

REGULAR SESSION, BOARD OF PUBLIC WORKS AND SAFETY, AUGUST 12, 2019

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on August 12, 2019. The meeting was held in the Council Chambers, 124 N. Michigan St., Plymouth, Indiana. Mayor Senter called the meeting to order at 6:00 p.m.

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 July 22, 2019. The motion carried.

Utility Superintendent Donnie Davidson notified the board that the North Liberty Street Water Main Replacement Project has been completed. He also said the North Water Tower Painting Repair Project is set to start on September 3rd.

Building Commissioner Keith Hammonds requested the board's affirmation for the demolition of the structure at 400 East Jefferson Street. He said the owner had been notified several years ago that the building and lot needed to be brought up to code. Some updates were made but the owner has since stopped the repairs.

Board Members Culp and Walters moved and seconded to affirm the demolition of the building at 400 East Jefferson Street. The motion carried.

Mayor Senter requested an update on the apartment building at 881 Broadway Street. Hammonds said City Attorney Surrisi sent communications to both parties that they have until September 7, 2019 to come up with an agreement. Surrisi said the city can begin soliciting quotes for the demolition of the building.

Miller requested the board's permission to apply for an AFG grant, which is a 90% - 10% matching grant, to help pay for new radio equipment. The city's share would be approximately \$20,000.

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Board Members Houin and Milner moved and seconded to approve Chief Miller's request to apply for the matching grant. The motion carried.

Miller requested permission to upstaff his department in order to accommodate for the annual Blueberry Festival.

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

Fire Chief Rod Miller presented the following reports:

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Plymouth Fire Dept

Incidents by District (Summary)

Alarm Date Between {07/01/2019} And {07/31/2019}

District	Count	Pct of Incidents	Est Losses	Pct of Losses
001 Argos	5	2.92 %	\$0	0.00 %
004 Culver	1	0.58 %	\$0	0.00 %
007 Plymouth	110	64.32 %	\$11,000	57.89 %
008 Polk	1	0.58 %	\$0	0.00 %
011 Center Twp	11	6.43 %	\$8,000	42.11 %
019 West Twp	35	20.46 %	\$0	0.00 %
12 Argos Paramedic Assist	2	1.16 %	\$0	0.00 %
16 Lakeville/Lapaz Paramedic Assist	2	1.16 %	\$0	0.00 %
18 Walkerton Paramedic Assist	4	2.33 %	\$0	0.00 %
Total Incident Count: 171			Total Est Losses: \$19,000	

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Plymouth Fire Dept

Departmental Activity Report

Current Period: 07/01/2019 to 07/31/2019, Prior Period: 01/01/2019 to 07/31/2019

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, Training Classes

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
Fire Alarm Situations				
Chemical release, reaction, or toxic	0	0.00	4	104.50
Combustible/flammable spills & leaks	0	0.00	5	28.20
Cultivated vegetation, crop fire	0	0.00	1	39.42
Dispatched and cancelled en route	4	1.71	99	146.55
Electrical wiring/equipment problem	0	0.00	6	12.22
Emergency medical service (EMS) Incident	150	341.88	1,069	2,609.10
Extrication, rescue	0	0.00	1	2.20
False alarm and false call, Other	1	23.45	21	97.88
Fire in mobile property used as a fixed	1	17.51	2	21.41
Fire, Other	2	120.55	8	145.28
Good intent call, Other	0	0.00	2	6.54
Hazardous condition, Other	0	0.00	1	4.57
Medical assist	9	5.15	49	254.14
Mobile property (vehicle) fire	1	8.26	7	38.11
Natural vegetation fire	1	0.39	4	8.63
Outside rubbish fire	0	0.00	4	7.12
Public service assistance	0	0.00	1	1.28
Rescue or EMS standby	0	0.00	1	0.89
Rescue, emergency medical call (EMS),	0	0.00	1	1.91
Severe Weather & Natural Disaster -	0	0.00	1	0.00
Smoke, odor problem	0	0.00	2	10.27
Steam, Other gas mistaken for smoke	0	0.00	5	23.51
Structure Fire	1	0.73	9	163.37
System or detector malfunction	0	0.00	3	8.09
Unintentional system/detector operation	1	1.66	7	11.85
Wrong location, no emergency found	0	0.00	1	1.55
	171	521.29	1,314	3,748.59
Training				
Abulance Opps	0	0.00	1	0.50
Advanced Cardiac Life Support	0	0.00	7	18.00
Air Bags	0	0.00	8	16.00
Airway Management	0	0.00	22	30.00
Allergies	0	0.00	2	2.00
Anaphlaxis	0	0.00	2	2.00
Ariel Operations	0	0.00	18	36.00

* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

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Training				
Bleeding Control	0	0.00	12	12.00
Blood Bourne Pathogens	0	0.00	5	5.00
Cardiology	0	0.00	21	51.00
Communications Equipment	0	0.00	1	1.00
CPR	0	0.00	10	10.00
CPR Recert	0	0.00	37	148.00
Cric/needle cric	0	0.00	11	203.00
EMS Audit & Review	0	0.00	59	85.67
EMS Skills	2	8.00	17	14.00
EMT-B	0	0.00	10	28.00
Epi Pens	0	0.00	1	1.00
Epinephrine Administraton	0	0.00	2	1.50
ESO	0	0.00	40	49.00
FF I-II	0	0.00	67	157.00
FF I-II SKILLS	0	0.00	49	234.50
Fire Behavior	0	0.00	12	36.00
Gas Pipe line Safety	0	0.00	24	50.50
General Building Construction	0	0.00	4	8.00
Hand Hygiene	0	0.00	1	1.00
Hazardous Materials Overview	0	0.00	1	2.00
Hazmat Awareness and Operations	0	0.00	3	12.00
Hose Lays	0	0.00	18	36.00
Ice Rescure	0	0.00	13	39.00
Infection Control	0	0.00	1	1.00
Instructor Training	0	0.00	9	44.00
LVAD	9	9.00	9	9.00
Marshall County Fire Association Mtg.	0	0.00	4	8.00
Mega Code	0	0.00	15	25.00
NIMS MADATORY	0	0.00	3	6.00
Obstetrics	13	13.00	13	13.00
P H T L S	0	0.00	12	96.00
Paramedic School	0	0.00	7	46.00
Pediatric Emergencies	0	0.00	8	7.50
PEPP & PALS Hybrid Coarse	0	0.00	3	12.00
Physical Ability Test	0	0.00	5	20.00
PPE	0	0.00	1	3.00
Training				
Protocol Review	0	0.00	5	6.00
Public Education	2	6.00	2	6.00
Public Relations	0	0.00	4	12.00
Pump Operations	33	57.50	33	57.50
Ropes & Knots	0	0.00	25	47.00
SEARCH & RESCUE	0	0.00	22	77.00
Sepsis	0	0.00	12	12.00
Shock	0	0.00	1	1.00
Solar Power Safety	0	0.00	12	24.00
Strategic and Tactical Operations	0	0.00	3	3.00
STREET DRUGS	0	0.00	21	42.00
Suicide Prevention	0	0.00	1	1.00
Toxicology	0	0.00	5	10.00
Volunteer Fire Business Mtg.	24	24.00	139	215.07
	<u>83</u>	<u>117.50</u>	<u>853</u>	<u>2,093.74</u>

Police Chief Dave Bacon presented the following monthly reports:

PLYMOUTH POLICE DEPARTMENT

Activity Report Summary 2019

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service, Complaints, Information	694	654	679	747	908	924	844						5,450
911 Hang-Up Calls	69	80	57	69	78	89	95						537
Alarms	89	64	64	60	56	80	64						477
Vehicle Checks	11	12	16	13	23	25	16						116
Assist Other Agencies	6	13	9	6	10	16	7						67
Animal Complaints	19	10	22	21	22	44	41						179
Traffic Stops	333	296	291	292	469	470	439						2,590
Citations Issued	141	84	146	115	311	289	273						1,359
Accident Reports	50	36	22	24	51	55	33						271
Case Reports	122	128	135	126	140	154	152						957
Arrests	46	52	65	35	56	50	45						349
Arrests (Adult)	41	43	52	30	46	44	42						298
Arrests (Juvenile)	5	9	13	5	10	6	3						51

