

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on January 27, 2014, at 6:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St., Plymouth, IN.

Mayor Senter presided for Board Members Culp, Ecker and Smith. City Engineer Gaul, City Attorney Surrisi and Clerk-Treasurer Hutchings were also present. Board Member Grobe was absent. Mayor Senter noted that Mr. Grobe is stuck in Florida because of weather related flight cancellations.

Board Members Ecker and Culp moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on January 13, 2014, since they have been reviewed and found to be correct. The motion carried.

Building Commissioner Hammonds and City Attorney Surrisi spoke on the agenda item regarding the Affirmation of Order to Take Action Regarding an Unsafe Building at 712 N. Fourth St., Plymouth, Pursuant to I.C. 36-7-9-5(a)(7) and City Ordinances.

Hammonds said that he received a call from the state police to look at the house at 712 N. Fourth Street after they had made a drug bust at the house for meth. He said that he determined that it was an unsafe structure; the sewage was running into the crawl space, there was no kitchen, there was no bathtub and no running water. He said that he started sending out notices to have the building condemned and demolished. He said that the registered owners of the house are deceased, but after receiving undeliverable mail back, he finally sent a letter to Terry Graham, who contacted him requesting a meeting. Hammonds said that he had a meeting with Terry Graham, Mayor Senter, City Attorney Surrisi, and Graham's attorneys. He said that Graham told him that he is in the process of remodeling the house and getting things fixed, so it was determined that the city would inspect the house and if it went well, they would give him an extra thirty days to comply with the Order to Take Action Regarding 712 North 4<sup>th</sup> Street, Plymouth, Indiana.

Hammonds said he entered and inspected the structure this morning and they have made great progress on the structure. He said that the crawl space has been completely dewatered, the kitchen has been remodeled with a sink and cabinets installed; a bathtub has been installed and the plumbing works, the electric is being redone. He recommended that the Board of Works allow a thirty day extension for them to continue rehabilitating the house.

City Attorney Surrisi noted that the owners will also have to make efforts to coordinate an inspection by a state certified inspector with regard to the meth inspection, so they will have to get that approval as well.

Surrisi noted that Adam Lukenbill was in the audience representing Mr. Graham.

Surrisi referred to the Findings of Fact and Conclusions of Law Regarding An Order to Take Action that he had prepared. He noted that Board Member Ecker found a typographical error that he would like to get corrected before it is signed and sent out. He explained that it says that under state statute, when a demolition order is sent out, it is required, before any action is taken, that there be a hearing, which is being held at this time. He said that at the hearing, the board members can choose to reject, affirm or modify the order. He said that they are asking to modify the order based

on the agreement they have with Mr. Graham to allow an additional thirty days to February 26<sup>th</sup> complete the remediation. He said that during that time Mr. Graham is to sustain contact with Building Commissioner Hammonds to keep the city abreast of the situation. Surrisi asked that the board approve the Findings of Fact and Conclusions of Law Regarding An Order to Take Action with the modification for the typographical error.

Board Member Ecker asked Hammonds if he thought it was realistic that the work could be finished in thirty days.

Hammonds replied that he did. He said that the wiring is in, but the fixtures have to be installed. They have to tape the drywall and put in a new furnace. He said that the doors and windows have been replaced.

Surrisi said that Mr. Graham reported that he is not living in the home by health department order due to the necessary meth remediation; he is staying with friends nearby.

Board Members Ecker and Smith moved and seconded to approve the Findings of Fact as presented. The motion carried.

Chief Bacon asked permission to solicit quotes for two vehicles for the police department as budgeted.

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

Chief Bacon reported that he had applied for a grant through the Marshall County Drug and Tobacco Free Committee to purchase body cameras for the officers. The city was awarded the grant in the amount of \$5,970, which will allow them to purchase six body-worn cameras. He said that there was also budget \$10,000 for in-car cameras; he spoke with the prosecutor who agreed to pay half the cost of six in-car cameras totaling just over \$19,000. Chief Bacon publicly thanked Prosecuting Attorney Holmes for that.

Street Superintendent Marquardt reported that the 2014 street department budget has a 450 sized dump truck chassis. He asked permission to solicit quotes on said chassis.

