	\$ 11,200.00	100%	\$ -	\$ 1,120.00
11	Metal End Section	\$ 3,800.00	\$ 3,800.00	\$ -	\$ -	\$ 3,800.00	100%	\$ -	\$ 380.00
12	Rip Rap Revetment	\$ 1,980.00	\$ -	\$ 1,980.00	\$ -	\$ 1,980.00	100%	\$ -	\$ 198.00
13	Geotextiles for Rip Rap	\$ 180.00	\$ -	\$ 180.00	\$ -	\$ 180.00	100%	\$ -	\$ 18.00
14	Remove Guardrail and Salvage	\$ 3,575.00	\$ 3,575.00	\$ -	\$ -	\$ 3,575.00	100%	\$ -	\$ 357.50
15	20 in Curb	\$ 1,150.00	\$ 1,150.00	\$ -	\$ -	\$ 1,150.00	100%	\$ -	\$ 115.00
16	Concrete Barrier Curb and Gutter	\$ 12,041.25	\$ 12,041.25	\$ -	\$ -	\$ 12,041.25	100%	\$ -	\$ 1,204.13
17	Concrete Barrier Median Curb	\$ 21,350.00	\$ 21,350.00	\$ -	\$ -	\$ 21,350.00	100%	\$ -	\$ 2,135.00
18	Compacted Agg #53	\$ 80,500.00	\$ 80,500.00	\$ -	\$ -	\$ 80,500.00	100%	\$ -	\$ 8,050.00
19	HMA Base Type B	\$ 46,800.00	\$ 46,800.00	\$ -	\$ -	\$ 46,800.00	100%	\$ -	\$ 4,680.00
20	HMA Int. Type B	\$ 42,900.00	\$ 42,900.00	\$ -	\$ -	\$ 42,900.00	100%	\$ -	\$ 4,290.00
21	HMA Surface Type B	\$ 33,800.00	\$ -	\$ 33,800.00	\$ -	\$ 33,800.00	100%	\$ -	\$ 3,380.00
22	Tack Coat	\$ 1,004.50	\$ -	\$ 1,004.50	\$ -	\$ 1,004.50	100%	\$ -	\$ 100.45
23	Mulched Seeding Type R	\$ 10,200.00	\$ -	\$ 10,200.00	\$ -	\$ 10,200.00	100%	\$ -	\$ 1,020.00
24	Line Thermo 4 in White	\$ 3,168.00	\$ -	\$ 3,168.00	\$ -	\$ 3,168.00	100%	\$ -	\$ 316.80
25	Line Thermo 4 in Yellow	\$ 3,201.00	\$ -	\$ 3,201.00	\$ -	\$ 3,201.00	100%	\$ -	\$ 320.10
26	Line Thermo 24 in Stop	\$ 780.00	\$ -	\$ 780.00	\$ -	\$ 780.00	100%	\$ -	\$ 78.00
27	Pavement Message RxR	\$ 2,100.00	\$ -	\$ 2,100.00	\$ -	\$ 2,100.00	100%	\$ -	\$ 210.00
28	Sheet Sign .1 in	\$ 1,548.75	\$ -	\$ 1,548.75	\$ -	\$ 1,548.75	100%	\$ -	\$ 154.88
29	Sign Post Square Type 1	\$ 1,710.00	\$ -	\$ 1,710.00	\$ -	\$ 1,710.00	100%	\$ -	\$ 171.00
30	Sign Post 2#/ft U	\$ 1,800.00	\$ -	\$ 1,800.00	\$ -	\$ 1,800.00	100%	\$ -	\$ 180.00
31	Adjust Casting	\$ 800.00	\$ -	\$ 800.00	\$ -	\$ 800.00	100%	\$ -	\$ 80.00
32	Silt Fence	\$ 6,704.50	\$ 6,704.50	\$ -	\$ -	\$ 6,704.50	100%	\$ -	\$ 670.45
33	Turf Matting	\$ 19,380.00	\$ -	\$ 19,380.00	\$ -	\$ 19,380.00	100%	\$ -	\$ 1,938.00
34	Remove sign and Salvage	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00	100%	\$ -	\$ 250.00
	Base Contract	\$ 459,743.00	\$ 329,405.75	\$ 130,337.25	\$ -	\$ 459,743.00	100%	\$ -	\$ 45,974.30
CO1	Deduct for Change to Paint	\$ (4,500.00)	\$ -	\$ (4,500.00)	\$ -	\$ (4,500.00)	100%	\$ -	\$ (450.00)
	Change Order 1	\$ (4,500.00)	\$ -	\$ (4,500.00)	\$ -	\$ (4,500.00)	100%	\$ -	\$ (450.00)
	TOTAL	\$ 455,243.00	\$ 329,405.75	\$ 125,837.25	\$ -	\$ 455,243.00	100%	\$ -	\$ 45,524.30