PLYMOUTH POLICE DEPARTMENT

Code Enforcement

Activity Report Summary 2019

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Tall Grass	0	0	0	0	45	47	10						102
Owner Complied	0	0	0	0	40	45	7						92
City Action (Mowed)	0	0	0	0	5	2	1						8
Action Pending	0	0	0	0	0	0	2						2
Abandoned or Junk Vehicles	7	9	13	13	6	8	10						66
Owner Complied	6	9	12	13	6	7	2						55
City Action (Towed)	1	0	1	0	0	1	2						5
Action Pending	0	0	0	0	0	0	6						6
Debris/Junk on Property	2	12	22	15	5	7	10						73
Owner Complied	2	8	16	15	5	6	9						61
City Action (Cleaned)	0	4	6	0	0	1	0						11
Action Pending	0	0	0	0	0	0	1						1
Fowl/Livestock	0	0	0	0	0	0	0						0
Owner Complied	0	0	0	0	0	0	0						0
City Action	0	0	0	0	0	0	0						0
Action Pending	0	0	0	0	0	0	0						0
Signs in Public Right of Way (Removed)	0	1	2	0	0	13	25						41

Street Superintendent Jim Marquardt reviewed the following pothole request:

The alley in the 200 block of Webster Avenue sees a lot of traffic with the baseball diamond and Webster Center nearby. I've lived in this block for over 11 years and the alley has never been properly maintained. When I have submitted requests in the past, someone eventually comes out and patches a couple holes and that's all that is

ever done. The alley is in desperate need of repaving and patching. It is incredibly bumpy with some large holes, not to mention an entire section of asphalt is missing on the curve by the park. The way that the alley has worn has made the grade slope toward homeowner's yards so when it rains all the debris (rocks, sticks, any trash, etc.) that is in the alley washes into homeowners yards and floods their yards. I have driven all of the alleys in the neighborhood and this is by far the worst of them all. Something needs to be done to improve the alley since it gets the most use in the entire neighborhood and is going to end up causing damage to vehicles. A patch job here and there on a couple holes isn't fixing the problem. S/ Ellen Gaines

Marquardt said he has looked at the alley and there are a lot of ruts. He said in the past, neighbors have gotten together and repaved alleys and the city would then maintain them. He is unsure how to move forward since the focus has shifted away from doing work on alleys to the many roadways that need attention.

Houin asked if it would be feasible to change the alley back to gravel rather than paved. Marquardt said that is feasible. Houin said he did drive down the alley and feels that if people are driving at a reasonable speed, then he does not think there is much of a problem. Walters said he drove down the alley and it is bumpy, but it is realistically not any worse than some of the streets the city is trying to repair and those streets take priority. Marquardt said the city can continue to patch holes and monitor the alley, but it will get expensive to try and pave the alley. Houin asked about time and cost to pull the current asphalt out and lay gravel. Marquardt estimated that it would take 2-3 days to pull up the asphalt.

It was decided that Superintendent Marquardt will contact the neighbors in the area and see if they would rather see the current asphalt patched or pulled up and replaced with gravel.

Park Superintendent Mike Hite notified the board that Dennis Mark Fencing is under contract with the city to replace fencing at the girls' fast pitch diamond. Due to park activities Labor Day weekend, he cannot do the work until after Labor Day; but prices are expected to increase between now and then. Since he is a small local business, he does not have the capital to front the materials for that long of a period. Hite asked the board's permission to pay for the

materials only before the project is started. This is allowed by Ordinance No. 2016-2104 and Indiana Code.

Walters asked how much will be paid out in materials. Hite said it will be about \$33,000. Houin said he has no problem with this, but would like to have a memorandum in place to protect the city in case an issue was to arise.

Board Members Houin and Culp moved and seconded to approve the request, subject to City Attorney Surrisi drafting an agreement to protect the city's interest. The motion carried.

Airport Manager Bill Sheley reviewed a five-year capital improvement project list for the Plymouth Municipal Airport. He discussed the importance of a paved parallel taxiway, including safety for the AlphaFlight high school program and Culver Academies program, and why the airport would like to approach the FAA for an accelerated schedule. He is hoping to have this done in two years, rather than four. Sheley also reviewed some statistics regarding fuel sales in 2019 compared to the 9-year fuel sale history at the airport.

