

REGULAR SESSION, COMMON COUNCIL, July 22, 2024

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on July 22, 2024. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana, and was called to order at 6:30 p.m.

Councilwoman Starr offered prayer, and Mayor Listenberger led the Pledge of Allegiance.

Mayor Listenberger presided for Council Members Duane Culp, Don Ecker, Jr., Kayla Krathwohl, Randy Longanecker, Shiloh Carothers Milner, Dave Morrow, and Linda Starr, who were physically present. City Attorney Houin and Clerk-Treasurer Gorski were also present. The public was able to see and hear the meeting through Microsoft Teams.

Council members Culp and Starr moved and seconded to approve the minutes of the regular session of the Common Council on July 8, 2024, as presented. The motion carried.

Longanecker stated that there was still fiber sitting in his yard.

Starr expressed that she wanted to commend the Street Department for cleaning up after the storm. She stated they did a phenomenal job picking up and cleaning up.

City Attorney Houin shared that the LaPorte/Gibson Street Projects are a Community Crossing Matching Grant (CCMG) project that is underway. He stated there were some concerns from at least one person on Gibson Street, and he was aware the Mayor, some Council Members, and Department Heads were out to discuss the project with the resident. He stated that Stephen Jung wished to address the council that night but chose not to go in person but sent a letter to be read aloud that evening (see letter below).

Board Members

I was scheduled to speak about the new street project on Gibson Street but have chosen not to be there in person. I must apologize to Dave Morrow for the tirade that I had at the park Friday night when told me that what they were doing with the street was going to be a good thing. I have high blood pressure and decided it would be best for me not to speak in person for fear of losing my temper and elevating to a dangerous level.

The first problem I have with the project is the fact that the neighborhood has been kept in the dark about what was being done. All I knew was that we were having new curbs, sidewalks, and the street resurfaced finally after so long. We were not given an opportunity to comment on the fact that parking is being eliminated on the south side of the street. In fact, I will bet that there are very few people that realize what is going on. When I saw the lines being marked on the street, I sent an email to mayor Listenberger asking where I could see the plans for the street project since I had no idea what was going on. He promptly sent them to me, and I wish to thank him for that. After studying the plans my problems are these:

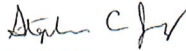
- 1) I do not like losing parking on the south side of the street.
- 2) I do not like the bump outs which we supposedly are to allow shorter pedestrian crossings.
 - a. There are no pedestrian crossings on Liberty at Gibson Street, so why are there bump outs into Liberty Street.
 - b. There are no pedestrian crossings across Gibson Street at Roy Street, so why are there bump outs?
 - c. The longest crossing on Gibson is at the intersection of Lincolnway, and there are no bump outs. Why not?
 - d. The bump outs will make it difficult to turn and extremely difficult for people pulling trailers. They will have no choice but to go into the opposing lane of traffic to get around the corner.
 - e. The bump outs are only being used to try and slow down traffic which is not going to work.
- 3) The width of the street is going to be too narrow even if you eliminate parking on the south side of the street. Eight feet to park and an eleven-

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foot driving lane are not enough. We demonstrated this when the mayor, city engineer, and Dave Morrow came out to look at it with us, and they seemed to agree. We all know that in the winter when there is snow, the plows never get close to the curb and the result is that the street gets narrower with each snow.

I do not think most people realize how much traffic goes down this street every day. There was never a traffic count done on this street. You are trying to solve a traffic problem that exists for an hour a day, 9 months out of the year. I have lived on this street for the last 35 or more years and have driven it every day. My opinion should mean something. As much as I do not like losing the parking I was asked what I would accept. I said give us a couple more feet of width and delete the bump outs. But what I am hearing now is that it is too late. It would not be too late if we had been given an opportunity to have input at the beginning. It should never be too late to do the right thing.

Respectfully,



Stephen C Jung
627 Gibson Street

Council members Milner and Morrow moved and seconded to take Resolution No. 2024-1111, A Resolution of the Common Council of the City of Plymouth, Indiana, Recommending Hambone LLC for Issuance of a Permit to Sell Alcoholic Beverages at the Premises Located at 213 E. Jefferson Street Within the Plymouth Riverfront Development District off the table. The motion carried.