Town of Bristol

Earthway Rail ParkPhase IV - Roadway Extension to RR Crossing and RR Coordination Construction

Section 8, Item c.

Bid Total						Pay App. No. 1 (June 30)		Pay App. No. 2 (July 31)		Pay App. No. 3 (August 29)		Pay App. No. 4 (Sep. 27)		TOTAL TO DATE	
Bid Item	Description	Bid Quantity	Units	Unit Price	Total	Qty charged	Amount Charged	Qty charged	Amount Charged	Qty charged	Amount Charged	Qty charged	Amount Charged	QTY	AMNT
1	Mob and Demob	1	LS	\$ 39,500.00	\$ 39,500.00	0.58	\$ 22,910.00		\$ -		\$ -	0.42	\$ 16,590.00	1.00	\$ 39,500.00
2	Clearing and Grubbing	1	LS	\$ 8,500.00	\$ 8,500.00	0.20	\$ 1,700.00	0.80	\$ 6,800.00		\$ -		\$ -	1.00	\$ 8,500.00
3	Site Grading	1	LS	\$ 57,500.00	\$ 57,500.00	0.50	\$ 28,750.00	0.25	\$ 14,375.00	0.15	\$ 8,625.00	0.10	\$ 5,750.00	1.00	\$ 57,500.00
4	Construction Engineering	1	LS	\$ 5,500.00	\$ 5,500.00	0.50	\$ 2,750.00	0.25	\$ 1,375.00	0.15	\$ 825.00	0.10	\$ 550.00	1.00	\$ 5,500.00
5	Railroad Coordination	1	LS	\$ 8,500.00	\$ 8,500.00	0.20	\$ 1,700.00	0.30	\$ 2,550.00	0.25	\$ 2,125.00	0.25	\$ 2,125.00	1.00	\$ 8,500.00
6	Type III-B Barricade	132	LFT	\$ 35.00	\$ 4,620.00	-	\$ -		\$ -		\$ -	132.00	\$ 4,620.00	132.00	\$ 4,620.00
7	Road Closure Sign Assembly	3	EA	\$ 600.00	\$ 1,800.00	-	\$ -		\$ -		\$ -	3.00	\$ 1,800.00	3.00	\$ 1,800.00
8	Temp. Concrete Barrier	48	LFT	\$ 50.00	\$ 2,400.00	-	\$ -		\$ -	48.00	\$ 2,400.00	-	\$ -	48.00	\$ 2,400.00
9	HMA Pavement Removal	2,875	SYS	\$ 6.00	\$ 17,250.00	-	\$ -		\$ -		\$ -	2,875.00	\$ 17,250.00	2,875.00	\$ 17,250.00
10	24 in E 80 Rated CMP	140	LFT	\$ 80.00	\$ 11,200.00	140.00	\$ 11,200.00		\$ -		\$ -	-	\$ -	140.00	\$ 11,200.00
11	Metal End Section	4	EA	\$ 950.00	\$ 3,800.00	4.00	\$ 3,800.00		\$ -		\$ -	-	\$ -	4.00	\$ 3,800.00
12	Rip Rap Revetment	24	SYS	\$ 82.50	\$ 1,980.00	-	\$ -		\$ -		\$ -	24.00	\$ 1,980.00	24.00	\$ 1,980.00
13	Geotextiles for Rip Rap	24	SYS	\$ 7.50	\$ 180.00	-	\$ -		\$ -		\$ -	24.00	\$ 180.00	24.00	\$ 180.00
14	Remove Guardrail and Salvage	110	LFT	\$ 32.50	\$ 3,575.00	-	\$ -	110.00	\$ 3,575.00		\$ -	-	\$ -	110.00	\$ 3,575.00
15	20 in Curb	20	LFT	\$ 57.50	\$ 1,150.00	-	\$ -	20.00	\$ 1,150.00		\$ -	-	\$ -	20.00	\$ 1,150.00
16	Concrete Barrier Curb and Gutter	371	LFT	\$ 32.50	\$ 12,041.25	-	\$ -	370.50	\$ 12,041.25		\$ -	-	\$ -	370.50	\$ 12,041.25
17	Concrete Barrier Median Curb	214	LFT	\$ 100.00	\$ 21,350.00	-	\$ -	213.50	\$ 21,350.00		\$ -	-	\$ -	213.50	\$ 21,350.00