City Engineer Gaul presented a request from Comcast for work in the city's right-of-way, UT-19-023, for 3501 Miller Drive (Red Star Med). He said the agreement includes a \$5,000 financial guarantee. He also presented UT-19-026, also a request for work in the city's right-of-way from Comcast, for 725 Maple Avenue. He said this project was previously approved on November 13, 2018, but they never followed through. Now it is a totally different project than previously discussed/approved. Gaul said this includes a \$5,000 financial guarantee and requested conditional approval pending results from the upcoming meeting between the city, Comcast, and their contractor. Lastly, Gaul presented UT-19-027, a Comcast work in right-of-way request at 2915 Gary Drive (DOT Shop). He said this one would not include a financial guarantee.

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There was discussion about adding a 90-day expiration date to all the work in the right-of-way requests. The members requested that this be implemented.

Board Members Walters and Culp moved and seconded to table UT-19-026, the request at 725 Maple Avenue, until it is clear on what work they will be doing at this location. The motion carried.

Board Members Culp and Walters moved and seconded to approve UT-19-023 and UT-19-027 as presented. The motion carried.

Gaul said requests for work in the city's right-of-way have been picking up. In order to streamline the process and cut back on paperwork, Gaul reviewed the following Utility Work in ROW Application and Completion Affidavit (UT-19-016 Underground Specs and Standards).

Utility Work in ROW Application CITY OF PLYMOUTH Ordinance Section		Submit to: City of Plymouth Engineering Dept 900 Oakhill Ave Plymouth, IN 46563 publicworks@plymouthin.com	
Application Date: _____			
Utility Name: _____ Project Address: _____ Project Extents*: _____ <small>*(attach installation plans)</small>			
Applicant: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____		Utility (Contact): Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____	
Project Contractor (prime): Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____		Contractor (performing work): Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____	
Post-Installation Items (Type & Size) LINE _____ CONDUIT _____ ACCESSORIES _____		Ownership/Responsibility _____ _____ _____	
Post-Installation Ownership/Responsibility identification shall be updated upon the change of any of the above items.			
Type of Work: <input type="checkbox"/> Vertical Soil Boring - (closed after boring) <input type="checkbox"/> Directional Boring <input type="checkbox"/> Plowing <input type="checkbox"/> At Grade Installations (manhole, vault, etc)		<input type="checkbox"/> Monitoring Wells - est. closure date () <input type="checkbox"/> Excavation/Trenching <input type="checkbox"/> Aerial <input type="checkbox"/> Above Grade Installations (pole, pedestal, etc)	
Location of Work: <input type="checkbox"/> In the Right-of -Way Terrace <input type="checkbox"/> Running perpendicular to the street		<input type="checkbox"/> Under the Pavement/Sidewalk <input type="checkbox"/> Running parallel with the street	
Remarks: _____ _____ _____			
Name: _____		Signature: _____	
This section to be completed by the City of Plymouth: City Project Number & Name: _____ Date Received: _____ Date Approved By BPW&S: _____ Date of Site Meeting: _____ Date of FG Release Request**: _____ ** As-Built Drawings required with Request.			
		Financial Guarantee (FG) Amount: _____ Date FG & Agreement Received: _____ Date FG Released: _____ By: _____	

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Work in ROW Completion Affidavit CITY OF PLYMOUTH Ordinance Section	Submit to: City of Plymouth Engineering Dept. 900 Oakhill Ave Plymouth, IN 46563 publicworks@plymouthin.com
Completion Affidavit Date: _____	
Utility Name: _____ Project Address: _____ Project Extents*: _____ <small>*(attach as-built drawings)</small>	
Applicant: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____	Financial Guarantee Submitter: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____
I certify that the work performed in the Right of Way, as identified above, has been completed per the plans submitted on _____ and as presented and approved by the Board of Public Works and Safety _____. The attached As-Built drawings as submitted on _____ identify the actual horizontal and vertical final placement of the installation.	
<input type="checkbox"/> All equipment and materials have been removed from the site (both underground and above ground). The area has been restored. SKIP THE NEXT SECTIONS AND SIGN THE COMPLETION AFFIDAVIT. (Example: Exploratory Soil Borings have been filled and capped per local and state requirements.)	
<input type="checkbox"/> All construction equipment and excess materials have been removed from the site. The area has been restored. (Example: The monitoring well casing is still in place). SKIP THE NEXT SECTIONS AND SIGN THE COMPLETION AFFIDAVIT. NOTE: A NEW FINANCIAL GUARANTEE WILL BE REQUIRED UNTIL CLOSURE.	
<input type="checkbox"/> All construction equipment and excess materials have been removed from the site. However materials and accessory equipment remain for the proper execution of the installation. The area has been restored. (Example Underground Utilities) UPDATE/COMPLETE THE FOLLOWING TABLE AND SIGN THE COMPLETION AFFIDAVIT.	
Installation Contacts:	
Carrier: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____	Line/Cable Owner: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____
Conduit Owner: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____	Accessories Owner: Company: _____ Contact Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ E-mail: _____
<small>Ownership Identification & Contacts shall be updated upon any change.</small>	
Name: _____ Signature: _____ <small>Printed or Typed Name</small>	
This section is to be completed by the City of Plymouth. Date of FG Release Request**: _____ Date Inspections Completed: _____ <small>** As-Built Drawings required with Request.</small> Date FG Released: _____ By: _____	

