

**PLAINFIELD TOWN COUNCIL**

**August 8, 2022**

**7:00 p.m.**

Mr. Brandgard: I'd like to welcome everybody to the Plainfield Town Council meeting for Monday, August 8, 2022.

**ROLL CALL TO DETERMINE QUORUM**

Mr. Brandgard: Let the record show, all members are present, and we have a quorum for conducting business.

**PLEDGE OF ALLEGIANCE**

Mr. Brandgard: I'll ask everyone to rise for the pledge of allegiance.

**CONSENT AGENDA**

Mr. Brandgard: We do have a few items on the consent agenda this evening.

1. Approval of the Minutes of the Town Council meeting of July 25, 2022.
2. Approval of the Accounts Payable Docket of Expenditures and the Affidavit of Payroll, per the Clerk-Treasurer's Report.
3. Approval of the Human Resources Report dated August 5, 2022.
4. Approval of service contracts with Johnson Melloh, Inc. for Town-wide preventative HVAC and related maintenance for Administration, Fire Territory, and Public Works departments, per the Municipal Facilities and Project Manager's Report. (Funded from Individual Departments)
5. Approval of a Police Department Headquarters renovation assessment proposal with RQAW in the amount of \$20,000, pending legal review, per the Municipal Facilities and Project Manager's and the Public Safety Director's Report. (Funded from Various TIFs)
6. Approval of the contract with Butler, Fairman & Seufert in an amount not to exceed \$78,000, to perform dry weather screening over the next 4 years, per the Department of Public Works Report. (Funded from Stormwater Operating)
7. Approval to designate Council President Robin G. Brandgard as signatory for the Financial Commitment Letter for Community Crossing Application, per the Department of Public Works Report.
8. Approval of the proposal with Slide Guys Restoration, Inc., in the amount of \$94,272, for the Splash Island slide re-painting/gel coating project, pending legal review, per the Parks and Recreation Report. (Funded from Food and Beverage)
9. Approval of the Supplementary Conditions (PSI 7-20-22) to the contract with Performance Services, for work associated with the Indoor Pool Lighting project at the

Richard A. Carlucci Recreation and Aquatic Center, per the Parks and Recreation Director Report.

- 10. Approval to begin advertisement for the hiring of 3 additional sworn officers to support the expansion of the School Resource Officer program, per the Public Safety Report. (Funded from General Fund)
- 11. Approval of the creation of a part-time Crime Scene Investigator (CSI) position, per the Public Safety Report. (Funded from General Fund)
- 12. Approval of Work Order No. 16 with Butler, Fairman and Seufert in the amount of \$10,500 for design of additional screening of the Government Center dumpster and generator set, per the Development Services Report. (Funded from Government Center Bond Funds)
- 13. Approval to increase Work Order No. 6 with Butler, Fairman and Seufert from \$220,000 to \$350,000 for infrastructure inspection services, per the Development Services Report. (Funded from General fund, Utility Funds & TIF funds)
- 14. Approval of the recommendation from the Plainfield Redevelopment Commission regarding an Alcohol sales permit for the Tlahcos Restaurant located at 125 N Center, per the Development Services Report.
- 15. Approval to correct administrative scrivener’s errors, including correcting the numbering of Ordinance 31-2022 to Ordinance 39-2022, per the Town Manager’s Report.
- 16. Approval to contribute \$18,750 to Guilford Township towards the Annual Fourth of July Fireworks Display in Hummel Park in the years 2023, 2024, & 2025, per the Town Manager’s Report. (Funded from Utility Undistributed Fund)

Are there any additions or corrections to the consent agenda?

Mr. McPhail: I would move we approve as read.

Mr. Bridget: Second

Mr. Brandgard: We have a motion and a second to approve the consent agenda as read. If there's no further discussion, roll call vote please.

- Mr. Todisco:
- Mr. Bridget – yes
- Mr. Angle – yes
- Mr. Kirchoff – yes
- Mr. McPhail – yes
- Mr. Brandgard – yes

The Plainfield Town Council consent agenda for 08/08/2022 is adopted and approved.

Mr. Brandgard: Thank you. Since we do have a lot of business before we get to the Town Manager’s report, with the consent of the council I’d like to invite Brian Bosma to come up and explain the redistricting plan.