18	Compacted Agg #53	2,300	TON	\$ 35.00	\$ 80,500.00	-	\$ -	2,300.00	\$ 80,500.00		\$ -	-	\$ -	2,300.00	\$ 80,500.00
19	HMA Base Type B	520	TON	\$ 90.00	\$ 46,800.00	-	\$ -		\$ -	520.00	\$ 46,800.00	-	\$ -	520.00	\$ 46,800.00
20	HMA Int. Type B	440	TON	\$ 97.50	\$ 42,900.00	-	\$ -		\$ -	440.00	\$ 42,900.00	-	\$ -	440.00	\$ 42,900.00
21	HMA Surface Type B	260	TON	\$ 130.00	\$ 33,800.00	-	\$ -		\$ -		\$ -	260.00	\$ 33,800.00	260.00	\$ 33,800.00
22	Tack Coat	2,870	SYS	\$ 0.35	\$ 1,004.50	-	\$ -		\$ -		\$ -	2,870.00	\$ 1,004.50	2,870.00	\$ 1,004.50
23	Mulched Seeding Type R	10,200	SYS	\$ 1.00	\$ 10,200.00	-	\$ -		\$ -		\$ -	10,200.00	\$ 10,200.00	10,200.00	\$ 10,200.00
24	Line Thermo 4 in White	1,920	LFT	\$ 1.65	\$ 3,168.00	-	\$ -		\$ -		\$ -	1,920.00	\$ 3,168.00	1,920.00	\$ 3,168.00
25	Line Thermo 4 in Yellow	1,940	LFT	\$ 1.65	\$ 3,201.00	-	\$ -		\$ -		\$ -	1,940.00	\$ 3,201.00	1,940.00	\$ 3,201.00
26	Line Thermo 24 in Stop	24	LFT	\$ 32.50	\$ 780.00	-	\$ -		\$ -		\$ -	24.00	\$ 780.00	24.00	\$ 780.00
27	Pavement Message RxR	2	EA	\$ 1,050.00	\$ 2,100.00	-	\$ -		\$ -		\$ -	2.00	\$ 2,100.00	2.00	\$ 2,100.00
28	Sheet Sign .1 in	30	SFT	\$ 52.50	\$ 1,548.75	-	\$ -		\$ -		\$ -	29.50	\$ 1,548.75	29.50	\$ 1,548.75
29	Sign Post Square Type 1	36	LFT	\$ 47.50	\$ 1,710.00	-	\$ -		\$ -		\$ -	36.00	\$ 1,710.00	36.00	\$ 1,710.00
30	Sign Post 2#/ft U	40	LFT	\$ 45.00	\$ 1,800.00	-	\$ -		\$ -		\$ -	40.00	\$ 1,800.00	40.00	\$ 1,800.00
31	Adjust Casting	1	LFT	\$ 800.00	\$ 800.00	-	\$ -		\$ -		\$ -	1.00	\$ 800.00	1.00	\$ 800.00
32	Silt Fence	2,530	LFT	\$ 2.65	\$ 6,704.50	-	\$ -	2,530.00	\$ 6,704.50		\$ -	-	\$ -	2,530.00	\$ 6,704.50
33	Turf Matting	10,200	SYS	\$ 1.90	\$ 19,380.00	-	\$ -		\$ -		\$ -	10,200.00	\$ 19,380.00	10,200.00	\$ 19,380.00
34	Remove sign and Salvage	10	EA	\$ 250.00	\$ 2,500.00	-	\$ -	10.00	\$ 2,500.00		\$ -	-	\$ -	10.00	\$ 2,500.00
	Total Base Contract				\$ 459,743.00		\$ 72,810.00		\$ 152,920.75		\$ 103,675.00		\$ 130,337.25		\$ 459,743.00
CO1	Deduct for Change to Paint	(1)	LS	\$ 4,500.00	\$ (4,500.00)	-	\$ -	-	\$ -		\$ -	(1.00)	\$ (4,500.00)	(1.00)	\$ (4,500.00)
	Total Change Order 1				\$ (4,500.00)		\$ -		\$ -		\$ -		\$ (4,500.00)		\$ (4,500.00)
	TOTAL CONTRACT				\$ 455,243.00		\$ 72,810.00		\$ 152,920.75		\$ 103,675.00		\$ 125,837.25		\$ 455,243.00