Board Members Houin and Walters moved and seconded to begin using the following Utility Work in ROW Application and Completion Affidavit for future requests to work in the city's right-of-way. The motion carried.

Lastly, Gaul noted that the Board of Public Works and Safety passed Resolution No. 2018-833 regarding the City's Complete Streets Policy. The policy includes the appointment of

a Board of Public Works and Safety member to the Complete Street Committee. Board Member Jeff Houin volunteered to be the board's representative.

Board Members Culp and Walters moved and seconded to appoint Board Member Houin as the representative to the Complete Streets Committee. The motion carried.

Clerk-Treasurer Xaver referred to a memorandum she sent to the board regarding the incorrect breakdown of phone bills between departments. She said this will be discussed at the Common Council meeting.

Xaver also noted that they were going to discuss the Marshall County central dispatch fees for 2020, however Police Chief Bacon has asked for additional time to review the documentation.

Clerk-Treasurer Xaver presented the following request:

Winona Building Products, LLC requests parking on North Street between N Michigan and N Plum Street be limited to one side of the street. At present, loading incoming semi trucks and trailers are many times being routed by GPS to our plant from US 30 South down Michigan St. and then west on North Street to our gate. Because folks on North St. park on both sides of the street, trucks are having a difficult time snaking their way through. S/ Lana Hunter, Supply Chain Analyst, 506 North St, Plymouth, 574-551-3296

Ms. Hunter was present to discuss the request and answer questions. Houin asked if there was a preference on which side of the street has restricted parking. He thought if drivers are coming in from the west, it might make sense to restrict parking on the north side. Hunter said yes, that would make the most sense. Culp asked if they get shipments during all hours of the day. Hunter said their hours of operation are generally 7:00 a.m. until 3:00 p.m. Street Superintendent Marquardt said the number of blocks and times of restriction can be specified on the parking signs. Houin asked Police Chief Bacon if enforcement would be difficult. Bacon said no, there are presently several areas in the city where there are day and time limits.

Walters noted that he is not opposed to this and thinks that there should be no parking on both

sides of North Street on the block closest to Michigan Street. Houin said the residents along this corridor have access to either off-street parking at their residence or access to a side street for on-street parking. He proposed that letters be sent to the residents along North Street from Michigan to Plum and have no parking on either side of the street – similar to what was done on Harrison Street.

It was decided that Street Superintendent Marquardt would send letters to the residents and address this request at the next board meeting.

Mayor Senter presented the following request:

I would like to request speed (25) MPH limit signs on Alexander Street. Cars often drive too fast and there are no signs between Michigan St. and Angel Street. S/
Dwayne Potter, 450 Alexander, 574-767-6123

Street Superintendent Marquardt said he reviewed the driver's manual. It states that the speed limit in the city is 30 miles per hour unless otherwise posted. Houin asked if there have been any differences made on Webster Avenue since those speed limit signs were installed. Milner said there are been some drivers that have changed their habits, but there are young kids that still driving at a high rate of speed and ignore the posted speed limit signs.

Houin asked if it would be more worthwhile to set up targeted police enforcement in the area. Police Chief Bacon said that they can do this and it would be effective for a short while.

The request died due to no motion.