Houin reminded the council that it was a request to allow a location within the Riverfront Development District to add an alcohol permit. He explained that it was the same process they went through with the REES Theatre and Tim Harman's Restaurant at 101 S. Michigan Street. He stated it was Mila's Minimarket, under new ownership, and said they would like to add alcohol sales to the establishment. He explained that with it being in the Riverfront District, it did allow for an additional alcohol permit at that location.

Mayor Listenberger asked for clarification that this was only a recommendation that they could then follow the normal procedure for an alcohol permit.

Houin replied in agreement that there were a limited number of retail permits available in each county. He stated he was unsure if there were any available in Marshall County, but he did not believe that there were. He explained the Riverfront District allowed them to add additional permits beyond the normal quota for the county. He stated the city had invested a lot of money in developing the Riverfront District, and this was one tool to allow for an additional offering. He stated that the resolution would be attached to their normal application as they would still have to apply through the State Alcohol Licensing Board and meet all the normal requirements that were a part of that process, but it would allow for them to request an additional license because of where they were located.

Morrow asked if they were turned down once before and asked what was reported in the Pilot News the week before.

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Tiffany Harrell of Hambone LLC answered that it was reported that she was not present at the previous meeting.

Mayor Listenberger replied that he did not believe Hambone LLC had ever applied before.

Houin agreed with Listenberger but stated he was not aware if the previous owners of Mila's had ever applied for a permit at that location either.

Harrell explained that they were only applying for a retail permit to serve alcohol to be consumed on the premises with meals.

Culp asked if there would be any carryout.

Harrell did not believe the Riverfront District permitted carryout.

Houin stated that was the one difference between a Riverfront Permit and a standard retail permit, that it did not allow carryout.

Culp asked if they planned for outside seating as well.

Harrell said they would like to, but it probably would not happen until the following summer.

Houin explained that when they applied for the permit, they would have to provide a floor plan that would have to be approved as part of the permitting process. He stated if they eventually decided on outdoor seating, they would have to file an amended floor plan to be approved as well.

Culp asked if it would be a full liquor license.

Harrell replied they would like to sell beer, wine, and tequila as they served Mexican food. She stated they would like to serve margaritas.

Council members Starr and Morrow moved and seconded to approve Resolution No. 2024-1111, A Resolution of the Common Council of the City of Plymouth, Indiana, Recommending Hambone LLC for Issuance of a Permit to Sell Alcoholic Beverages at the Premises Located at 213 E. Jefferson Street Within the Plymouth Riverfront Development District. The motion carried.

Houin stated that the Mayor had asked him to bring up a discussion about electric vehicles and said they may have seen in the media not too long ago that the county was approved for a grant purchase for electric vehicles. He stated the City of Plymouth actually received the same grant, and theirs was even more generous. He stated Plymouth's grant was awarded for three electric pickup trucks, one each for the Wastewater, Street, and Building Departments, as part of a pilot test program, without having to put them in their budget. He stated the grants were designed to get electric vehicles into municipal government fleets so they could do real-world testing of maintenance costs as they would not have to buy fuel. He added there would also be chargers for all three trucks. He explained that the match for the grant was that the city would install the chargers with their own labor and not hire an outside contractor and pay them to install the chargers. He

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stated the grant was a reimbursable grant, so they needed to appropriate the funds to purchase the trucks and then be reimbursed after the purchases. He explained that the discussion that night was to see if it would be good to appropriate the funds then and start the process. He stated it would take some time as they would have to order the vehicles and wait for delivery. He shared that it was discussed with the Clerk-Treasurer that day, and he was unsure how long it would take with everything on her plate at that moment, but she informed him prior to the meeting that it was already drafted. He stated if they wanted to move forward, they could hold an additional appropriations public hearing at their next meeting.

Ecker asked if they knew the amount they were discussing.

Houin replied \$225,367 for the three trucks, chargers, and the new charger at the park. He stated the Parks Department already had an electric pickup truck and a charger inside their maintenance garage, but would also receive a charger they could use outside that would also be available to the public when the park was not using it.

Mayor Listenberger stated it would be similar to the one in River Park Square.

Culp shared that he did not know much about them but had done a little research. He stated the chargers had different levels of charging and asked if it would be one that would be able to charge someone in a couple hours or one that could take 24 hours.

