

REGULAR SESSION, BOARD OF PUBLIC WORKS AND SAFETY, AUGUST 27, 2018

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on August 27, 2018, 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, Houin, Milner and Walters. City Attorney Surrisi and Clerk-Treasurer Xaver were also present.

Board Members Culp and Walters moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on August 13, 2018. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on August 6 and 7, 2018:

**Notice Pursuant to
I.C. 36-7-9-25(f) of
Order to Take Action
Regarding 801
Sycamore Street
Plymouth, Indiana**

TO: Charles Salach,
his successors or assigns, and/or any persons claiming a substantial property interest in the above referenced real estate

You are hereby notified that as Building Commissioner for the City of Plymouth, Indiana, I have determined that the structure located at 801 Sycamore Street is an unsafe building pursuant to state law and City ordinance. **You are therefore ORDERED to:**

1.) demolish and remove the unsafe building located at 801 Sycamore Street, Plymouth, Indiana, as the general condition of the building warrants removal.

You must take this action to demolish and remove the unsafe building within sixty (60) days of the date of this Order's second publication. A substantial beginning of repairs must, however, begin within thirty (30) days of your receipt of this of this Order's second

publication.

This Order is issued pursuant to the authority of I.C. 36-7-9-5(a)(7) and City ordinance, and therefore it may not be affirmed until a hearing has been held before the Plymouth Board of Public Works and Safety. Said hearing shall be held on Monday, August 27, 2018 at 6:00 p.m. (EDT), at the Fire Department meeting room, 111 N. Center Street, Plymouth, Indiana 46563. You are entitled to appear at the hearing, with or without legal counsel, to present evidence, cross-examine opposing witnesses, and present arguments.

If you do not comply with this Order, following any affirmation of the Order at the above referenced hearing and following the expiration of the time for any judicial review under Indiana Code § 36-7-9-8, the City of Plymouth, pursuant to Indiana Code § 36-7-9-10(b) intends to take action to enforce the order by directing a contractor to demolish and remove the unsafe building at your cost and/or the City may seek enforcement of this Order in the Marshall Circuit or Superior Court, together with all costs incurred, including court

costs and the assessment of a civil penalty against you in a sum not to exceed Five thousand dollars (\$5000). Additionally, the hearing authority may determine the property to be abandoned as provided in I.C. 36-7-37.

Last, you are advised pursuant to Indiana Code § 36-7-9-27 of the following:

(a) A person who has been issued and has received notice of an order relative

to unsafe premises and has not complied with that order:

(1) must supply full information regarding the order to a person who takes or agrees to take a substantial interest in the unsafe premises before transferring or agreeing to transfer that interest; and

(2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:

(A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and
(B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the de-

partment, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.

This Order is issued by: Keith B. Hammonds
Building Commissioner
City of Plymouth
111 N. Center Street
Plymouth, IN 46563
Telephone:
(574) 936-2824

August 6, 7, 2018 PN287689
hspaxlp

Mayor Senter opened the Hearing to Affirm Order to Take Action regarding 801 Sycamore St. Building Commissioner Hammonds shared some photos with the board. He informed the board that in an attempt to take further action on this property he sent letters out to the owner, but received them back unsigned. He also advertised in the newspaper so that there could be a hearing tonight. He did receive a phone call today from the contractor, Parker Osborn, informing him that the property owner contacted him and asked him for a quote to demolish the property. Hammonds

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informed Osborn that there is an order for it to be done and Osborn informed Hammonds that he could have it done within 30 days. Hammonds said he still wants the Board of Works to Affirm the action, just in case the homeowner doesn't accept of the bid from Osborn.

Board Members Walters and Milner moved and seconded to affirm order. The motion carried.

Board Member Cook asked if the job wasn't done by Osborn within 30 days, is the city just going to do it. Hammonds stated that that is correct.