Clerk-Treasurer Xaver presented the following requests:

Asking for help with traffic on Jim Nelson Drive. Some drivers turn off Oakhill Avenue and head south on Jim Nelson and speed excessively. The mailbox at 1014 Jim Nelson Drive has been hit three times in the last 14 months. I understand that signs don't necessarily slow people down, but we need to do something. The city limit is at the south edge of my property, but it isn't uncommon to have vehicles driving in excess of 50 miles per hour past my house. I am requesting installation of a 25-mph speed limit sign and, if possible, markings on the street to clearly

mark the slower, city speed limit, before exiting the city limits. The neighbors have complained too. S/ Jeanine Xaver, 1020 Jim Nelson Dr, Plymouth

Besides the speed infractions off Oakhill to Jim Nelson Dr (annoying, even problematic. Way too fast – limit south of railroad goes from 25 mph to eventually 45 mph) it's also hazardous to joggers, bike riders, and dog walkers. This is a very utilized stretch of roadway, and the speeds are way too high (especially after just turning off Oakhill). Please consider changes. S/ Jennifer Quick, 1014 Jim Nelson Dr, Plymouth, 574-952-1160

Karen and Michael Olszewski, 10240 Muckshaw Road and Phil Crutchfield, 10257 Muckshaw Road, attended the meeting to attest to the speeding issue and show support for the request. Karen said there used to be a speed limit sign by her yard, but it was hit by a car and never replaced. This was going northbound into the city.

Street Superintendent Marquardt said that a sign can be installed. He is not sure that it should be 25-mph as requested – he thinks 30 or 35-mph would be more appropriate. There was additional discussion about whether to install a sign southbound as requested, northbound as Mrs. Olszewski is requesting, or if signs are needed in both directions. It was determined that there used to be 35-mph speed limits signs for both directions.

Mayor Senter said that he thinks if speed limits signs used to be there, then they should be replaced. Walters agreed and said he thinks they should be 30-mph with an increased patrol presence to enforce the speed limit.

Board Members Walters and Culp moved and seconded to install 30-mph speed limits signs going northbound at the city limits and southbound at the Oakhill intersection. The motion carried.

City Attorney Surrisi presented the following proposed agreement with HIS Small Wonders Preschool for their lease of the old fire station:

LEASE AGREEMENT FOR OLD FIRE STATION

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This lease agreement entered into this 12th day of August, 2019, 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, 2019 to and including August 31, 2019, subject to the termination provision in Section 10 below.
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, 2019, 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.
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: Either party may terminate this lease prior to the end of the lease term by providing the other party ninety (90) day's written notice. 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.

LESSOR:

City of Plymouth, Indiana, Mark Senter, Mayor

TENANT:

HIS Small Wonders Preschool and Learning Center Corporation
Kristi Nate, 11380 Forest Dr., Plymouth, IN 46563

Surrisi said this is essentially the same agreement as the last two years. There was an additional clause regarding termination by either party with a 90-day notice. Surrisi explained that the preschool knew going into this space that the plan was to eventually renovate the building and turn it into an entrepreneur hub. In the event that Marshall County is awarded Stellar designation, funding from that source will be going towards this vision. Surrisi thinks the funding would not be available until after this lease is up in August 2020.

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

REGULAR SESSION, BOARD OF PUBLIC WORKS AND SAFETY, AUGUST 12, 2019

Members Houin and Milner moved and seconded to allow the payroll for August 15, 2019 and the claims for August 12, 2019 as entered in Claim Register #2019. The motion carried.

Board Members Culp and Houin moved and seconded to approve the following communications:

- July 2019 Fire Reports

The motion carried.

There being no further business to discuss, Members Culp and Milner moved and seconded to adjourn the meeting. Mayor Senter declared the meeting adjourned at 6:55 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED:

Mark Senter, Mayor

The following requests were forwarded to the proper committee to act upon:

7/22/2019 – Tree Request: Sweet gum tree installed by city years ago has ash bore worm, not to mention thorny balls (dangerous!) falling everywhere. Please help. Thank you. S/ Charlotte Harley, 209 Ewing St, 574-341-0805

7/29/2019 – Tree Request: We put an addition (garage). There is a tree we would like to remove and replant. Since we put on the garage the current tree roots are now above ground. S/ Travis Heckaman, 121 Louisa St, 574-933-4189