Houin replied it would be the slower charger, but he did not know the length of time needed to charge a vehicle. He explained that the idea was that they would charge the vehicles overnight when they were not in use. He stated his understanding from the Park's perspective was that they only had to charge their electric vehicle once a week.

Culp stated he was concerned with the public ones that they had that if someone would be charging their vehicle overnight, no one else would be able to use it.

Houin stated it was part of the test program and said they might have to limit access to the charger to ensure it was available first, for city use and second for public use.

Gorski stated she had only seen one complaint on their Chargepoint system for River Park Square, that someone was parked there for an extended period of time. She stated it was not an overnight charge, but during the day charge. She stated in the year or two that they had had it there, they had only had one complaint. She stated that most of the time, cars were not there for more than two hours, only because they get two hours free.

Longanecker asked if they could restrict where they put the charging points and asked if they would be on a separate meter.

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Houin replied that each truck would have their own dedicated charger that would be at the specific departments and would not be available for public use; however, the additional charger to be placed at the Park would be available for public use when it was not being used by the department.

Longanecker asked if it would be a separate meter. Gorski agreed.

Ecker asked for clarification that it was a test program to track maintenance and everything else that went along with it. Houin agreed.

Marquardt stated that they had to do quarterly reports for the Indiana Office of Energy Development (OED) regarding spending of the grant money. He said they were still waiting for a finished and signed contract from them, and they had to get their money appropriated to get stuff ordered. He stated that the idea was to buy the trucks and put them into use, buy the three chargers, and wire them to each building they were using. He also said there would be a Chargepoint system similar to the one at River Park Square, maybe an updated model, and they would set it up the same way. He added there might be an additional cost as a meter base and power point would need to be installed and said he did not believe there was a requirement that they would have to provide two free hours. He said, regarding the one in River Park Square, that he was not sure how long the two free hours would last.

Gorski replied it would expire at the end of the year.

Marquardt stated he could not speak for Park Superintendent Hite, but he did not see them using the public one much for their truck as they had a system inside their building.

Ecker asked if there was a study being done on the vehicles and the cost to maintain them.

Houin replied that it was part of the grant reporting requirements.

Ecker asked how long the program was supposed to last.

Marquardt replied he had not read how long they were supposed to do it, but assumed it would be through the life of the vehicle for them. He said it could get to the point where it might not have been the best idea in the world and commented that the batteries could go bad, which were not covered by warranty. He stated that at that point, they did not have any investments in the trucks.

Ecker clarified that outside of the warranty, the city would become liable for any and all repairs.

Marquardt agreed that it would be similar to any other vehicle they owned. He stated if it was cost prohibitive, why would they put new batteries in the trucks as they had nothing invested in them to start with. He believed the warranty on the batteries was for 8 years.

Culp asked if they would be Ford's.

Marquardt replied they would be Ford Lightnings.

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Culp added that the warranty on the batteries would be 10 years.

Ecker asked Gorski where the funding would be coming from to support it initially.

Gorski replied the additional appropriation would come from each department.

Longanecker asked for clarification that the \$225,367 would be for the trucks and chargers and an additional \$5,000 for the installation of each charger.

Marquardt replied that he did not have the totals but said, regarding the grant for the Street Department truck, it was supposed to be \$71,280, the charging system was \$1,399.

Longanecker stated there would also be the additional cost for materials and their labor to install the chargers, so it would not be \$225,367 but rather an additional \$15,000 on top of it.

Marquardt stated he did not believe it was \$15,000 for the charger at River Park Square.

Gorski added she could go back and look.

Longanecker added that there would also be a utility bill.

Marquardt stated there would be one for the parks, but the others would go straight through the department's electric meter.

Houin stated the idea behind the grant was that if the labor and material cost was \$15,000 to install the chargers, the city would receive three brand new trucks for \$15,000, and hopefully the cost of the electricity over the life of the trucks would be significantly less than the cost of fuel and maintenance.

Ecker thanked Houin for stating just that because he understood the trucks were free, but said there were other costs associated and asked what the impact to the city was. He stated it was good to know what the total cost was.

