

REGULAR SESSION, COMMON COUNCIL, JULY 10, 2017

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on July 10, 2017. The meeting was held in the Council Chambers of the City Building, 124 N. Michigan Street, Plymouth, Indiana. The meeting was called to order at 6:30 p.m.

Mayor Senter led the Pledge of Allegiance and Council Member Ecker offered prayer.

Mayor Senter presided for Councilmembers Cook, Culp, Ecker, and Walters. City Attorney Surrisi and Clerk-Treasurer Xaver were also present. Council Members Fonseca, Grobe, and Houin were absent.

City Attorney Surrisi explained that the Board of Public Works and Safety meeting that was scheduled for this evening did not take place due to the lack of a quorum. Several items of business, including opening the bids for Richter Road Water Main Extension, awarding the bid for the ambulance chassis and opening letters of interest for the Hoham Drive Project will be handled by the Common Council. He explained that there is a statutory procedure which states that the time originally advertised to receive bids for a project may be changed if it is in the best interest of the city to do so and that it is announced at the time the original bids were to be opened. He said that the announcement was made at the time of the Board of Public Works and Safety meeting.

Surrisi announced that the bid opening for the City Hall Renovation Project has been delayed to the July 18th Redevelopment Commission meeting, also allowed by statutory procedure.

The following legal notice was published on June 2 and June 9, 2017:

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INVITATION FOR BIDS RICTHER ROAD WATER MAIN EXTENSION MARSHALL COUNTY, INDIANA

Notice is hereby given, that the City of Plymouth, Marshall County, Indiana, by and through its Board of Public Works, hereinafter referred to as the Owner, will receive sealed bid packets for the construction of the **PLYMOUTH - RICHTER ROAD WATER MAIN EXTENSION.**

Sealed bids may be delivered to the City of Plymouth Clerk-Treasurer's Office, 124 N. Michigan St. Plymouth, Indiana, prior to 4:30 PM (local time) on July 10, 2017, should the bidder so desire. Sealed bids must be received by the City of Plymouth no later than 6:00 P.M. (Local Time) on July 10, 2017. Bids received after such hour will be returned unopened. Bids received prior to the time shall be opened and publicly read at the public meeting scheduled to take place on July 10, 2017 at 6:00 P.M. (Local Time) at the Plymouth City Hall, 124 N. Michigan Street (use side entrance on Garro Street), Plymouth, Indiana 46563. A pre-bid meeting will be held at 10:00 A.M. (Local Time) on June 29, 2017 at the Plymouth Wastewater Treatment Plant, 900 Oakhill Avenue, Plymouth, Indiana 46563. All prime contractors and subcontractors and other interested parties are invited to attend.

The Project will be constructed in one (1) single phase contract, which is outlined in the construction documents and specifications. This contract will consist of the construction of water system improvements along Richter Road, beginning at its intersection with Baker Street, south along Richter Road to its intersection with East Jefferson Street, then west along East Jefferson Street to its intersection with Walters Drive. Plans and Specifications for the Project are on file and may be examined at the following locations:

- * Midwestern Engineers, Inc., 6809 Corporate Drive, Indianapolis, Indiana 46278
- Plymouth City Hall, 124 N. Michigan Street, Plymouth, Indiana 46563

Plans and Specifications are available at the office of Midwestern Engineers, Inc. The service charge for Contractors to view the plans for preparing their bid is as follows:

- 1) Purchase on CD - \$40.00, 2) Purchase by download at idbtrack.com/planroom - \$25.00, and 3) Purchase paper-bound plans and specifications - \$200.00 per set.

All service charges for purchasing are non-refundable. The work to be performed and the bid to be submitted shall include sufficient and proper sums for all general construction, mechanical installation, labor, materials, permits, licenses, insurance, and 80 forth incidental to and required for the construction of the facilities. Each bid must be enclosed in a sealed envelope bearing the title of the Project and the name and address of Bidder. All bids must be submitted on the bid forms as identified in the Contract Documents and Specifications. Each bid shall be accompanied by a certified check or acceptable bidder's bond made payable to the Owner, in a sum of not less than five percent (5%) of the total amount of the highest aggregate bid, which check or bond will be held by the Owner as evidence that the bidder will, if awarded the contract, enter into the same with the Owner upon notification from him to do so within ten (10) days of said notification.

Approved performance and payment bonds guaranteeing faithful and proper performance of the work and materials, to be executed by an acceptable surety company, will be required of the Contractor at the time of contract execution. The bonds will be in the amount of 100% of the Contract Price and must be in full force and effect throughout the term of the Construction Contract plus a period of twelve (12) months from the date of substantial completion.