Mr. Bosma: Thank you Mr. President, members of the council. Brian Bosma with the law firm of Kroger Gardis and Regas, 111 Monument Circle, Suite 900, downtown Indianapolis 46204. It's my pleasure to be with you this evening. I'm joined by our law firm with Doug Kowalski. You won't see both of us at future meetings, but you might see one or the other, so I thought it might be a good idea for you to see Doug this evening. So, you have before you a Resolution No. 2022-50 which sets the process for your every ten years redistricting, in preparation for your, reportionment rather, for your council districts. This is my fourth cycle, beginning in 1990, 2000, 2010, 2020 and I worked with the town council ten years ago, and your general counsel here, to put into place your current districts. Because of population shifts those districts now have a total deviation in excess of 30%, with districts 1, 4 and 2 being within four percentage points of the ideal district; 5 being about 19% under the ideal, and district 3 being about 12% over the ideal district, giving you a total deviation of about 31%. The resolution that is before you sets forth a process that while the statute requires very little, we've discovered through litigation both in federal and state court, all the way up to the Indiana State Supreme Court, will go a long way toward mitigating the likelihood of a lawsuit being filed first of all, second, a successful lawsuit. So, the resolution itself does three things it adopts the guidelines, which I'll step through briefly. Second, appoints the Council President as the redistricting coordinator and then charges the coordinator with putting together a districting plan for you all to consider and approve, on the same deadline that is set for any public plan that might be submitted – and we'll walk through that. So, I'll just touch on the requirements. As I indicated, Indiana Code is very limited in those requirements. Your town legislative body districts just with the following five standards; they must be composed of continuous territory which means you can't have a separate piece someplace else – unless – some municipalities do have some noncontinuous for industrial purposes, perhaps some unusual annexation as well, that isn't continuous necessarily. It has to be reasonably compact, it must contain as nearly as is possible equal population, it cannot cross census boundaries, and it can only cross precinct lines when it's necessary either for equality of population or to take two counselors who are in the same precinct, out of the same district. After that there's no requirement for public input in the statute; there's no requirement for transparency in the process but a case law under the voting right act of 1965 has filled in a bunch of gaps in that regard. So, while it's not required, we highly recommend that the public be given an opportunity to participate in the process now, to keep the likelihood that someone participates later, after the adoption of the districts, to a minimum, and also to give the public an opportunity not just to comment on your plan but also submit their own plan. We've been doing it this way for the last 30 years and we've had as many of twenty plans submitted for a municipality, and more likely zero in most cases. Most interesting was one in a suburban municipality in which a high school government class put together a proposal and came and made a presentation. It wasn't adopted but it was one of the more interesting experiences. The guidelines discuss the application of the statutory requirements, and then there's quite a bit of discussion about the use of census data, both by you all and the public. You can't anticipate, you can't guess, you can't say this is a lot more than it was in 2020, you have to use the 2020 numbers by law, and that's what we will assist you in doing. It sets a deadline – there will actually be notice in the paper, in the Hendricks County Republican, Thursday – if, I my assistant's absence I was able to get it to the correct email today – that will give the public some deadlines that council will also have to abide by. August 22<sup>nd</sup>, if there are any objections or comments regarding the adoption of these guidelines. Comments have to be submitted by noon to the Clerk Treasurer's Office. September 8<sup>th</sup> at noon is the deadline for submitting a public plan, and that's also the deadline for the Council Redistricting Coordinator's plan to be submitted. Then a September 12<sup>th</sup> public hearing will be conducted by the Council at your normal meeting, to consider both the public plan and the plan submitted but the Redistricting Coordinator. As it is an ordinance, unless there is a unanimous waiver, it has to be adopted at two separate meetings, so the second tentative meeting is set for September 26<sup>th</sup>. We have assembled and delivered already to the Clerk Treasurer, public access packets which include a copy of the redistricting guidelines – hoping that you don't make any changes to them this afternoon – excerpts of your Plainfield Town Code that set forth district composition and current land descriptions, an instruction sheet, a summary sheet to be submitted, maps of your current districts, a map of the current precincts in the county, and then there's also a thumb drive in there that has all these documents in there, so someone wanting to participate can do so without having to scan them in. With that, I'd be

very happy to answer any questions about the process, or about the resolution and guidelines that are before you.