Culp shared that he had a hybrid and absolutely loved it. He said he had 2,000 miles on his truck, of which 400 miles were electric, and added that his gas mileage his truck was 24 miles on a highway. He stated that if they were going to electric trucks, he liked the idea even if they were out \$15,000 because they were still receiving \$225,000 back in their pocket for the trucks and chargers.

Longanecker stated he was not arguing it but wanted everyone to understand there were additional costs.

Ecker asked what the lead time was on the trucks and reimbursement.

Marquardt replied that the way he understood everything was that once they wrote the check and it was cleared, it would be reimbursed within a month. He stated the lead time on the truck was a good question. He shared that he was meeting with Steve Kaiser of Oliver Ford the following day to go over everything with him, but he still could not order a truck until everything was in place.

Ecker stated that the information was helpful to them so they knew what to expect.

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Marquardt stated that they may see some electric trucks around, as Nappanee just took delivery of their first one, which was a Chevy Silverado from McCormick Motors, and had a Blazer on its way for a police vehicle. He said the computer said that Oliver Ford would have some in stock, and he was not sure that he believed the computer, but said he would find out more once he spoke with Kaiser.

Morrow said he did not want to speak for Hite either, but for what it was worth in speaking with him, he knew that he was extremely happy with the electric pickup truck they had.

Mayor Listenberger stated it sounded like everyone was comfortable moving forward with it.

Culp asked if it needed a motion.

Houin replied there was no official action necessary as Gorski had already done most of the work. He said they could hold the public hearing for additional appropriations at their next meeting and said they just wanted to ensure that they were aware of it.

Marquardt shared that there were tax returns on electric vehicles in the amount of \$2,500, but because of the grant, they would not receive the refund. He said it was adjusted on their award and they were given \$2,500 more per vehicle.

Houin stated of the awards that the City of Plymouth got the highest. The original application suggested up to \$200,000, but the Building Department needed a new truck, so it was proposed to ask for more in the application as the Mayor said it did not hurt to ask for more. He stated that MACOG said they could ask for more as the worst they could say was no, but they said yes. He stated that MACOG had been a tremendous help with it and many other grants as well.

Longanecker asked if they would need to appropriate any additional funds for installation and materials.

Gorski replied that it would be a good idea and also to figure out where it would be paid from.

City Attorney Houin introduced Ordinance No. 2024-2227, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Adoption of Personnel Policy by Reference, on first reading.

Houin stated that ordinarily an ordinance was not discussed on first reading, but because it involved some changes to the Employee Handbook, Human Resources Manager Klingerman was present to review them before it went back for approval.

Klingerman said it was a final draft of the employee handbook she proposed to them in April when they had discussed the vacation policy. She stated since then there had been some minor changes that she wanted to discuss. She explained it got to a point where she and Gorski kept adding

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updates that they wanted to do, so they decided to finalize it and start a list for the next one. She pointed out, as they referred to page 6, that they had added a Payroll File as a listing of personnel files for employees. She explained that with the split of HR and Payroll, Gorski had a file for payroll documents that was not listed in the handbook prior, so it would now be listed in it. She added another change she wished to update them on, along with the vacation policy, was that new hires could now accumulate vacation time in their year of hire. She stated they made the decision to update the lateral transfer policy and that it would be mainly used for police and fire since all of their civilian employee positions had been filled. She pointed out that on page 19 of the employee handbook they added an Employee Buy-Back Program for anybody who had reached 15 years of continuous service. She stated they were asking that it be a one-time thing that would allow employees once a year to buy back up to the 40-hour mark. She stated the rest of the changes were grammatical or needed updating prior to the posting given out in April.

City Attorney Houin introduced Ordinance No. 2024-2228, An Ordinance to Amend the Code of Ordinances for the City of Plymouth Concerning Use of Golf Carts on Streets and Alleys, on first reading.

Longanecker wished to thank the committee for putting it together as it had been one of his hot topics. He stated the only suggestion that he had was that they change the permit fee from \$60 to \$100, as he believed they would tie up some resources in the first year of it being implemented. He shared that he got home Sunday and there were six golf carts going down Baker Street with two being on the sidewalk. He believed the ordinance was well thought out.