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

Utility Superintendent Davidson reported that at the January 21<sup>st</sup> Redevelopment Commission meeting, the commission approved Change Order #2 for the Pioneer Drive Lift Station Improvement Project in the amount of \$11,994.00 to replace the discharge piping on the pump station. The deterioration of the discharge pipe was discovered when the area was dewatered. He said that when the project was designed, everything was under water.

Board Members Culp and Ecker moved and seconded to authorize Mayor Senter to sign Change Order #2 for the Pioneer Drive Lift Station piping. The motion carried.

Davison updated the board on the Pine Water Treatment Plant. He said that everything is completed as far as punch list items. He said that the city has currently received the waiver of lien from the contractor and they have presented a pay request for the city to release half of the

retainage, approximately \$43,000. He said that this request will be presented at the February 18<sup>th</sup> redevelopment commission meeting, and he hopes to be able to final out the project in March.

Davidson asked the board's permission to solicit quotes for a half ton pick-up truck for the wastewater department and one pick-up truck with a service box and snow plow for the water department. Both vehicles were built into the budget; he intends to trade in vehicles in the worst condition in each department. The wastewater department will be trading in a 1981 Chevy; the water department will be trading in a 1994 Ford.

Board Members Smith and Culp moved and seconded to approve the request to solicit quotes. The motion carried.

Fire Chief Miller presented a specialized training request to allow volunteer John Grolich, plus the department's two medical directors, Dr. Holm and Dr. Restrepo to attend an Indiana EMS Medical Directors Conference put on by the State Department of Health in Indianapolis on January 31, 2014. The request includes the cost of the conference plus mileage.

Board Members Smith and Ecker moved and seconded to approve the request. The motion carried.

Miller presented a specialized training request to allow John Grolich to attend the Indiana Fire Instructors Conference in Michigan City for January 31<sup>st</sup> through February 2<sup>nd</sup>. He said the reimbursement will include the cost of the class at \$75.00, the cost of lodging at \$300.00 plus mileage.

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

Miller said that Marilyn King will be transferring from the police department to the fire department on February 10, 2014.

Police Chief Bacon updated the board on the hiring process for the police officers. He said that there are physical agility and written testing scheduled for fifteen applicants Saturday at the Lifeplex.

Street Superintendent Marquardt said that the city has received notification from Bob Stone at Republic Waste Service will be running one day behind due to weather-related travel restrictions.

Marquardt reported that with the last cold spell and wind, the ended up with Richter Road being totally closed this morning. He said that they were able to get the road opened with loaders. He said that salt does not work well in this type of weather, so they are cutting back on the amount of salt they are putting down. He said that the city still has a good amount of salt left plus this year's full order to still be delivered.

City Engineer Gaul requested that the board appoint two people to the Common Construction Wage Committee. He said that in the past Don Ecker has been the awarding agency representative and Jim Marquardt has been the awarding agency taxpayer representative.

Board Members Smith and Culp moved and seconded to appoint Don Ecker to represent the awarding agency and Jim Marquardt to represent the awarding agency taxpayers. The motion carried.

City Attorney Surrisi presented the Intergovernmental Agreement Between Marshall County and the City of Plymouth for Online Permitting Services.

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
MARSHALL COUNTY AND THE CITY OF PLYMOUTH FOR  
ONLINE PERMITTING SERVICES**

THIS AGREEMENT is made and entered into this 10th day of January, 2014, by and between the following local governments/political subdivisions, Marshall County, Indiana, hereinafter referred to as "County," acting by and through its Board of Commissioners, and the City of Plymouth, Indiana, hereinafter referred to as "City," acting by and through its Mayor.

RECITALS

A. The City, through the cooperative efforts of its Building Commissioner, Clerk-Treasurer's Office, and Panning Consultant, pursuant to applicable laws, within the City limits and within its two (2) mile extraterritorial jurisdiction, presently issues electrical permits, demolition permits, building permits, and code violation notices, and presently accepts zoning variance applications.

B. The County, through the cooperative efforts of its Board of Commissioners, its Plan and Building Departments, and the Schneider Corporation, has developed an online permitting system, which presently provides for 24/7 access to apply for electrical permits in areas under the County's building and planning jurisdiction. In the future, the County plans to expand the system to provide for demolition permits, building permits, code violation notices, and zoning variance applications.

