

City of Bedford

City Council Regular Meeting/Public Hearing

October 18th, 2021

7:00 P.M.

Minutes

7:00 P. M. Public Hearing- Final Comments for the Close-Out of COVID-19 Phase 3 Small Business Grant Program-CV-CV2-319 – Carrie Riley (ARA)

The City of Bedford was awarded \$250,000 for COVID-19 Phase 3 Small Business Grant from the Indiana Office of Community and Rural Affairs (OCRA) through the State Community Development Block Grant (CDBG) program. The city expended \$16,250 in local funds for the project. The city distributed \$260,000 to 38 out of the 41 businesses that applied.

Comments:

Dan Bortner stated it was great that the city was able to help virtually every business that applied.

Ryan Griffith requested a list of the businesses that applied and received grant money.

With there being no further public comments, the Public Hearing was closed.

7:05 P. M. Public Hearing- Consideration of Proposed Reductions in Appropriations for Current Year 2021- Marsha Pfeiffer

NOTICE TO TAXPAYERS OF PROPOSED REDUCTIONS IN APPROPRIATIONS

Notice is hereby given the taxpayers of the City of Bedford, Lawrence County, Indiana that the proper legal officers of the City of Bedford Common Council will consider the following reductions in appropriations of the current budget for General and MVH at their regular meeting, City Concourse, 1402 H Street, Bedford, IN at 7:05 P.M. on the 18th of October 2021

DECREASE IN GENERAL:

101002104 Gen/CT/Clerk	\$5,000
101002112 Gen/CT/ Medical Insurance	\$5,000

101003110 Gen/Admin/PERF	\$10,000
101003112 Gen/Admin/ Medical Insurance	\$10,000
101003334 Gen/Admin/Insurance	\$20,000
101003335 Gen/Admin/Utility Service	\$50,000
101006112 Gen/Plan/Medical Insurance	\$5,000
101007112 Gen/Fire/Medical Insurance	\$80,000
101007334/Gen/Fire/Insurance	\$10,000
101008112 Gen/Police/Medical Insurance	\$75,000
101008334 Gen/Police/Insurance	\$17,000
101010112 Gen/Trans/Medical Insurance	\$5,000
TOTAL REDUCTIONS GENERAL	\$292,000

DECREASE IN MVH:

201001112 MVH/Medical Insurance	\$10,000
201001334 MVH/Insurance	\$5,000
TOTAL REDUCTIONS MVH	\$15,000

Taxpayers appearing at such meeting shall have a right to be heard. The reductions in appropriations as finally made will be automatically referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the reductions in appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

With there being no public comments, the Public Hearing was closed.

7:10 P. M. Public Hearing- Consideration of Proposed Additional Appropriations for Current Year 2021, Police Department- Marsha Pfeiffer, Chief Terry Moore

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given the taxpayers of the City of Bedford, Lawrence County, Indiana that the proper legal officers of the City of Bedford Common Council at their regular meeting at City Concourse, 1402 H Street, Bedford, IN, at 7:10 p.m. on the 18th day of October 2021 will consider the following additional appropriations in excess of the budget for the current year.

From: General Unappropriated	\$23,809.00
To: 10100844 Gen/Police/Mach & Equip	\$23,809.00

Taxpayers appearing at such meeting shall have a right to be heard. The additional appropriations as finally made will be automatically referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

With there being no public comments, the Public Hearing was closed.

Prayer: Angel Hawkins
Pledge of Allegiance: Ryan Griffith
Call to Order: Mayor Samuel J. Craig

The Common Council of the City of Bedford, Indiana met for a Public Hearing and *Regular* City Council Meeting on Monday Oct 18th, 2021, at 7:00 P M at City Concourse. Honorable Mayor Samuel J. Craig presided and called the meeting to order.

Members in attendance:

- Judy Carlisle
- Angel Hawkins
- Dan Bortner
- Brad Bough
- Larry Hardman
- Ryan Griffith

- Penny May (Absent)

Reading/Approval of Minutes- September 20th, 2021: Regular Meeting
September 20th, 2021: Adopt Memorandum, Executive Session
October 4th, 2021: Special Meeting

- Dan Bortner made the motion to approve the minutes,
- Larry Hardman seconded the motion,
- ***All votes were in favor of the motion. No One Opposed, Passed***

Old Business

- 1. Third & Final Passage-Ordinance 19-2021 Establishing Salaries of Elected Officials for Year 2022**
 - Brad Bough said he would like the council to re-address the mayor's salary during Budget process for 2023. Brad said the mayor does a fantastic job. Brad commented that the Public Library Director makes \$96,000 a year which is considerably higher than the mayor's salary. He believes the duties of the mayor carry more responsibility than the director position.