The following legal notice was advertised in the Pilot Newspaper on August 13 and 20, 2018:

NOTICE TO BIDDERS
CITY OF PLYMOUTH,
INDIANA
PW-18-009 2018
STREET &
SIDEWALK FALL
PROJECTS

Notice is hereby given that the CITY OF PLYMOUTH; Indiana, by and through its Board of Public Works and Safety, hereinafter referred to as the OWNER, will receive sealed bids for the CITY OF PLYMOUTH -PW-18-009 2018 STREET & SIDEWALK FALL PROJECTS at the office of the Clerk-Treasurer of the City of Plymouth in the City Hall, 124 North Michigan Street (USPS address) - 118 North Michigan Street (temporary location), Plymouth, Indiana, 46563. Sealed bids are invited and may be forwarded by registered mail, addressed to the City, in care of the Clerk-Treasurer by no later than **4:30 PM (local time)** and will be considered by the OWNER at a public meeting called to open such proposals on or after **6:00 PM (local time)** on **August 27, 2018** at the Plymouth Fire Department Meeting Room, 110 North Center Street, Plymouth, Indiana, 46563. Proposals received by the Clerk-Treasurer af-

ter 4:30 PM (local time) shall be returned unopened. The bidder shall be responsible to make sure that bids are mailed or otherwise delivered to the Clerk-Treasurer before said time. One final call for bids shall be made prior to the opening of the bids at the subject meeting.

The PW-18-009 2018 STREET & SIDEWALK FALL PROJECTS shall be a street Structural Overlay with Undercut Project, pavement markings, and Concrete ADA Ramps/Sidewalks as described in the Specifications.

A complete set of Contract Documents and Specifications may be obtained at the Clerk-Treasurer's Office between the hours of 8:30 a.m. and 4:30 p.m., local time, Monday through Friday. A non-refundable fee of \$50.00 is required at the time of Contract Documents and Specifications package procurement. The fee will be waived, on one set of Bid Documents, for the Bidders of the PW-17-086 2018 Street & Sidewalk Spring Projects.

A pre-bid meeting will be held at the City of Plymouth - Wastewater Treatment Plant; 900 Oakhill Avenue 8:00 AM on Thursday August 16, 2018.

All bids received at the Office of the Clerk-Treasurer or delivered to the meeting by 6:00 PM local time will be opened publicly and read aloud by the Board at the Board of Public Works and Safety Meeting in the Fire Department Meet-

ing Room, 110 North Center Street at the above time.

Bids are to be submitted on Indiana Form No. 96 and shall be accompanied with the appropriate financial statement. Each bid shall be accompanied by a certified check or acceptable bid bond, in a sum of not less than five percent (5%) of the total bid amount. Bids shall be in sealed envelopes, marked with the name and place of business of the bidder. E-Verify employment documentation, City Nepotism documentation, Doing Business with Iran documentation, and Public Works tier 1 Contractor Certification shall be completed and submitted with the bid documents.

A performance bond equal to the contract price and a payment bond to insure the payment of subcontractors, contract laborers, material suppliers, and persons furnishing services will be required upon award of contract.

No bid shall be withdrawn after scheduled closing time for receipts of bids for at least thirty (30) days. The Board reserves the right to reject any or all bids, to accept all, or any part of any bid received, and to waive any and all informalities in bidding, and to accept the lowest and/or best bid.

City Attorney Surrisi presented the following bids. City Engineer noted that the Tier 1

Certification is not due until prior to the contract being signed.

CITY OF PLYMOUTH, INDIANA						
PW-18-009 2018 STREET & SIDEWALK FALL PROJECTS						
						PAGE 1 OF 11
BID TABULATION						
BIDS RECEIVED: August 27, 2018						
BIDS TABULATED:						
	E&B PAVING 310 Blacketor Dr Rochester, IN 46975	NIBLOCK 1080 Spartan Drive Columbia City, IN 46725	PHEND & BROWN 367 E 1250N PO Box 150 Milford, IN 46542	RIETH-RILEY PO Box 1775 25200 S.R. 23 South Bend, IN 46614	WALSH & KELLY 24358 S.R. 23 South Bend, IN 46614	
Bid Schedule	YES			YES	YES	
Acknowledgement of Addenda Receiver	YES			YES	YES	
Form No. 96 w/Non-Collusion Affidavit	YES			YES	YES	
Financial Statement	YES			YES	YES	
E-Verify Documentation	YES			YES	YES	
Nepotism Policy Documentation	YES			YES	YES	
Doing Business with Iran Documentation	YES			YES	YES	
Bid Bond	YES			YES	YES	
Tier 1 Certification	YES			YES	YES	
DESCRIPTION	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
TOTAL BID	\$ 509,104.42			\$ 458,856.76	\$ 478,033.25	

Neither Niblock nor Phend & Brown submitted a bid. Gaul requested permission to work with Clerk-Treasurer Xaver, Street Superintendent Marquardt, Mayor Senter and Attorney Surrisi to select the lowest responsive and responsible bid, based on funding that we have. Marquardt has prepared a schedule of prioritized projects to provide to the members this evening.