Partial Waiver of Lien

State of Indiana, ss:

Whereas, the undersigned **Niblock Excavating Inc.** has been heretofore employed by the Town of Bristol to furnish certain material and labor for the Earthway Rail Park Phase IV project located in Bristol, IN.

Now **Therefore, Know Ye**, That the undersigned, contingent upon receipt of \$113,253.53 hereby waives and releases unto the said owner of said premises, any and all lien, right of lien or claim of whatsoever kind of character on the above described building and real estate, TO AND FOR SAID AMOUNT, on account of any and all labor, material, or both, furnished for or incorporated into said building as well as products from the asphalt plant which is owned by Niblock Excavating, by the undersigned, up to this date, and does further certify that the consideration moving to the undersigned for executing this **Partial Waiver of Lien** has been mutually given and accepted as a part payment to or on account of the said Contract for said building and real estate.

Signed, sealed and delivered this 28th day of September 2023.

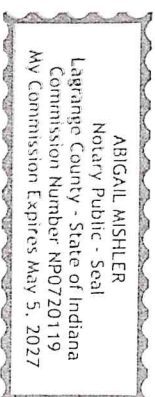
Signed : **Niblock Excavating, Inc.**

By ~~Chad Niblock, President~~

Personally appeared before me this 28th day of September 2023, Chad Niblock, who, being duly sworn on oath, says: That he is President of **Niblock Excavating, Inc.**, and that he hereby acknowledges the execution of the foregoing instrument for and on behalf of said corporation and at its special instance and request.

State of Indiana
County of Elkhart

Abigail Mishler



Notary Public: Abigail Mishler, Resident of LaGrange County
My Commission Expires: May 5, 2027

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

Section 9, Item a.

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget
 Generated 8/25/2023 3:49:49 PM

Ordinance / Resolution Number:

Be it ordained/resolved by the **Bristol Town Council** that for the expenses of **BRISTOL CIVIL TOWN** for the year ending December 31, **2024** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **BRISTOL CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Bristol Town Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Bristol Town Council	Town Council	10/05/2023

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$2,610,563	\$2,162,500	1.1192
0180	DEBT SERVICE	\$300,000	\$600,000	0.3105
0254	LOCAL INCOME TAX	\$386,857	\$0	0.0000
0706	LOCAL ROAD & STREET	\$150,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$401,690	\$218,800	0.1132
0720	MAJOR MOVES - TOLLROAD COUNTIES	\$0	\$0	0.0000
1151	CONTINUING EDUCATION	\$15,000	\$0	0.0000
1191	CUMULATIVE FIRE SPECIAL	\$120,000	\$82,200	0.0425
1301	PARK & RECREATION	\$172,795	\$69,800	0.0361
2120	CEMETERY	\$69,515	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$4,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$297,000	\$160,000	0.0828
2411	ECONOMIC DEV INCOME TAX CEDIT	\$554,000	\$0	0.0000
		\$5,081,420	\$3,293,300	1.7043

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

Section 9, Item a.