Mr. Brandgard: Any questions?

(Brief pause)

Mr. Brandgard: No? Thank you. Good job of explaining.

Mr. Bosma: Okay, great. Well, if you adopt the resolution this evening, we'll ask the Clerk Treasurer to send us a copy and get this process rolling.

Mr. Brandgard: Thank you

Mr. Bosma: Thank you very much.

## **PUBLIC HEARING**

Mr. Brandgard: We do have one public hearing this evening for Additional Appropriation for the Water Operating & Employee Appreciation Funds. Do we have proof of publication?

Mr. Daniel: Yes, we do.

Mr. Brandgard: Thank you. Again, this is a public hearing for Additional Appropriation. If there's anybody in the audience who wishes to bring comments, this is the time to do it.

(Brief pause)

Mr. Brandgard: Again, this is a public hearing for Additional Appropriation for the Water Operating & Employee Appreciation Funds.

(Brief pause)

Mr. Brandgard: With nobody coming forward, we'll close that public hearing.

## **BID OPENINGS**

Mr. Brandgard: We do have two bid openings this evening. Do we have proof of publication?

Mr. Daniel: Yeah, for both of them.

Mr. Brandgard: Thank you. The first bid opening is for 2022 Road Maintenance Improvement Program.

Mr. Daniel: Thank you Mr. President. The first bid I have is from Reith Riley Construction Company Inc. Let the record show that it is sealed and is being opened at this time.

(Mr. Daniel reviews the bid from Reith Riley Construction Company Inc.)

Mr. Daniel: This bid is in proper form. Rieth Riley's bid is \$845,000.00. The bid is \$845,000.00.

Mr. Brandgard: Thank you.

Mr. Daniel: The next bid I have unopened is from Baumgartner and Company.

(Mr. Daniel reviews the bid from Baumgartner and Company)

Mr. Daniel: Baumgartner and Company bid is in proper form. The bid amount is \$698,343.80, \$698,343.80.

Mr. Brandgard: Thank you

Mr. Daniel: The next bid is from Midwest Paving, Noblesville, Indiana.

(Mr. Daniel reviews the bid from Midwest Paving)

Mr. Daniel: Midwest Paving bid is in proper form. The bid amount is \$796,008.30, \$796,008.30.

Mr. Brandgard: Thank you

Mr. Daniel: The next bid is from Calumet, Whitestown, Indiana.

(Mr. Daniel reviews the bid from Calumet)

Mr. Daniel: Calumet's bid is in proper form. The bid amount is \$767,000.00, \$767,000.00.

Mr. Brandgard: Thank you

Mr. Daniel: The next bid is from Milestone Contractors, Indianapolis.

(Mr. Daniel reviews the bid from Milestone Contractors)

Mr. Daniel: Milestone Contractors' bid is proper form. The bid amount is \$777,000.00, \$777,000.00.

Mr. Brandgard: Thank you

Mr. Daniel: Next bid is from BC Construction Services, Noblesville, Indiana.

(Mr. Daniel reviews the bid from BC Construction Services)

Mr. Daniel: BC Construction Services bid is in proper form. The bid amount is \$793,063.94, \$793,063.94.

Mr. Brandgard: Thank you

Mr. Daniel: The last bid is from Howard Companies, Indianapolis, Indiana.

(Mr. Daniel reviews the bid from Howard Companies)

Mr. Daniel: Mr. President, they included a consolidated balance sheet for their financial information but then they did separate out the information for Howard Asphalt, so Howard Asphalt bid is in proper form. The bid amount is \$700,760.00, \$700,760.00. That's all the bids.

(No audio from 0:36:14 through 0:36:35)

Mr. Brandgard: ...engineer's estimate is \$842,812.75. Again, I want to thank everybody who submitted a bid. I'd also like to ask a bid review committee of Bill Kirchoff, Jason Castetter, Scott Singleton, and John Lightner to review the bids and come back with a recommendation. Thank you. We also have bid openings for the 2022 Tree Removal and Maintenance.

Mr. Daniel: Thank you Mr. President. The first bid I have unopened, it says on the outside "bid enclosed" so I guess when I open it up, we'll find out who it's from. It's from D & S Tree Service, Mooresville, Indiana.