The Owner reserves the right to reject any bid, or all bids, or to accept any bid or bids, or to make such combination of bids as may seem desirable, and to waive any and all irregularities in bidding. Any bid may be withdrawn prior to the above scheduled time for the opening of bids or authorized postponement thereof. Any bid received after the time and date specified shall not be considered. No bid may be withdrawn after the scheduled closing time for receipt of bids for at least sixty (60) days. A conditional or qualified Bid will not be accepted. Award will be made to the low, responsible, responsible bidder. All applicable laws, ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the project throughout.

Bids shall be properly and completely enclosed on bid forms included in the Specifications. Bids shall include all information requested by Indiana Form 96 included with the Specifications. Under Section III of Form 96, the Bidder shall submit a financial statement. A copy of the proposed Financial Statement to be submitted with the bid is included in the bid documents section to these specifications. The Owner may make such investigations as deemed necessary to determine the ability of the Bidder to perform the work and the Bidder that furnish to the Owner all such information and data for this purpose as the Owner may request.

The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such Bidder fails to satisfy the Owner that such Bidder is properly qualified to carry out the obligations of the Agreement and to complete the work contemplated therein. Each Bidder is responsible for inspecting the project site(s) and for reading and being thoroughly familiar with the Contract Documents and Specifications. The failure or omission of any Bidder to do any of the foregoing shall in no way relieve any Bidder from any obligation with respect to its Bid. Any Contractor's awarded under the Advertisement for Bids are expected to be funded in full by the Owner using funds on hand. Notice of contract award will be made promptly upon Owner's review and acceptance of the low-responsive bid.
Jeanine Xaver, Clerk-Treasurer, City of Plymouth, Indiana
June 12, 19, 2017 - P
June 19, 19, 2017 REVISED

City Attorney Surrisi made a last call for sealed bids for the Richter Road Water Main Extension

Project. The following sealed bids were opened and read aloud:

- Haskins Underground, Inc., Plymouth, IN \$124,605.00
- HRP Construction, Inc., South Bend, IN \$257,812.00
- Thomas Excavating & Welding Inc., Culver, IN \$167,816.00
- Haskins, Inc., Plymouth, IN \$216,860.00

Council Members Cook and Ecker moved and seconded to take the bids under advisement. The motion carried.

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Fire Chief Miller recommended the Council award the Ambulance Chassis bid to Crossroads Ambulance from Indianapolis, Indiana, which was the low bidder and met all required specifications.

Council Members Ecker and Culp moved and seconded to award the bid in the amount of \$186,806.00 to Crossroads Ambulance, the low responsive and responsible bidder. The motion carried.

City Attorney Surrisi made a last call for letters of interest for the Hoham Drive Project. Surrisi then opened the following sealed letters:

- RQAW Consulting Engineers & Architects, Indianapolis, IN
- VS Engineering, Lafayette, IN

Surrisi said they both appreciated the interest from the project, but would not be submitting a proposal.

- Lochmueller Group, South Bend, IN
- Ciorba Group, Inc, Michigan City, IN
- Troyer Group, Mishawaka, IN
- Lawson Fisher Associates PC, South Bend, IN
- SEH of Indiana, Michigan City, IN

City Engineer Gaul said three individuals need to form a committee to review the proposals. Mayor Senter, Street Superintendent Jim Marquardt and Don Ecker all volunteered to take part in the committee.

Fire Chief Miller requested the council's permission to begin the hiring process to replace a paramedic who is no longer employed at the department. Marsha Wainscott's last day of employment was June 16, 2017.

Council Members Culp and Ecker moved and seconded to approve the request. The motion carried.

City Attorney Surrisi introduced Steve Knies of DLZ and County Commissioner Mike Delp to discuss the Marshall County Wetland Mitigation. Surrisi said this property is currently not a park, but there have been discussions of making it a nature area for the Greenway Trail in the future.

Knies explained that there is a buffer area between the river and the mitigation site. The plan for the mitigation area is to plant native trees and shrubbery.

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Mayor Senter said this area is at the end of Plum and Walnut Streets. Surrisi noted that the Park Board has been notified of this plan and are in favor of moving forward. It was approved at the Park Board meeting, but the request before the Common Council is to authorize the mayor to sign the Mitigation and Conservation Easement Agreement. Surrisi said the agreement states that Marshall County will have an easement and maintain the wetlands for the next 10 years.