Morrow explained that they discussed fees in detail and consulted with Gorski in making sure their office had the ability to cover all city expenses. He stated it would be a big change for the citizens and did not want to hit them with too big of a fee. He stated some cities fees were lower, while others were higher, and they were right in the middle.

Culp stated, on the other hand, that it was a \$60 registration fee, which was a good price in his opinion, and explained that they were going to make the other money when they started issuing the violations and believed the first offense was \$25, the second \$50, and \$75 thereafter.

Morrow corrected Culp in that it was \$50 for the first offense, \$75 for the second offense, and \$100 for the third offense.

Mayor Listenberger stated he had the first chance to read it that day and noticed it did not allow anyone under 36 inches. He asked what the thoughts were on that.

Culp replied it was a good idea, so that way they did not have anyone on their lap. He stated one cannot safely put a car seat on a golf cart and added there were no seatbelts.

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Longanecker stated he agreed with it as he had seen multiple kids standing on the golf carts as they were going down the road. He said he was hoping that they would get into the discussion of the Utility Task Vehicles (UTVs), as there were three of them going up Baker Street on Friday night. He shared that the other thing they had to consider when doing it was that the School and Parks Department travel a lot up and down Baker Street in them, back behind the school. He stated he was unsure how to regulate them since the School and Parks Department used them on a regular basis.

Mayor Listenberger added that they also ran mowers down the streets.

Culp believed Morrow was going to head it up as well and said they had already somewhat touched on it. He stated they wanted to get the golf cart issue set up and in place before starting on the next issue.

Morrow wished to thank the committee, including Houin, as he took their notes and articulated it much better than he could have. He said it was a good effort by everyone and honestly did not take much effort to come up with it. He stated they discussed the safety issues and registration fee that were brought up that night and said that it was a good start to get it passed and give the public some time to know it was coming and understand the ordinance. He stated that in 2025 they were going to require the registration.

Longanecker stated he was aware he had been pushing it but believed that it was fair to do.

Morrow stated they did not want to get into prorating the fee, so that was why there was verbiage that they had to be registered by March 1st of each year. He stated if someone were to buy a golf cart on May 1st and go in to get it registered, they would still have to pay \$60. He stated that golf cart season was mainly April through October, as people usually did not drive them during the winter time.

Ecker asked if the county had a similar policy.

Krathwohl replied that they did and added that they went off of Culver's Golf Cart Ordinance.

Ecker shared that there was a slew of golf carts that went down Plymouth-LaPorte Trail on July 3rd on the way to the fireworks, and it backed traffic up big time. He stated it made him nervous seeing children standing up and sitting on laps in the golf carts.

Longanecker shared that he was in Culver for a car show and saw a younger driver rear-end a BMW with his golf cart as he was not paying attention and said it was a real issue.

Morrow said he did not want to speak for Police Chief Weir, but said he sat in on their meetings and believed they were looking for something with some teeth to be able to enforce the ordinance for safety reasons.

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Weir stated everything sounded good but, although he understood their reason for it, the only issue he had was regarding the 36-inch requirement as he sees families go out on evening rides. He said he understood the safety end of it, so he was uncertain what the right answer for it was.

Longanecker suggested that they could have yard sticks in the police vehicles.

Ginny Munroe from Culver stated that the police carry yard sticks in their vehicles for that reason. She explained that the new rule regarding the 36-inch requirement started a few years ago after they spent years of trying to enforce people not to carry toddlers and babies on their lap. She said they kept issuing ticket after ticket and attempted to have an age limit requirement, but it was hard to enforce. She stated they had changed their ordinance so many times to address policing issues and explained that their tickets used to be \$25 and the permit fee was \$60. She shared that if someone were driving without a sticker or permit, they would get a ticket and laugh about it as \$25 was less than the permit fee, so they would just take a couple more tickets. She stated a ticket in Culver is now \$150, and it had really helped lay down the law after many problems. She shared that they had a death involving a golf cart, so they got really strict about the rules and said raising the fee that high had prevented a lot of problems.

Longanecker stated he took back his concerns regarding the \$60 registration fee and was more in favor of raising the first offense fee.

Morrow said he was more for giving people a chance and explained that the fourth offense involved impounding the golf cart, which could get really expensive.

