

REGULAR SESSION, BOARD OF PUBLIC WORKS AND SAFETY, OCTOBER 23, 2017

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on October 23, 2017, at 6:00 p.m. in the meeting room of the Plymouth Fire Department, 111 N. Center St., Plymouth, IN.

Mayor Senter presided for Board Members Culp, Fonseca, and Houin. City Attorney Surrisi and Clerk-Treasurer Xaver were also present. Board Member Grobe was absent.

Board Members Culp and Fonseca moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on October 9, 2017. The motion carried.

Street Superintendent Marquardt announced that Walsh & Kelly, Inc. was the lowest responsive and responsible bidder for the 2017 Street and Sidewalk Fall Projects with the amount of \$1,182,729.05. He said that two of the projects from the list have been eliminated and asked that the board members ratify the award of the bid to Walsh & Kelly, Inc. in the amount of \$1,087,421.19, pending the adoption of Resolution No. 2017-771, by the Common Council.

Board Members Houin and Culp moved and seconded to ratify the award of the bid to Walsh & Kelly, Inc. in the amount of \$1,087,421.19 subject to the approval of Resolution No. 2017-771 by the Common Council. The motion carried.

Utility Superintendent Davidson requested to delay the change order for the Richter Road Water Main Extension Project. He has not received all the information for the change order at this time.

Assistant Fire Chief Erik Cox discussed September 2017 run information. These reports were distributed to the board members in the packets for the October 9, 2017 meeting and are part of those meeting minutes.

Street Superintendent Marquardt notified the board and public that leaf pick-up began and will run for the next month and a half.

Park Superintendent Hite provided an update on the city-wide auction. He said almost everything was sold. The auctioneer will be providing a list of items sold and price so money can be distributed to the correct departments.

Clerk-Treasurer Xaver presented the following request:

Closure of Michigan Street from Adams to Laporte for Holiday Parade. Also closing Laporte St from Michigan to Water and Water St from Laporte to Garro St. S/ Laura Mann, Promotion of the City Coordinator, 124 N Michigan St, Plymouth, 574-936-6717

Mayor Senter explained the request. He said the event will take place on Saturday, November 25, 2017 from 5:45 – 6:30 p.m.

Board Members Culp and Houin moved and seconded to approve the request as presented. The motion carried.

Clerk-Treasurer Xaver presented the following request:

I would like to request that my office be able to have a temporary parking pass to give to some of our patients that are here in the office more than two hours at a time. We often serve patients who are getting a root canal and that lasts four or more hours. It is sometimes impossible to get the patient to move his/her car in that time frame. Thanks in advance for considering this. S/ Louis Plumlee, DDS, 113 N Michigan St, Plymouth, 574-936-3505

Mayor Senter discussed the request, which he spoke with Dr. Plumlee about. He said the dentist's office would like to have two parking passes to hand out to patients that are going to have long procedures.

Houin asked what the alternative is for those patients right now. There was discussion regarding nearby city parking lots and the transportation needs for patients.

Board Members Culp and Fonseca moved and seconded to approve the request as presented.

Houin said he feels this is a good solution to the problem, but feels this might be opening a door for other downtown business owners to approach the board with the same request. Mayor Senter asked Police Chief Bacon if he would be making laminated passes for them. Bacon said yes.

The motion carried.

Board Members Houin and Culp moved and seconded to allow the payroll for October 31, 2017, and the claims for October 23, 2017, as entered in Claim Register #2017. The motion carried.

In other business, City Attorney Surrisi discussed his memorandum and the proposed agreement regarding the techFarm Land Sales.

**Memo**

**TO: Board of Public Works and Safety**  
**FROM: Sean Surrisi**  
**DATE: 10/19/17**  
**SUBJECT: techFarm Land Sales Agreement**

---

I've attached a revised version of an agreement to amend the techFarm land sales agreement that we discussed at your last meeting. This would create a new committee consisting of a representative of Van Vactor Farms, Inc., a member of the Redevelopment Commission, and the Mayor to make decisions regarding the use of any land sales proceeds. The amendment then establishes criteria for evaluating potential uses of the funds, with the highest priority being given to projects within the techFarm, but secondarily allowing for the use of the funds on any project elsewhere in the City. This would allow the City greater flexibility in using the funds, while still acknowledging the original intent of the agreement as Dave Miller discussed in his presentation. One such non-techFarm use that Dave Miller has discussed could be the City's local match on the Rees Theater restoration project, which recently received Regional Cities funding. Perhaps this committee could meet, on an as needed basis, immediately before or after a regular Redevelopment Commission meeting. If consideration of using the funds as an incentive for a prospective techFarm buyer were up for consideration, the committee would be able to hold executive sessions under Indiana Code § 5-14-1.5-6.1(b)(4), which allows for such meetings to discuss negotiations with industrial or commercial prospects. Please let me know if you have any questions.