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget
 Generated 8/25/2023 3:49:49 PM

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	RABERS GOLF COURSE	\$50,000
9501	SOUTH STREET RD 15 TIF #130	\$1,596,678
9502	MS-4 STORMWATER	\$241,800
9503	POLICE NON-REVERTING	\$20,000
9504	TIF NORTH STATE ROAD 15 #132	\$0
9505	TIF EAST #148	\$300,000
9506	TIF GGT	\$208,250
		\$2,416,728

Name		Signature
Jeff Beachy	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Cathy Burke	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Gregg Tuholski	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Andrew Medford	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Doug DeSmith	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST

Name	Title	Signature
Cathy Antonelli	Clerk-Treasurer	

MAYOR ACTION (For City use only)

Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1 Yes No

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31 Yes No

Ordinance No. 11/2/2023-25

Additional Appropriation Ordinance

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the 2023 annual budget,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to laws governing the same:

PASSED AND ADOPTED by the Town Council of the Town of Bristol, Indiana, on this 2 day of November, 2023.

Fund # & Name	Amt Req & Approved	Appropriation	Purpose
2555/ Rabers Golf Course	\$14,800	2555 00 1430	Raber Capital improvements

Grand total: \$80,000.00

BRISTOL TOWN COUNCIL TOWN OF BRISTOL, INDIANA

By _____
Jeff Beachy, President

By _____
Andrew Medford

By _____
Cathy Burke

By _____
Doug DeSmith

ATTEST:

By _____
Gregg Tuholski

Cathy Antonelli, Clerk-Treasurer

TOWN OF BRISTOL

CREDIT CARD/PROCUREMENT CARD USE POLICY

(A) Authority. The Town of Bristol (the “Town”) has adopted this credit card and procurement card policy to control, regulate, and effectively evaluate the use of Town-issued credit card and procurement cards for the purchasing of items necessary and beneficial to further the Town’s business. It is the intent of this policy to comply with the minimum standards set forth in the State Board of Accounts Uniform Compliance Guidelines. Should any provision of this policy conflict with those guidelines, the State Board of Accounts Uniform Compliance Guidelines is controlling and is deemed to be the policy of the Town as expressly written.

(B) Authorization. Town employees and officials may use town credit cards and purchasing cards for purchases related to the performance of Town duties when such use is in the best interests of the Town.

(C) Clerk-Treasurer to Obtain. The Clerk-Treasurer shall be permitted to apply for and obtain credit cards and purchasing cards titled for the Town for the following departments:

- (1) Clerk-Treasurer
- (2) Deputy Clerk Treasurer
- (3) Bristol Town Marshal
- (4) Town Manager
- (5) Bristol Street Department supervisor; and
- (6) Bristol Water / Sewer Department supervisor.

(D) Revocation of Cards. The Clerk-Treasurer is authorized to revoke any credit cards or purchasing cards that have been used in violation of this or any other Town policy.

(E) Authorization and Log. Town credit cards and purchasing cards shall be used only with the respective approval of the Clerk-Treasurer or Town Council and shall not be used to bypass the Clerk-Treasurer’s accounting system. The Clerk-Treasurer and Town Council shall ensure that a proper accounting system or log is maintained on all credit cards and purchasing card usage.

(F) General Use; Log. The head of each department listed in Section (C), above, shall maintain a respective usage log for each card identified by card account number, with entries certified by the signature of the department head. The department head may delegate the use of the Town credit card or purchasing card but may not delegate the responsibility for providing the necessary documentation and support for expenditures to the Clerk-Treasurer, which shall remain the exclusive responsibility of the department head. The log shall include the following information:

- (1) The name and position of the individual using the Town’s card;

- (2) The date the card is issued to an individual for use, the estimated amounts to be charged, the type of expenses, and the appropriation account numbers to be expended;
- (3) The date the card is returned; and
- (4) The amount charged to the card.