C. Having worked hard to develop this award winning online permitting system, the County leadership wishes to share the innovative technology with all of the County's citizens, including those residing in municipalities which exercise their own building, planning, code enforcement, and zoning jurisdiction. In that spirit, the County has offered the City the opportunity to participate in its online permitting system.

D. The County and City agree that by contracting for such services there are mutual benefits and efficiencies to be gained by both parties and by the citizens of their respective jurisdictions.

E. The County and City intend this Agreement as an interlocal cooperative agreement for the exchange of services, pursuant to Indiana Code § 36-1-7-2(b) and Indiana Code § 36-1-7-12, which does not require administration of the Agreement by a separate legal entity or joint board, nor does it require the approval of the Indiana Attorney General.

NOW, THEREFORE, the County and the City, for good and valuable consideration, the receipt of which is hereby acknowledged, mutually agree to the following terms and conditions:

1. The County agrees to provide the City with all of the services of its online permitting system. At the time of execution of this Agreement, said services include the processing of electrical permits. In the future, the parties anticipate said services to expand to include the processing of demolition permits, building permits, code violation notices, and zoning variance applications.

2. All electrical permits, demolition permits, building permits, code violation notices, and zoning variance applications, processed through the County's online permitting system will be processed according to the applicable ordinances and laws of the City, which retains full building, planning, code enforcement, and zoning jurisdiction within the City limits and/or within its two (2) mile extraterritorial zone as applicable. Any such permits requiring a variance or special use will be handled by the Plymouth Plan Commission or Plymouth Board of Zoning Appeals.

3. The City will continue to receive and retain all permit fees, application fees, or penalties processed through the County's online permitting system on the City's behalf.

4. The County and the City agree to work cooperatively and to provide each party any necessary information, labor, or assistance necessary to fulfill the purposes of this Agreement, to fully implement the County's online permitting system, or to process permits, applications, notices, or payments thereunder.

5. The County agrees to hold harmless, indemnify, and defend including, but not limited to the provision of reasonable attorney fees and all related cost, the City, its officers, agents and/or employees against any and all claims, losses, damages, or lawsuits for damages arising from, allegedly from or related to work or activities performed by the County under this Agreement.

6. The City agrees to hold harmless, indemnify, and defend including, but not limited to the provision of reasonable attorney fees and all related cost, the County, its officers, agents and/or

employees against any and all claims, loses, damages, or lawsuits for damages arising from, allegedly from or related to work or activities performed by the City under this Agreement.

7. This Agreement may be cancelled or terminated by either party for any reason whatsoever upon ninety (90) days advance written notice to the other party.

8. This Agreement shall be approved by the Marshall County Board of Commissioners and by the Plymouth Common Council before it shall have effect.

IN WITNESS WHEREOF, the parties now execute this Intergovernmental Agreement Between Marshall County and the City of Plymouth for Online Permitting Services.

Board Members Smith and Culp moved and seconded to approve the agreement as presented. The motion carried.

Surrisi announced that the city applied to the Indiana Department of Natural Resources Division of Historic Preservation and Archeology for a grant opportunity for architectural and engineering designs for repairs at the old Engine House. He said that he received word today that the city received a preliminary recommendation from the DNR for the request to be funded in the amount of \$10,255.00. He said that in support of the application, the city received letters of support from Kathy Bottorff with AM1050, Veterans Therapeutic Art Center, Plymouth Public Library, Chief Miller and the Fire Department, Gibson Insurance, Michiana Contracting, Marshall County Veterans Service Office and the Marshall County Tourism Board. He thanked those entities for their letters of support.

Members Smith and Ecker moved and seconded to allow the salaried payroll for January 1-15, 2014 and the claims for January 27, 2014, as entered in Claim Register #2014. The motion carried.

There being no further business to discuss, Board Members Culp and Ecker moved and seconded to adjourn the meeting. The motion carried; the meeting was declared adjourned at 6:25 p.m.

S/Toni L. Hutchings, IAMC, CMC, CPFA  
Clerk-Treasurer

APPROVED:

S/Mark Senter, Mayor