Mr. Brandgard: Thank you

(Mr. Daniel reviews the bid from D & S Tree Service)

Mr. Daniel: D & S Tree Service bid is in proper form. The bid amount is \$79,000.00, \$79,000.

Mr. Brandgard: Thank you

Mr. Daniel: The next bid is from Williams Tree Company.

(Mr. Daniel reviews the bid from Williams Tree Company)

Mr. Daniel: On the Williams Tree Company bid, the bond had a place for Williams Tree Company to sign as principal; the bonding company has signed it correctly, I think that is a problem that can be overcome with a signature by the tree company. However, there's no financial information attached with the bond, as is required by the bid requirements. So, I do not believe the bid meets the bid requirements.

Mr. McPhail: Mr. President, I move we reject the bid from Williams Tree Company for failure to meet the bid.

Mr. Kirchoff: Second

Mr. Brandgard: We have a motion and a second to reject the bid from Williams Tree Company since the bid did not meet the requirements. All those in favor signify by aye.

(All ayes)

Mr. Brandgard: Opposed? Motion carried, thank you. That leaves us with one bid.

Mr. Angle: I would move we have a committee get together to review it and for some reason they find something that's inconsistent, they bring it back to the council for a recommendation.

Mr. Kirchoff: (inaudible)

Mr. Brandgard: There's no engineer's estimate with this.

Mr. Kirchoff: Okay

Mr. Brandgard: With that, I want to thank everybody for submitting a bid, and the bid review committee of Bill Kirchoff, Shannon Swan, John Lightner, and Erin Flint to review the bid and come back with a recommendation. Thank you.

## **BUSINESS FROM THE FLOOR**

Mr. Brandgard: Business from the floor. Is there any business from the floor this evening?

(Brief pause)

Mr. Brandgard: Business from the floor?

(Brief pause)

Mr. Brandgard: With nobody coming forward we'll go to staff reports.

## **STAFF REPORTS**

Mr. Brandgard: Tim, anything from Development Services?

Mr. Belcher: Thank you. This is an item later on in the agenda. I'd like to give the council additional information on the tabled Ordinance No. 20-2022. Mr. Daugherty has been patiently waiting on

the Town's response for his request on possibly cost sharing on a sewer. He wanted to be annexed but that was tied to the sewer. We're not going to make that decision quickly and probably would like to involve additional neighbors to share in the cost, so it's going to take more time. So, Mr. Daugherty has requested and sent an email to me today to have that annexation basically withdrawn at this point, for requested annex, until those things can be resolved. So, this would allow the council to basically take it off the table and then take an action to, with Mel's help either waive or basically rescind that request in some respect so we can just get that off the agenda, and we'll bring it back at that time. So, I just wanted to bring that forward now for your information.

Mr. Brandgard: Thank you. Brent, anything from the Fire Territory? Heard anything from our folks down in Kentucky?

Mr. Anderson: They deployed Thursday before last to help with the flooding in eastern Kentucky. They were staged outside Hazard, Kentucky, was their target area. They worked those counties for two or three, four days travelling about an hour and a half each direction each day to get to work, spent 12–14-hour shifts working. Ever since about Thursday of last week they've been in a holding pattern. They're expecting some more rain Tuesday or Thursday this week, so hopefully they'll get sent back home at the end of the week.

Mr. Brandgard: Great, thank you. Kyle, anything from the Police Department? Brent, anything from Parks? Transportation? Jason, Public Works? Bill, IT? Steve, anything from financial? Kevin, anything from Planning? Stephanie, Communications? Al, welcome back. Anything from your area? Nate? Mel?

Mr. Daniel: One item, Mr. President. In your materials on the settlement agreement, in the materials that settles a claim resolving a (inaudible) individual, we have reviewed and that and recommend that the town approve that, we've settled all issues on that matter.

Mr. Kirchoff: Does that take a motion?

Mr. Daniel: Yes

Mr. Kirchoff: I would so move.

Mr. Angle: I'll second.

Mr. Brandgard: We have a motion and a second to approve and sign the paperwork relative to the claim that's been negotiated. If there's no other – all those in favor signify by aye.

(All ayes)

Mr. Brandgard: Opposed? Motion carried, thank you. Mark?