(G) General Use; Limitations. Town credit cards and purchasing cards shall be used for Town purposes only. No personal use of a Town credit card or purchasing card is allowed, even if an employee offers to reimburse the Town for the employee's personal use of a Town credit card or purchasing card. At no time may any individual charge exceed \$1,000.00 and at no time may the total outstanding balance on any credit card or purchasing card exceed \$2,500.00. Subject to such limitation, the permissible use for said credit cards and purchasing cards are as follows:

- (1) Employee overnight accommodation expenditures;
- (2) Travel expenses;
- (3) Tuition for training or seminars;
- (4) Budgeted supply expenditures utilized in normal department operation; and
- (5) Emergency equipment or supply expenditures which either by the emergency nature of the need or the ability to obtain an extremely favorable price will not allow the expenditure to await the normal pre-approval by the Town Council.

(H) Prohibited Use; Misuse. Any misuse of a Town-issued credit card or purchasing card may result in disciplinary action up to and including termination. Credit card and purchasing card charges that do not meet audit requirements, including the imposition of sales taxes for which the Town is otherwise exempt, are the personal responsibility of the employee authorizing the charge. The Town will take all necessary steps to obtain reimbursement of the charges which do not meet audit requirements from the employee authorizing the charge, including, but not limited to, the garnishment of the charging employee's Town wages. Upon termination of employment, the employee must immediately surrender the card to the Clerk-Treasurer.

(I) Audit Requirements. Payment of credit card and purchasing card bills shall be subject to the audit requirements of accounts payable vouchers in conformity with I.C. 5-11-10, et seq., and I.C. 36-4-8, et seq., and the regulations of the Indiana State Board of Accounts. Itemized receipts are required for all credit card and purchasing card purchases, including restaurant charges. Payment will not be made on the basis of a credit card or purchasing card statement. Signed charge slips showing a total charge only, without an itemization of items purchased, are not acceptable. It is the personal responsibility of the employee authorizing the charge to obtain proper itemized receipts.

(J) Interest and penalties. All claims for payment must be properly itemized and documented. Improperly itemized or documented charges, as well as all interest, carrying charges and/or penalties incurred due to late filing or delay in forwarding proper documentation, shall be the personal responsibility in the individual credit card or purchasing card user.

(K) Lost or stolen cards. All Town credit cards and purchasing cards must be kept in a secure location. The Clerk-Treasurer shall be notified immediately if a credit card or purchasing card is lost or stolen. If a credit card or purchasing card is lost due to the negligence on the part of a town employee, the employee shall be personally responsible for any and all expenses incurred on the lost credit card or purchasing card.

(L) Internal Controls; Designated Officer. The Town shall designate an officer other than the Clerk-Treasurer to review the transactions listed on the credit card and purchase card statements in order to ensure there is sufficient documentation and inclusion in the claim to the Town Council. This designated official must ensure the card statements and accounting system or log provides accurate, relevant, and timely information. The designated official must authorize their review by initialing or signing the necessary documentation.

(M) Employee Training; Best Practices. The Clerk-Treasurer or the officer designated in Section (L), above, is responsible for the training and education of Town employees on the proper use of Town credit cards and purchasing cards and the requirements of this Policy. The Clerk-Treasurer or the officer designated in Section (L), above, must evaluate and adjust these internal controls and policies on a regular basis for personnel changes, newly elected officials, financial fluctuations, et cetera, to ensure the Town is complying with the internal control standards as set forth by the State Board of Accounts.

References: Resolution Nos. 6-21-12(D), eff. June 21, 2012; and 10-05-2023-21, eff. Oct. 5, 2023.

RESOLUTION NO. 10-05-2023-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL,
INDIANA AUTHORIZING ISSUANCE OF INDIVIDUAL PROCUREMENT CARDS

WHEREAS, the Town of Bristol, Indiana (the "Town") is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the "Council"); and

WHEREAS, the Council has the authority to enter into an agreement with the Bank of Montreal ("BMO") for purchasing cards; and

WHEREAS, the Council finds it is in the best fiscal interest of the Town to authorize the Clerk-Treasurer to execute a Procurement Card ("p-Cards") program on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Clerk-Treasurer is authorized to enter into an agreement with BMO to secure p-Cards for each authorized employee of the Town.