**Elected Officials of the City of Bedford,
Indiana for the Year 2022**

BE IT ORDAINED by the Common Council of the City of Bedford, Indiana:

Section 1. That the annual salaries of the Mayor, the Clerk-Treasurer and each member of the Common Council of the City of Bedford, Indiana, payable from the General Fund of said City, are hereby fixed and shall be in the following amounts indicated below:

Annual salary of the Mayor:

Bi-Weekly \$ 2307.51 for fiscal year 2022

Annual salary of the Clerk-Treasurer:

Bi-Weekly \$ 1888.28 for fiscal year 2022

Annual salary of each member of the Common Council:

Monthly \$ 544.60 for fiscal year 2022

Common Council member appointed to Plan Commission Board

Monthly \$ 52.59 for fiscal year 2022

Section 2. That the additional compensation of the elected officials of the City of Bedford who perform services in connection with the operation of the Sewer Department and Sewage Disposal Plant and the Water Works Department of the City of Bedford, as previously fixed by the Board of Works and Safety of the City of Bedford and approved by the Mayor of the City of Bedford, to be paid from the funds of said utilities and functions, respectively, are hereby approved as follows:

SEWER DEPARTMENT & SEWAGE DISPOSAL PLANT

Mayor.....\$269.25 BI-WEEKLY

Clerk-Treasurer.....\$285.79 BI-WEEKLY

WATER WORKS DEPARTMENT

Mayor.....\$269.25 BI-WEEKLY

Clerk-Treasurer.....\$285.79 BI-WEEKLY

- Larry Hardman made the motion to approve the third and final passage,
- Dan Bortner seconded the motion,
- ***All votes were in favor of the motion. No One Opposed, Ordinance 19-2021, Passed.***

2. Third & Final Passage-Ordinance 20-2021-Approving Base Salaries for Police, Firefighters, Appointive Officers and Employees, and Approving Additional Compensation of Elected and Appointive Officials for Year 2022

- City Council approved 2 passages for the following salaries for 2022:
- 5% increase to all employees with higher increases for public safety and department heads.
- 10% to Mayor's assistant
- 8% to all police officers and firefighters with larger increases to Fire Chief and Police Chief of 12%.
- 11% to Asst. Police Chief
- Additional \$3,000 to Lieutenant and Captain
- Additional \$2,500 to Battalion Chief and Major
- Department Head increases:
- 10% to City Attorney
- 10% to Utility Director
- 9% to HR and Plan Commissioner
- 8% to Street Commissioner and Park Director
- 6% to TASC Director and Community Development Director
- 7% increase to Mayor and Clerk Treasurer
- \$1,000 added to longevity at year 20 for Fire and Police
- New position: Water/Wastewater Supervisor at \$24.02 hourly
- New position added: Distribution Supervisor at \$24.02 hourly
- Filtration Plant Supervisor: \$25.46 hourly
- Distribution System Supervisor: \$25.46 hourly
- Wastewater Plant Supervisor: \$25.46 hourly
- Brad Bough made the motion to approve the third and final passage of Ordinance 20-2021,
- Angel Hawkins 2nd the motion,
- *All votes were in favor, No One Opposed, Ordinance 20-2021, Passed*

Ordinance 21-2021-Adoption of Budget for Year 2022-Marsha Pfeiffer

Total Budget for year 2022: \$19,744,855

General: \$11,798,520

Fire Pension: \$547,212

Police Pension: \$536,293

Local Roads & Streets: \$120,000

Motor Vehicle Highway: \$2,196,269

Park: \$2,038,275

CCI: \$50,00

CCD: \$400,000

Total of Tax Rate Funds: \$17,686,929

Adopted Tax Levy: \$10,911,979

Adopted Tax Rate: 2.4652

Home-Ruled Funds:

- Otis Trust Fund: \$5,000
- N/R John Lowery Pool: \$38,000
- Park N/R: \$114,850
- N/R Golf Carts: \$48,752
- N/R Otis Park: \$96,017
- TIF Bond & Interest: \$746,488
- LECE: \$27,700
- LOIT Public Safety: \$981,119

- Larry Hardman made the motion to approve the third and final passage of Ordinance 21-2021,
- Angel Hawkins 2nd the motion,
- *All votes were in favor, No One Opposed, Ordinance 21-2021, Passed*

New Business:

1. Compliance with Statement of Benefits for DST Real Estate-Real Estate Improvements-60x120 Building for the Purpose of Manufacturing Limestone Industry Machinery-Greg Stokes (Stokes & Housel)