Mr. Todisco: Mr. President, I'd just like to thank everyone in this room for getting – the ones that got wet this past Saturday for a fun event for a good cause. There were some people in a dunk tank that I know they had a lot of fun. The Youth Assistance Program was issued a check for almost \$1,500 which we all appreciate. And I'd like to also mention that this will be my last meeting until October or so. Meanwhile Brandi will take my place and cover for me.

Mr. Brandgard: Good, thank you. We wish you well on your surgery.

Mr. Todisco: Thank you

Mr. Brandgard: Brad anything from the Chamber?

Mr. DuBois: Gentlemen, thank you. First of all, I'd like to thank the two of you for playing in of golf outing last Thursday. Even though it started out a little wet, it got better as the day went on, didn't it.

Mr. McPhail: It did.

Mr. Angle: Good time.

Mr. DuBois: Glad to get it over with. Two things – we have a ribbon cutting on the 29<sup>th</sup>, Peterson Brothers which is right across the street from the Town Hall. If you can make that, it would certainly be appreciated; it will be from 11 – it'll start at 11:00 a.m. with the ribbon cutting and then they will have an open house as well. So, if you guys can make that, that'd be great. I'll be sending you an email on that to make sure to get it on your calendar. The other thing is Quaker Day Festival this year is September 17<sup>th</sup>. I just wanted to ask your consent to go ahead and apply with INDOT (inaudible) U.S. 40, wanted to make sure that was okay with you guys.

(Consent is given)

Mr. DuBois: Very good, that's all I have then. Thank you so much.

### **TOWN MANAGER'S REPORT**

Mr. Brandgard: Town Manager's report? Welcome back to you.

Mr. Klinger: Yeah, thank you. I did want to mention that we did have last week our employee appreciation night. Unfortunately, I was not able to make it, but I understand that many of you were able to be there and that it appreciated by the staff. So, thank you for being able to come out and meet with folks. I understand it was another situation where the rain kind of chased them inside, but it sounds like it was still a good event. I really want to call out in particular the volunteers; we had staff that spent their time helping to make sure that it was a successful event. And so, I want to really show some appreciation for those folks who worked hard while everyone else was having fun. They were working hard to make sure everyone else was having fun, so really appreciate that. I do have two other things. I'm going to ask Kim Robinson to come up Since I was out last week Kim was grateful enough to fill in for me as Secretary to the Plan Commission there are a couple of actions that need to be certified from the Plan Commission. So, I'll ask Kim to do that now.

Ms. Robinson:

I, Kim Robinson, in my capacity as acting Secretary of the Town of Plainfield Plan Commission, hereby certify that the Plan Commission held a public hearing on August 1st, 2022, on petition RZ-22-058 to rezone 28.20 acres from the AG: Agriculture and I-2: Office / Warehouse Distribution districts to the I-2: Office / Warehouse Distribution district.

Upon concluding the public hearing, the Plan Commission voted 7 in favor; 0 in opposition to forward a favorable recommendation to the Town of Plainfield Town Council to rezone property described within Ordinance No. 37-2022 Exhibit A.

Mr. McPhail: Mr. President, I move that we accept the recommendation of the Plan Commission on RZ-22-058.

Mr. Kirchoff: Second

Mr. Brandgard: We have a motion and a second to approve the petition of RZ-22-058 to rezone 28.20 acres from the AG: Agriculture and I-2: Office / Warehouse Distribution districts to the I-2: Office / Warehouse Distribution district. If there's no further discussion, all those in favor signify by aye.

(All ayes)

Mr. Brandgard: Opposed? Motion carried, thank you.

Ms. Robinson:

I, Kim Robinson, in my capacity as acting Secretary of the Town of Plainfield Plan Commission, hereby certify that the Plan Commission held a public hearing on August 1st, 2022, on petition TA-22-060 to amend Chapter 154 to amend Article 13.2: Definitions and other associated amendments related to the establishment of a Land Use Matrix.

Upon concluding the public hearing, the Plan Commission voted 7 in favor; 0 in opposition to forward a favorable recommendation to the Town of Plainfield Town Council on the amendments described within Ordinance No. 36-2022 Exhibit A.

Mr. Brandgard: Thank you

Mr. Angle: I move to accept the recommendation.

Mr. Bridget: Second

Mr. Brandgard: We have a motion and a second to accept the recommendation from the Plan Commission relative to TA-22-060, to amend Chapter 154 to amend Article 13.2: Definitions and other associated amendments related to the establishment of a Land Use Matrix. If there's no further discussion, all those in favor signify by aye.