Section 3. The Council hereby adopts the "Credit Card/Procurement Card Use Policy" attached hereto as Exhibit A (the "Card Use Policy") to guide the terms, conditions, and procedures applicable to use of Town credit cards and purchase cards. In the event of any conflict between the Card Use Policy and an existing policy of the Town, the Card Use Policy shall control.

* * * * *

RESOLVED THIS ____ DAY OF _____, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

**TOWN OF BRISTOL
CREDIT CARD/PROCUREMENT CARD USE POLICY**

[Attached]

**PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BRISTOL, INDIANA**

The undersigned (the "Petitioner") hereby submits this Petition for Voluntary Annexation (this "Petition") into the Town of Bristol, Indiana, a municipal corporation existing under the laws of the State of Indiana (the "Town"), in accordance with Indiana Code § 36-4-3-5.1, as amended, and in support thereof, represents and warrants to the Town as follows:

1. HTIW Properties, LLC, an Indiana limited liability company, is the owner of the real property located at 54567 SR 15, Bristol, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Number 20-03-34-400-001.000-030, as more particularly described in Exhibit A and depicted in Exhibit B each attached hereto and incorporated herein by reference (the "Territory").
2. Petitioner constitutes one hundred percent (100%) of the owners of the Territory and is the true, rightful and complete owner of the Territory as described herein.
3. Petitioner has the authority to execute this Petition and any other documents necessary to effectuate annexation of the Territory into the Town.
4. The Territory is located in Washington Township, Elkhart County, Indiana (the "Township").
5. The land use of the Territory sought to be annexed is currently zoned Agriculture (A-1) and Petitioners will seek to rezone the Territory to General Manufacturing (M-2) following the annexation.
6. Petitioner is not aware of the Township's participation in a reorganization which would prohibit the Town from adopting an annexation ordinance for the Territory.
7. Petitioner has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the corporate boundaries of the Town. (Note: Contiguous means that at least 1/8 of the aggregate external boundaries of the Territory coincides with the boundaries of the Town. In determining if a parcel is contiguous, a strip of land which is less than 150 feet wide connecting the Town to the Territory is not considered a part of the boundaries of either the Town or the Territory.)
8. The Territory is contiguous to public highways and the public right-of-ways thereof (collectively, the "Public Ways"). (Note: The Town cannot annex a public highway or right-of-way of a public highway in order to reach the Territory).

(Signature Page to Follow)

PETITION FOR VOLUNTARY ANNEXATION INTO THE TOWN OF BRISTOL, INDIANA

WHEREFORE, Petitioners hereby execute this Petition for Voluntary Annexation into the Town, consent to its filing with the Town Council, and request the Town Council adopt an ordinance annexing the Territory, and the contiguous areas of the Public Ways, into the Town in accordance with Indiana Code § 36-4-3-5.1.

HTIW PROPERTIES, LLC,
an Indiana limited liability company



By: [Signature]
Name: Marion Schrock
Title: owner

STATE OF INDIANA)
) SS:
COUNTY OF Elkhart)

Before me, a Notary Public, in and for said County and State, personally appeared Marion Schrock in his/her capacity as the owner of HTIW Properties, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing instrument as such _____ acting for and on behalf of said company and who acknowledged the execution of the foregoing instrument as his/her free and voluntary act and deed, and for the use and purposes contained therein.

Witness my hand and Notarial Seal this 12 day of September, 2023.