Board Members Culp and Milner moved and seconded to approve the selection of the lowest bid. The motion carried.

Superintendent Marquardt presented the priority list for the 2018 Fall Street Projects dependent on budgetary funds:

1. Randolph St. (Baker to the River Bridge)
2. Bailey St. (Jackson to Shalley)
3. Pearson Place (Hillcrest to Felix Pl)
4. Bayless St. (Webster south to Alley)
5. Jackson St. (Michigan to Bailey)
6. Baker St. (Randolph to Columbus)
7. S. Michigan (Lemler to Oakhill)

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Oakhill Ave. would encompass everything from when the light and all the different pavement, surfaces and striping were done.

Engineer Gaul reviewed SW18-036, Comcast, 2160 N. Oak Rd., Super 8 - work in Right of Way. It is the project that was installed prior to acquiring the necessary permits. It has been reviewed and BSM Groups on behalf of Comcast/QC Communications will remove a set of similar lines previously installed diagonally across Markley Drive in the area south of the Super 8 Hotel Drive entrance. Financial guarantee fines were levied on August 13, 2018, the documents were mailed August 14, 2018. Gaul said that he received a call from the permitting specialist on August 15, 2018, the drawings were received August 21, 2018 after we requested them, received revised drawing on August 22, 2018 and prepared them for the submission. Gaul requested approval of the application with the \$5,000 Financial Guarantee, the signing of the licensing agreement and following all the notations.

Board Members Walters and Culp moved and seconded to approve the request as presented. It passed by roll call vote.

AYES: Senter, Culp, Houin, Milner, Walters
NAYS: None

Gaul also presented PW-18-044, Comcast, 201 Airport Rd., - work in Right of Way. It was noted that they will also have to request and receive permission from the county for work in Right of Way. There is a \$5,000 Financial Guarantee required and general notations. The notations also include the fact that approval is required by the County Surveyor and County Highway Department. Gaul requested approval for PW-18-044, 201 Airport Rd.

Board Members Culp and Walters moved and seconded to approve PW-18-044. It passed by roll call vote.

AYES: Senter, Culp, Houin, Milner, Walters
NAYS: None

Engineer Gaul informed the board that the deadline for the Community Crossings Grant application is nearing and the city needs to start putting in the requests for it. The city's Pavement

Asset Management Plan was approved by Purdue Local Technical Assistant Program (LTAP).

There were no changes on the Asset Management Plan from last year except that the repaved streets were re-rated.

The CCMG application is ready to hand in. Last year the state only awarded about half of the project on the application; the city is resubmitting the previously unawarded streets. This keeps the city near the \$500,000 amount that they were awarded last year.

City Attorney Surrisi presented the following lease agreement for the Old Fire Station at 220 N. Center St. for HIS Small Wonders Preschool and Learning Center Corporation. Surrisi stated that it is the same document as presented last year except for the change in year from 2018 to 2019.

LEASE AGREEMENT FOR OLD FIRE STATION

This lease agreement entered into this 27th day of August, 2018, between the City of Plymouth, Indiana, by and through its Board of Public Works & Safety, hereinafter referred to as Lessor, and HIS Small Wonders Preschool and Learning Center Corporation, hereinafter referred to as Tenant.

The parties agree as follows:

1. Leased Premises: Tenant agrees to lease, and Lessor agrees to lease, the first and second floors of the Old Fire Station, 220 N. Center Street, Plymouth, Indiana.
2. Term of Lease: This lease shall run from September 1, 2018 to and including August 31, 2019. To continue the lease, the parties shall sign a new lease agreement thereafter on a yearly basis.
3. Rent: The rent for the term of this lease is Six Hundred Fifty Dollars (\$650.00) per month, payable without demand or notice on the 1st day of each and every month of the term, beginning on the 1st day of September, 2018, and each subsequent month thereafter at the City Clerk-Treasurer's Office, 124 N. Michigan Street, Plymouth, IN 46563. A late penalty in the amount of Fifty Dollars (\$50.00) shall be assessed on any rent payment not received by the 10th day of a given month.
4. Use of Premises: The use of the premises shall be for the purpose of operating a pre-school, and gathering, meeting, and office purposes in support of the pre-school.
5. Assignment: Tenant may not assign this lease or sublet any part of the premises without the written consent of Lessor.
6. Lessor's Maintenance: The Lessor hereby agrees to keep the entire structure and exterior portion of the premises in good repair and maintenance. Moreover, the Lessor will assure that the elevator, gas, electric, plumbing, and HVAC remain operational.