Weir stated the only other suggestion he had was regarding the sidewalks, as they had a lot of bicycle traffic on them. They had been trying to stop some of the Hispanic population from riding on the sidewalks, but they did not understand English nor could they read the English signs. He suggested they post signs in both English and Spanish, as he could not enforce the rules on the sidewalks or the Greenways Trails when they do not understand.

Culp suggested the tickets could be in Spanish as well.

Starr asked about the scooters as she saw somebody on a scooter going down Lake Avenue who had a little girl standing in front of him. She explained that she had a helmet on but was concerned about the speed and the safety.

Weir stated they were discussing them and believed the next issue would be regarding e-Bikes because some of them went as fast as 30+ mph. He added there was also a person with a Onewheel Pint who rode up and down Michigan Street.

Houin thought up another good point that would have to be communicated in that State Law allowed them to permit and regulate golf carts on city streets and alleys, but said Lake Avenue and

N. Michigan Street were state highways, which did not give them authority to permit the golf carts on those streets. He stated the current ordinance allowed golf carts to be operated on city streets and alleys, but they were still not allowed on S.R. 17. He explained that with the ordinance being on first reading, there was no action required that night. He stated that if they chose to make any changes or adjustments, they could be discussed on second reading.

City Attorney Houin introduced Ordinance No. 2024-2229, Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana, for the Year 2025, on first reading.

Kathy Bottorff asked what the increase would be.

Houin replied that most employees would receive a 3.5% increase in their salary ordinance. He stated there were some other adjustments that were specific to different positions and said there was an increase to longevity pay as well.

Gorski explained that the longevity pay increase was \$25 for civilian employees, so it would be going from \$50 to \$75 with a cap of \$1500. She stated for emergency services personnel, it was going from \$225 to \$250 with a cap of \$5000.

Houin shared that ONE Marshall County was focused primarily on READI 2.0 grant applications. He stated the region released the application form for READI 2.0 and every municipality in the region was scrambling to get applications put together and said they were no different. He stated ONE Marshall County was focused on assisting municipalities and trying to bring forward the best projects and hopefully capture as much of the grant money as possible. He stated that inFocus had been guiding the progress from the very beginning and said that they held their annual celebration the week before, where they showcased different projects that they had worked on throughout the last year. He stated he was able to attend it and shared that one of the most prominent displays was ONE Marshall County, which garnered a lot of interest throughout the region.

Houin stated, regarding the Comprehensive Plan update, that the marketing committee was planning some public outreach at different events throughout the upcoming months. He stated ARTS in the Streets was that Saturday and said there would be a Comprehensive Plan Marketing Committee booth there to get people excited about the "You Belong" campaign. He stated the other exciting news was that they were working on scheduling a meeting for their new subcommittee, which was mentioned briefly at their last meeting. He shared that they decided to call it the Empowerment Subcommittee, which was designed to increase the communication and networks among various other networks within the city, especially the Hispanic community. He stated one of

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the items that came up in the conversations, similar to what the Police Chief said earlier, was that their communication throughout the city was only in English, and there were a lot of residents in the city who did not speak English or did not speak well enough to understand the communication. He stated they were working with the school corporation because Plymouth Schools, for a number of years, had distributed their communication in both English and Spanish and to learn how they could best accommodate it for their residents to make sure they were communicating with them and allowing them to communicate in return.

Marquardt reminded them about the letter that was read earlier and asked if Gibson Street would be staying the same as designed, as it would need to be communicated with E & B Paving if it was not.

Longanecker stated he had looked at the drawings and said he had spoken to everyone about it and said that VS Engineering was a good engineering company and he sees plans like those every day. He stated there was nothing outside the norm that struck any concern for him safety-wise. He stated they had students crossing the streets at a specific location; therefore, they wanted to choke traffic down. He admitted he was guilty of speeding down the street and said it would slow the speed down and accomplish everything they intended for it to do. He said that Mayor Listenberger had done a great job getting information out to the community and the council. He shared his personal opinion, understanding the concern, and said he appreciated someone reaching out, but he did not think it brought any concern that they had to do anything else. He explained that on N. Michigan Street, the lanes were 10 feet wide and on Gibson Street, they were given another foot and 8 feet for parking because there was a 2-foot gutter with six feet of parking, which was typical for parallel parking. He stated the State said in residential areas, lanes are only 10-11 feet wide anyway. He stated the 13 feet on the south side were if they were traveling northbound on Liberty Street it would give someone the opportunity with a trailer to make a right-hand turn and still not jump the curb.