Jessica Ulanowicz
Notary Public

Jessica Ulanowicz
Printed Signature

My Commission Expires:
August 24, 2026

My County of Residence:
Elkhart

NOTICE OF PUBLIC HEARING ON A
PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BRISTOL, INDIANA

Notice is hereby given that the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”), on Thursday, October 19, 2023 at 7:00 p.m. (local time), at the Town Hall, 303 East Vistula Street, Bristol, Indiana 46507, will hold a public hearing during the regular meeting of the Council upon a proposed ordinance (the “Ordinance”) annexing real property located outside but contiguous to the corporate limits of the Town, consisting of one parcel located at 54567 SR 15, Washington Township, Elkhart County, Indiana and identified in the Elkhart County, Indiana property records as Parcel Number 20-03-34-400-001.000-030, consisting of approximately 20 acres (the “Annexation Territory”). HTIW Properties, LLC, an Indiana limited liability company, the 100% owner of the Annexation Territory, filed a petition for voluntary annexation into the Town with the Council on September 12, 2023 requesting the Ordinance (the “Petition”). The Petition, proposed Ordinance and map and legal description of the Annexation Territory are available for inspection by the public at the office of the Clerk Treasurer, located at 303 East Vistula Street, Bristol, Indiana 46507. The Council reserves the right, prior to taking final action, to amend the Ordinance. At the public hearing, all interested persons will have the opportunity to testify and be heard concerning the proposed Annexation Territory. The hearing may be continued to a later date or dates. For further information, please contact Mike Yoder, Bristol Town Manager, at (574) 298-3331.

Dated: September 15, 2023

TOWN COUNCIL OF THE TOWN
OF BRISTOL, INDIANA

[Please insert the date of publication at end of notice. To the extent you maintain an internet website, please also post on the website on the same date as publication in the newspaper.]

[Publish no later than Thursday, September 28, 2023]

ORDINANCE NO. 11-02-2023-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 51 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES TO AUTHORIZE A NEW WATER UTILITY RATE FOR CERTAIN SPRINKLER SYSTEM SERVICES

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, Indiana Code authorizes the Town to exercise powers to regulate the furnishing of water to the public; establish, maintain, and operate waterworks; and regulate the furnishing of such service within four (4) miles of the Town’s corporate boundaries; and

WHEREAS, the Town owns and operates a municipal waterworks system for the treatment and distribution of potable water to the inhabitants of the Town of Bristol (the “Water Utility”); and

WHEREAS, Indiana Code authorizes the Council to adopt by ordinance nondiscriminatory, reasonable, and just rates and charges for water services rendered by the Town’s utilities; and

WHEREAS, by Ordinance No. 6-15-2023-12, the Town Council has established rates and charges for the Water Utility for customers connected to the Town’s municipal water system; and

WHEREAS, pursuant to Indiana Code, the Council may modify or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, it has been determined by the Council that to meet the demands of increasing economic growth in the Town, a rate for building sprinkler systems serviced by ten (10) inch diameter water service lines should be established, at such rate as advised by Baker Tilly Municipal Advisors, LLC following a recent rate study; and

WHEREAS, the Council now determines that proper notice has been duly given as required by Indiana Code § 8-1.5-3-8.1, and that a public hearing on the proposed schedule of rates and charges has been duly held on November 2, 2023;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, and after considering the needs of the Town’s Water Utility, determines it is necessary to make changes and amend the water rates and charges in the Town of Bristol, Elkhart County, Indiana in the following manner:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. As of the effective date of this Ordinance, Section 51.06 of the Code, entitled “Rates for Sprinkler Systems and Public Drinking Fountains,” shall

be amended and replaced in its entirety with the new Section 51.06 attached as Exhibit A hereto and incorporated herein.

Section 3. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Bristol Code of Ordinances that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.

Section 4. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 5. The rates and charges herein set forth shall be in full force and effect for all billings of Water Utility services at the first full monthly billing therefor following the final passage and adoption of this Ordinance. All other provisions of this Ordinance shall be in full force and effect from and after its adoption and publication as required by law. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

§ 51.06 RATES FOR SPRINKLER SYSTEMS AND PUBLIC DRINKING FOUNTAINS.

(A) The rates for sprinkler systems and public drinking fountains shall be determined by the town.

(B) Until otherwise modified, the rate for building sprinkler systems as determined by the diameter of the service line for the system is as follows:

Size of Line	Annual Fee	
	Inside Town	Outside Town ¹
4 inch	\$130.29	\$148.53
6 inch	\$378.45	\$431.43
8 inch	\$806.51	\$919.42
10 inch	\$1,450.37	\$1,655.13

¹ Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-15) (Ord. 5-21-1966, passed 5-2-66; Amended by Ord. 12-11-97(A), passed 12-11-97; Ord. 10-21-99(A), passed 10-21-99; Ord. 2-21-13, passed 2-21-13; Ord. 6-15-2023-12, passed 6-15-23; Ord. 11-02-2023-24, passed 11-02-23.)