Commissioner Mike Delp said he feels this is a win-win situation for the city and county and is in favor of the council approving the agreement. He said the county will complete the project and contract out the maintenance of the area for 10 years. There are also reporting obligations that the county will be responsible for as well.

Councilman Ecker asked for clarification on the financial responsibility. Delp said the financial responsibilities lies with county until the 10-year period ends. It will then be maintained by the City of Plymouth Park Department. Surrisi asked if there are wetland reporting responsibilities after the 10-year period. Knies said the reporting is required to ensure plants are growing for the 10-year period. After that timeframe, the reporting is no longer required.

Knies said that only above-ground structures can be built at this location in the future, for instance an observation deck or gazebo. No flat, in-the-ground hard surface can be constructed.

Council Members Culp and Cook moved and seconded to approve the Mitigation and Conservation Easement. The motion carried.

Clerk-Treasurer Xaver presented the following request:

Plymouth-Kilwinning Masonic Lodge respectfully request we be allowed to use the water tower property located on Parkview St. to store our golf carts during the 2017 Blueberry festival. We have made this request for a number of years. We will provide our own lock. Certificate of insurance will be provided upon approval of request. S/ Lyle Faulkner, II, W.M., 109 Water Street, Plymouth, 574-936-2664

Council Members Ecker and Cook moved and seconded to approve the request. The motion carried.

Clerk-Treasurer Xaver presented the following request:

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Please allow the city office to block the three parking spaces closest to the mayor's door on the north side of Garro St. at 124 N Michigan Street to allow the shredding company to pull their truck in to load old records for destruction. Said records have been approved for destruction by the Local Marshall County Commission of Public Records and the County and Local Records Analyst at the Indiana Archives and Records Administration, as applicable. The truck will be on site Tuesday, July 11, 2017 around mid-morning. The spots will need to be blocked off from 8 am until his completion, which should be no later than noon. The truck will be back on site Tuesday, August 1, 2017 and again on Tuesday, August 29, 2017. I am requesting that the same parking spots be blocked off for all the same time frame on those days as well. S/ Jeanine M. Xaver, Clerk-Treasurer, 124 N Michigan Street, Plymouth, 574-936-2124

Council Members Ecker and Cook moved and seconded to approve the request. The motion carried.

Clerk-Treasurer Xaver presented the following request:

Close the area on Garro Street, west of Michigan Street and to the alley by the Post Office from 7:00 a.m. – 4:00 p.m. for use 7/29/2017 during the Downtown Tractor Show. Michigan Street closure has been approved by INDOT. This area will be used for food vendors. S/ Laura Mann, Promotion of the City Coordinator, 124 N Michigan Street, Plymouth, 574-936-6717

Council Members Culp and Ecker moved and seconded to approve the request. The motion carried.

Clerk-Treasurer Xaver presented the following request:

I would like to burn a pile of wood 5' tall 20' diameter. There are no near structures that would be in danger. There is no hazardous material or tires. S/ Kem McFarling, 1138 Warana Drive, Plymouth, 574-341-0105

Council Members Culp and Cook moved and seconded to approve the request. The motion carried.

Council Members Ecker and Culp moved and seconded to allow the payroll for July 14, 2017, and the claims for July 10, 2017, as entered in Claim Register #2017. The motion carried.

Council Members Culp and Cook moved and seconded to approve the minutes of the last regular Common Council meeting on June 26, 2017. The motion carried.

Council Members Ecker and Culp moved and seconded to open the public hearing for Additional Appropriations. The motion carried.

Clerk-Treasurer Xaver said the additional appropriations are for the requested raises for the police department officers. She said this will also effect the Police Pensions fund. The other part of the additional

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appropriation request is for the Community Crossings Grant that was approved at the last meeting. This is moving money from the Rainy Day Fund to the new Road and Bridge fund.

Xaver asked that the raises for the police department be postponed until August 1, 2017, because the salaries need to be certified with the Indiana Public Retirement system, which can take some time to get back.

Xaver also asked the council members how they plan on offsetting the new expenses for the fire and police department raises with additional income.

Councilman Ecker said he feels the current fee schedules need to be reviewed. Some rates have not been changed in over a decade and are not being maintained with the rate of inflation.

Council Members Cook and Culp moved and seconded to close the public hearing. The motion carried.