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7. Tenant's Maintenance: The Tenant agrees to maintain the interior portion of the premises in good repair at all times. The Tenant acknowledges its intent to make improvements to the interior of the leased premises and, by and through this lease, the Lessor provides its written consent to the Tenant to make alterations, additions or structural improvements to the interior of the leased premises, subject to necessary applicable permitting, if any, as issued by the Plymouth Building Commissioner or other applicable authority. Any such alterations, additions or structural improvements shall remain a part of the premises at the conclusion of the term of this lease and therefore be the property of Lessor. Tenant may apply for rent credits for certain approved testing of or improvements to the premises.
8. Insurance: The Tenant agrees to carry adequate public liability insurance maintaining sufficient protection against any injuries or damages sustained by individuals for those activities of the Tenant. Lessor shall maintain adequate liability and casualty insurance for the real estate and the common areas of the leased premises. However, all personal property placed or moved into the premises by Tenant shall be at the risk of the Tenant, and Lessor shall not be liable for any damages to personal property caused by any source whatsoever, and whether it be from any act of negligence of any other occupants of the premises or of any other person or event whatsoever, including the bursting or leaking of water pipes, et cetera. Also, the Tenant acknowledges that if, at the time of execution of this lease, it has, or at any later time during the term of this lease, it has employees subject to Indiana's Worker's Compensation laws, that all such employees are covered by an adequate worker's compensation insurance policy. The tenant shall provide the City Clerk-Treasurer with all applicable certificates of insurance at the time the lease is signed and, in the event of any changes in said coverages, shall notify the City Clerk-Treasurer immediately.
9. Utilities and Taxes: It is the parties' intent that the annual sum of Tenant's rent payments, along with any approved rent credits as set forth in Paragraph 7 above, shall be sufficient to pay the estimated property taxes for the premises and the monthly utility expenses. Lessor shall pay the annual property taxes and shall pay the utilities for the premises including electric, gas, water and sewer. At the termination of the lease, Tenant shall pay as additional rent any deficiency between the actual rent (plus any approved credits) and the actual amount of utilities and taxes. Lessor shall provide copies of utility bills and tax statements to Tenant to enable Tenant to plan for a deficiency, if any. Tenant shall pay for any telephones, internet, other services and the monthly billings for the same.
10. Termination of Lease: Tenant agrees to deliver to Lessor the premises at the termination of this lease in the same condition as it was originally leased, authorized improvements and ordinary wear and tear excepted.
11. Default: Tenant agrees to vacate the premises upon termination of the lease as stated above. Upon default of any of the agreements in this lease, Tenant agrees to likewise vacate the premises. Time is of the essence of this agreement. If any court action is necessary to enforce any conditions of this lease agreement, the prevailing party may recover attorney fees.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the date first written above.

Board Members Walters and Milner moved and seconded to approve the lease. The motion carried.

Clerk-Treasurer Xaver presented the following request:

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For the annual Crop Walk for the Church World Services on September 23, 2018 at 1:00 p.m. *see attached map. S/ Norman Long, 17476 Lincoln Highway, Plymouth, 574-936-8441.

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

Police Chief Bacon presented the following request from Mayor Senter:

No parking on the south side of Garro Street from Liberty Street to Indiana Avenue. This request is due to the traffic congestion created by drop off/pick up at Lincoln Jr. High School. 7:00 a.m. to 4:00 p.m.; Monday through Friday on school days. S/ Mark Senter, Mayor, 124 N. Michigan Street, Plymouth IN 46563, 574-936-6717.

Chief Bacon explained that Garro St., west of Liberty St., late in the afternoon when school lets out becomes bottlenecked because on the south side of Garro St. as vehicles line up to pick up children up from the Jr. High. Residents park on the north side of Garro Street for most of the day. When there are vehicles on both the north and south sides, there is only one lane for traffic going to and from the junior high school. There are buses going through there, as well as regular vehicular traffic. Bacon stated that until the new junior high school is completed, there are going to be traffic issues. He said they are requesting “no parking” from Indiana Ave. to Liberty Street, which will solve the problem should emergency vehicles need to get through and will still allow for east and west traffic if there’s only parking on one side.

Board Member Milner asked if they were limiting parking only between certain times. It was decided that it will be enforced from 7:00 a.m. to 4:00 p.m. The Street Department will send out notifications to the neighboring residents so that they have an opportunity to voice their opinions at the next meeting. It is being put on hold until the next meeting.