(All ayes)

Mr. Brandgard: Opposed? Motion carried, thank you.

Mr. Klinger: Thank you Kim. That's all I have for you this evening.

Mr. Brandgard: Thank you

## **OLD BUSINESS**

Mr. Brandgard: Kent, any old business?

Mr. McPhail: No, sir.

## **NEW BUSINESS**

Mr. Brandgard: New business?

## **RESOLUTIONS**

Mr. Brandgard: We do have Resolution No. 2022-50 – Resolution Adopting Guidelines for Town Council Legislative Redistricting.

Mr. Kirchoff: So moved.

Mr. Bridget: Second

Mr. Brandgard: We have a motion and a second to approve Resolution No. 2022-50. If there's no further discussion, roll call vote please.



Mr. McPhail – yes

Mr. Brandgard – yes

First Reading of Plainfield Town Council Ordinance No. 33-2022 has approved.

Mr. Brandgard: Thank you. We also have Ordinance No. 34-2022 – An Ordinance Annexing and Making a Part of the Town of Plainfield, Indiana, Certain Described Territory Contiguous to the Corporate Limits to the Town of Plainfield and Adding Said Territory to Council District Number 1 (Southeast Corner Smith Rd and Bradford Rd).

Mr. Angle: Move to approve.

Mr. Kirchoff: Second

Mr. Brandgard: We have a motion and a second to approve the First Reading of Ordinance No. 34-2022. If there's no further discussion, roll call vote please.

Mr. Todisco:

Mr. Bridget – yes

Mr. Angle – yes

Mr. Kirchoff – yes

Mr. McPhail – yes

Mr. Brandgard – yes

First Reading of Plainfield Town Council Ordinance No. 34-2022 has approved.

Mr. Brandgard: Thank you. We also have the First Reading of Ordinance No. 35-2022 – An Ordinance of the Town Council of the Town of Plainfield, Hendricks County, Indiana, Authorizing the Financing of Economic Development Facilities (Hobbs Station).

Mr. McPhail: Move to approve.

Mr. Angle: Second

Mr. Brandgard: We have a motion and a second to approve the First Reading of Ordinance No. 35-2022. If there's no further discussion, roll call vote please.

Mr. Todisco:

Mr. Bridget – yes

Mr. Angle – yes

Mr. Kirchoff – yes

Mr. McPhail – yes

Mr. Brandgard – yes

First Reading of Plainfield Town Council Ordinance No. 35-2022 has approved.

Mr. Brandgard: Thank you. We also have for its First Reading, Ordinance No. 36-2022 – An Ordinance to Amend the Plainfield Zoning Ordinance of the Town of Plainfield, Indiana, and Fixing a Time When the Same Shall Take Effect (Land Use Matrix).



Mr. Angle – yes

Mr. Kirchoff – yes

Mr. McPhail – yes

Mr. Brandgard – yes

First Reading of Plainfield Town Council Ordinance No. 37-2022 has approved.

Mr. Brandgard: Thank you. We also have Ordinance No. 38-2022 - An Ordinance Establishing a Policy for Electronic Funds Transfer and Online Banking for the Town of Plainfield.

Mr. Bridget: Move to approve.

Mr. Kirchoff: Second

Mr. Brandgard: We have a motion and a second to approve the First Reading of Ordinance No. 38-2022. If there's no further discussion, roll call vote please.

Mr. Todisco: Mr. Bridget – yes

Mr. Angle – yes

Mr. Kirchoff – yes

Mr. McPhail – yes

Mr. Brandgard – yes

First Reading of Plainfield Town Council Ordinance No. 38-2022 has approved.

Mr. Brandgard: Thank you. Based on the information that we have received we need to bring Ordinance No. 20-2022 off the table.

Mr. Kirchoff: I would so move.

Mr. McPhail: Second

Mr. Brandgard: We have a motion and a second to approve moving Ordinance No. 20-2022 off the table off the table and back for consideration. If there's no further discussion, roll call vote please.

Mr. Todisco: Mr. Bridget – yes

Mr. Angle – yes

Mr. Kirchoff – yes

Mr. McPhail – yes

Mr. Brandgard – yes

Motion has been approved.