**AMENDMENT TO AN AGREEMENT BETWEEN  
THE CITY OF PLYMOUTH, INDIANA, AND VAN VACTOR FARMS, INC.  
REGARDING THE DIVISION OF LAND SALE PROCEEDS**

This Amendment of the Agreement Between the City of Plymouth, Indiana, and Van Vactor Farms, Inc. Regarding the Division of Land Sale Proceeds dated June 14, 2010, is made and entered into by and between the City of Plymouth, Indiana, a municipal corporation, acting by and through its Board of Public Works and Safety and Van Vactor Farms, Inc., an Indiana Corporation. The parties hereto agree as follows:

WHEREAS, the parties hereto wish to amend the Agreement Between the City of Plymouth, Indiana, and Van Vactor Farms, Inc. Regarding the Division of Land Sale Proceeds in order to more closely adhere to the underlying precepts which existed during the creation of said Agreement, while allowing flexibility to meet current needs; and

WHEREAS, the parties now recognize that additional provisions would be beneficial to each in the further implementation of the arrangement between the parties and now desire to amend the Agreement Between the City of Plymouth, Indiana, and Van Vactor Farms, Inc. Regarding the Land Sale Proceeds in the following manner.

1. The use of all future funds received by the City of Plymouth from a division of land sale proceeds from Van Vactor Farms, Inc. based upon the terms of this Agreement will be evaluated according to the following priorities: 1) the highest priority

will be given to uses improving the infrastructure and assisting with site work in The techFarm or in real estate adjacent thereto and/or to be waived as an incentive for techFarm lot purchasers; 2) secondary consideration will be given to uses elsewhere within the City of Plymouth.

2. A committee will be established to approve the expenditure of said funds or to approve the waiving of receipt of said funds consisting of three (3) members. One member will be the Mayor of the City of Plymouth, one member will be a representative of the Plymouth Redevelopment Commission, and the third member will be a representative of Van Vector Farms, Inc.

Agreed to by the parties on the \_\_\_\_ day of October 2017.

**City of Plymouth by the Plymouth  
Board of Public Works and Safety**

**Van Vector Farms, Inc.**

\_\_\_\_\_  
Mark Sentor, Mayor

\_\_\_\_\_  
Stephen J. Van Vector, President

ATTEST:

\_\_\_\_\_  
Patricia L. Wright, Secretary-Treasurer

\_\_\_\_\_  
Jeanine M. Xaver, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Fred R. Jones, 4959-50  
JONES HUFF JONES & RICHESON, LLP

Houin said the agreement is brief and does not define how decisions will be made. He said he understands the intent of prioritizing the use of techFarm revenues to help fund projects within the techFarm, but his issue is that the mechanics need to be more definitive. Houin was also concerned that this agreement is essentially turning control over from the Board of Public Works and Safety to another entity and the board would have no say in the decisions.

Surrisi said the mayor would be part of the committee and this arrangement would shift responsibility from the Board of Works to the Redevelopment Commission, who would also have a representative on the committee. Surrisi explained that these types of projects are generally overseen and funded by the Redevelopment Commission, so that was the logic behind that commission being part of the decision-making rather than the Board of Works.

Dave Miller discussed the agreement and said he had his lawyer prepare the simple agreement with the understanding that both parties would want to negotiate terms.

Mike Delp suggested that part of the negotiation could be that the subcommittee make a recommendation for the Board of Works rather than having the final say in the decision of how the proceeds are spent. Houin said he liked that idea.

Don Ecker said he agrees with Board Member Houin and feels there needs to be more definitive mechanics in the agreement.

There was no action taken and it was decided to continue the discussion at the next meeting.

Board Members Houin and Fonseca moved and seconded to approve the communications contained within the October 23, 2017 packet.

- Water Department – September 2017 Monthly Report
- Wastewater Department – September 2017 Monthly Report

The motion carried.

There being no further business to discuss, Members Culp and Houin moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 6:22 p.m.

---

Jeanine M. Xaver, IAMC, CMC  
Clerk-Treasurer

APPROVED:

---

Mark Senter  
Mayor

The following items were forwarded to the proper committee to act:

10/2/2017 – Tree Request: 401 Ewing St. – dying ash tree in front yard that Arbor Society planted.  
S/ Al & Becky Wade, 401 Ewing St, Plymouth, 574-952-2201