Marquardt stated that two years ago, when it was discussed, the school was fine with no parking along the south side because of the parking lots.

Longanecker added that he did not believe it was ever intended to park on the south side.

Marquardt stated he did not want to hold up the contractor.

Mayor Listenberger stated they could not do it on every road project they had for paving, but they should make the plans available.

Gorski informed them that they were made available.

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Marquardt stated that former City Engineer Rick Gaul had spoken to a lot of residents in that neighborhood, and Marquardt personally had a little old lady call him every month, saying Gaul said it would be paved soon.

Longanecker commented that the timing was nice because if they had done it when the school was being renovated, it would have all been torn up and they would have had to repave.

Gorski added there were public hearing in regards to the Gibson and Laporte Street Projects.

Marquardt stated it was over two years ago, but people forgot or were not interested until they saw the cuts E & B Paving made in the road.

Longanecker stated if they changed the plans, they would have a contractor ask for an extension of time, which would mean additional costs.

City Engineer Sellers commented regarding the topic of an extension of time. He believed it would be fair to extend the contract with the contractor based on the fact that they held up construction for over a week at a very inopportune time as they were trying to move fast and get it done. He recommended something along the line of 15-20 days of an extension.

Mayor Listenberger asked Sellers to remind him what the penalty was and what the dates were.

Sellers replied the substantial completion date, which would include asphalt, curbs, and sidewalks but not include punch list items, was August 2, 2024. He added that the final completion date was August 9, 2024.

Longanecker stated one thing they had to consider was that school was starting. He stated the contractor would have been done prior to school starting, but now it would take up additional time to have to work around school traffic.

Sellers shared that the penalty was \$500/day for not reaching substantial completion, and once substantial completion was reached, it was \$100/day for not reaching final completion.

Morrow stated they met with the resident who reached out about the plans, Mr. Jung, on Friday, July 12, 2024, and said he assumed that it was then that the project was delayed and asked if it had been delayed prior to that date.

Marquardt replied he was not aware when the talks first started as he was on vacation. He said that he was aware, however, that they had ran into issues on Laporte Street.

Mayor Listenberger believed they were entitled to some type of extension.

Houin stated he believed it would be difficult to put an exact time on it without talking to the contractor first. He recommended that if the board approved a reasonable extension, he and Sellers

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could give the contractor the assurance and find out how much additional time it might take. He explained that it would be a change order that would have to be approved.

Ecker asked if he believed it should be a negotiable extension.

Houin replied that he would recommend it, as they may respond by saying they only need an extra 4 to 5 days, or they might say we really screwed them up, and they would need 2 to 3 weeks.

Longanecker asked if it was calendar days or workdays.

Sellers replied they were calendar days as was typical per contracts. He stated the original contract was amended so they could do the work while school was out. He commented on whether they could make that happen in the beginning. He was not sure.

Longanecker said they would set the date, and it would be up to the contractor to meet the date. He stated it was not up to them to say when it started. He said if they felt they could complete the contract by August 9th, then that would be the date. He expressed they could not hold them to a start date.

Mayor Listenberger asked if it would be fair for them to negotiate it up to 25 days and if it was anything over that to meet again.

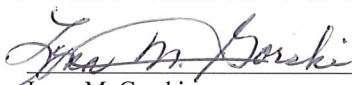
Council members Longanecker and Ecker moved and seconded to extend the contract by 25 calendar days. The motion carried.

Council members Ecker and Starr moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of July 8, 2024
- July 22, 2024, Check Register
- June 2024 Clerk-Treasurer Financial Reports
- Letter to the City from Stephen C. Jung
- July 9, 2024, Technical Review Committee Minutes
- June 25, 2024, Board of Aviation Commissioners Minutes
- June 18, 2024, Redevelopment Commission Minutes

The motion carried.

There being no further business to come before the Council, Council members Longanecker and Morrow moved and seconded to adjourn. Mayor Listenberger declared the meeting adjourned at 7:34 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Robert Listenberger, Mayor