The request from Joan Walters, regarding 331 Crimson Lane, was followed up on. Superintendent Marquardt sent the following letter to the residents in the Crimson Lane area:

City of Plymouth Street Dept.
2124 Western Avenue
Plymouth, IN. 46563
PHONE 574-936-2017 FAX 574-936-3551

August 14, 2018

Attn: Resident

A Board of Works public meeting will take place at 6:00 pm on August 27, 2018 in the Plymouth Fire Department meeting room at 111 N. Center St (Southern most entrance on Center St.) Discussion will take place proposing no Parking on the street on the South side of Crimson Lane (East of Hillcrest) in regards to parking congestion due to Bus's and Emergency Vehicles. If you have concerns and would like to attend please do so.

Thank you

Jim Marquardt

City of Plymouth Street Department
2124 Western Ave.
Plymouth, IN 46563

Mrs. Frances Kent, 330 Crimson Lane, spoke against the request.

Joan Walter, 331 Crimson Lane, addressed the board members as the petitioner for the request

Jesse Morales, 342 Crimson Lane, said that he's against the request.

Gary Cook, 418 Crimson Lane, stated that when this request was first brought to the board, he didn't have an opinion either way; however, he has since been in contact with quite a few people and based upon their input, he asked that the board deny the request.

Attorney Surrisi asked if there was a specific reason why the request was to prohibit parking on the south side, as opposed to the north side. Mrs. Walter answered that there are three houses on the south side with very large driveways that allow for four vehicles to be parked. The north side has smaller driveways, especially the corner house which still needs to park one of their vehicles in front of their home.

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Board Members Houin and Culp moved to deny the request. It passed by roll call vote.

AYES: Senter, Culp, Houin, Milner and Walters
NAYS: None

Utility Superintendent Davidson was asked about the Elisa Holstein, 217 Gilmore St. request. He stated that he has worked with the Clerk-Treasurer's Office regarding credits and a payment plan and said he probably needs to present this before the Common Council since it is a rate issue. At this time it is pending approval from the Common Council on the proposed credits.

Mayor Senter presented the following request per attached e-mail:

I am requesting NO PARKING signs on Memory Court during the Blueberry Festival beginning Friday morning 08-31-2018 through 09-03-2018. Attached is an e-mail from Memory Ct. resident, Karen Grayam ref this request. S/ Mayor Mark Senter, 574-936-6717.

From: Karen Grayam <grayamkaren@gmail.com>
Sent: Thursday, August 23, 2018 3:34 PM
To: Mayor Mark Senter
Subject: No Parking city signs

Hello!
Karen Grayam from 610 Memory Ct. Plymouth.

I have a request....
Every Blueberry festival we have NON RESIDENT People parking in our Culdesak and along curbs in our small residential area. Also parking in front of our drives. If ever a emergency, they would cause a delay. We have several Elders" residing in our community.
We ALL are requesting NO PARKING signs.... (unless you live there.) We are tired of telling them no parking. We save it for our families.
I'm not afraid to have them towed.
Please please please HELP us with this Annoying problem.
Any questions... please email back.
Thank you,
Karen Grayam and Memory Ct. Residents.

Board Members Culp and Houin moved and seconded to deny the request. It passed by roll call vote.

AYES: Senter, Culp, Houin, Milner, Walters
NAYS: None

Street Superintendent Marquardt presented the following sidewalk request:

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08/20/2018 – No more sidewalk, people need to walk on the street because no more sidewalk. Please repair. S/ Javier Gallarpo, 422 Pierce St., Plymouth IN 46563, 574-933-4237.

Marquardt informed the board that he looked at it and it does fall into the 3E Category, the same category that the sidewalk crews just worked on. The city could tie it in with the category early next year. He will contact the resident.

Board Members Milner and Walters moved and seconded to allow the payroll for August 31, 2018 and the claims for August 27, 2018 as entered in Claim Register #2018. The motion carried.

Board Members Walters and Houin moved and seconded to accept the following communications:

- City of Plymouth Wastewater Department Report from July, 2018
- City of Plymouth Water Department Report from July, 2018

The motion carried.

There being no further business to discuss, the meeting was adjourned at 7:02 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED:

Mark Senter, Mayor

The following request was forwarded to the proper committee to act upon:

08/20/2018 – Tree hanging out in street at 620 W. Garro St. Tree is on the northwest corner right next to the alley. See attached map. S/ Brandon Berger, Asst. Director of Transportation, 701 E. Berkley St., 574-936-3169.