City Attorney Surrisi presented Ordinance No. 2017-2118R, An Ordinance Repealing and Replacing Ordinance 2016-2107, The Ordinance Fixing Salaries of Appointed Officers and Employees Fire and Police Personnel of the City of Plymouth, Indiana, for the Year 2017, Commonly Known as the 2017 Salary Ordinance and Subsequent Amendments, Including Ordinance 2017-2114 and Ordinance 2017-2117, on second reading.

Council Members Ecker and Walters moved and seconded to approve Ordinance No. 2017-2118R, An Ordinance Repealing and Replacing Ordinance 2016-2107, The Ordinance Fixing Salaries of Appointed Officers and Employees Fire and Police Personnel of the City of Plymouth, Indiana, for the Year 2017, Commonly Known as the 2017 Salary Ordinance and Subsequent Amendments, Including Ordinance 2017-2114 and Ordinance 2017-2117, on second reading, with the understanding that it will go into effect on August 1, 2017. It passed by roll call vote.

AYES: Cook, Culp, Ecker, Walters

NAYS: None

ABSENT: Fonseca, Grobe, Houin

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Council Members Culp and Walters moved and seconded to approve Ordinance No. 2017-2118R, An Ordinance Repealing and Replacing Ordinance 2016-2107, The Ordinance Fixing Salaries of Appointed Officers and Employees Fire and Police Personnel of the City of Plymouth, Indiana, for the Year 2017, Commonly Known as the 2017 Salary Ordinance and Subsequent Amendments, Including Ordinance 2017-2114 and Ordinance 2017-2117, on third reading. It passed by roll call vote.

AYES: Cook, Culp, Ecker, Walters

NAYS: None

ABSENT: Fonseca, Grobe, Houin

City Attorney Surrisi discussed the proposed voluntary annexation of 1715 Lake Avenue by Weir Enterprises, LLC. He said the parcel that the house is on is half in the city and half in the county. Weir plans on filing the petition to annex all of the property into the city next week, which will require a public hearing within 30 days and legal notice of that public hearing 20 days prior to the meeting.

City Attorney Surrisi presented Resolution No. 2017-748, Additional Appropriation Resolution for the Police Pension Fund and Police Department. He said this will appropriate an additional \$10,000 into the Police Pension Fund and \$80,000 into the General Fund for the police department.

Council Members Ecker and Culp moved and seconded to approve Resolution No. 2017-748, Additional Appropriation Resolution for the Police Pension Fund and Police Department. It passed by roll call vote.

AYES: Cook, Culp, Ecker, Walters

NAYS: None

ABSENT: Fonseca, Grobe, Houin

City Attorney Surrisi presented Resolution No. 2017-749, Additional Appropriation Resolution for the Rainy Day Fund and Local Road and Bridge Matching Grant of 2017. He said this is in the amount of \$870,000 each.

Council Members Culp and Walters moved and seconded to approve Resolution No. 2017-749, Additional Appropriation Resolution for the Rainy Day Fund and Local Road and Bridge Matching Grant of 2017. It passed by roll call vote.

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AYES: Cook, Culp, Ecker, Walters

NAYS: None

ABSENT: Fonseca, Grobe, Houin

Mayor Senter opened the privilege of the floor. No one accepted.

Members Ecker and Culp moved and seconded to accept the following communications:

Minutes of the Board of Public Works and Safety meeting of June 26, 2017;

Minutes of the Plan Commission meeting of June 6, 2017;

Minutes of the Board of Zoning Appeals meeting of June 6, 2017;

Minutes of the Urban Forest and Flower Committee meeting of June 20, 2017;

Minutes of the Technical Review Committee meeting of June 20, 2017;

IDEM Letter RE: Pregis dated June 29, 2017

Plymouth-Kilwinning Masonic Lodge 2017 Blueberry Festival use of Water Tower
Property Request

City Office Parking Space for Destruction of Old Records Request

Mayor's Office Road Closure for Food Vendors during Downtown Tractor Show
Request

The motion carried.

There being no further business to discuss, Council Members Culp and Ecker moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:14 p.m.

Jeanine M. Xaver, IAMC / CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor

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

6/29/2017 – Tree Request: Large tree limb over Elliott Street – looks to be dead. Lots of tree pulp on the sidewalk. S/ Mary L. Spoor, 121 Elliott Street, Plymouth, 574-780-0037

7/5/2017 – Tree Request: There is a tree located in the City terrace at 1023 N Center St. The branches have grown to the point that they are now hitting the house. We would like the tree trimmed please. S/ Angie Birchmeier, 11100 ShadyLane Dr, Plymouth, 574-780-2123