- Greg Stokes participated by phone.
 - Salaries estimated at \$90,000, Actual salaries are \$135,000
 - Value before improvements, net value after completion of improvements: \$315,000
- Larry Hardman made the motion to approve,
 - Judy Carlisle seconded the motion,
 - *All votes were in favor, No One Opposed, Compliance Statement Approved.*

2. Resolution 3-2021- Reduction of Appropriations-Marsha Pfeiffer

DECREASE IN GENERAL:

101002104 Gen/CT/Clerk	\$5,000
101002112 Gen/CT/ Medical Insurance	\$5,000
101003110 Gen/Admin/PERF	\$10,000
101003112 Gen/Admin/ Medical Insurance	\$10,000
101003334 Gen/Admin/Insurance	\$20,000
101003335 Gen/Admin/Utility Service	\$50,000
101006112 Gen/Plan/Medical Insurance	\$5,000
101007112 Gen/Fire/Medical Insurance	\$80,000
101007334/Gen/Fire/Insurance	\$10,000
101008112 Gen/Police/Medical Insurance	\$75,000
101008334 Gen/Police/Insurance	\$17,000

101010112 Gen/Trans/Medical Insurance	<u>\$5,000</u>
TOTAL REDUCTIONS GENERAL	\$292,000

DECREASE IN MVH:

201001112 MVH/Medical Insurance	\$10,000
201001334 MVH/Insurance	<u>\$5,000</u>
TOTAL REDUCTIONS MVH	\$15,000

Total Reductions for General/MVH: \$307,000

Reductions were also approved by:

Park: \$82,500

Fire Pension: \$24,000

Police Pension: \$12,000

Total Reduction: \$425,500

- Dan Bortner made the motion to approve Resolution 3-2021
- Ryan Griffith seconded the motion,
- *All votes were in favor, No One Opposed, Resolution 3-2021 Passed.*

3. Ordinance 22-2021-Additional Appropriation – Police Department- Chief Terry Moore

**ORDINANCE NO. 22-2021
AN ORDINANCE DECREASING APPROPRIATIONS**

WHEREAS, the Bedford Police Department of the City of Bedford in order to appropriate unobligated balances that were received from forfeited drug monies are now needed for expenses for Machinery & Equipment, the Common Council for the City of Bedford hereby approves the following additional appropriation in the following amount:

From: General Unappropriated	\$23,809.00
To: 10100844 Gen/Police/Mach & Equip	\$23,809.00

This Ordinance shall be in effect from and after its passage and the approval from the Mayor of the City of Bedford

- Brad Bough made the motion to approve the first passage for Ordinance 22-2021,
- Angel Hawkins seconded the motion made the motion,
- Brad Bough made the motion to approve the second passage of Ordinance 22-2021,
- Larry Hardman seconded the motion,
- *The third and final passage for Ordinance 22-2021 will be presented at the November 15th, 2021, meeting.*

4. Ordinance 23-2021- Ordinance Amending Section 33.41 (D) of Overtime Policy- Establishes Additional Compensation for the City’s K-9 Police Officers-Mayor Samuel J. Craig, Greg Pittman, Chief Terry Moore

ORDINANCE NO. 23-2021

WHEREAS, Section 33.41 of the Bedford City Code establishes an Overtime Policy for City of Bedford employees, and

WHEREAS, subsection (D) establishes additional compensation for the City's K-9 police officers, and

WHEREAS, there is a need to amend this Section pro tune to correct the compensation paid to the City's K-9 officers from weekly to bi-weekly,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford, Indiana as follows:

Section I. That Bedford City Code Section 33.41(D) shall be amended pro tune to read as follows:

The K-9 police officers shall be compensated seven (7) hours bi-weekly for the care, feeding and grooming of the service animal in addition to the K-9 police officer's regular compensation.

Section II. Unless specifically modified herein, all other parts of Section 33.41 and Ordinance 17-2016 shall remain in full force and effect.

Section III. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

- Judy Carlisle made the motion to approve the first passage for Ordinance 23-2021,
- Brad Bough seconded the motion made the motion,
- Brad Bough made the motion to approve the second passage of Ordinance 23-2021,
- Angel Hawkins seconded the motion,
- *The third and final passage for Ordinance 23-2021 will be presented at the November 15th, 2021, meeting.*

**5. Ordinance 24-2021-Ordinance Amending Section 33.41 (Overtime Policy)-
Emergency Call In-Mayor Samuel J. Craig, Greg Pittman**

- Mayor Craig ask for the emergency call-in minimum hours be changed from (1) hour to (2) hours. First and Second Passages were approved with the change from (1) hour minimum to (2) hours minimum.

ORDINANCE NO. 24-2021

WHEREAS, Section 33.41 of the Bedford City Code establishes an Overtime Policy for City of Bedford employees, and

WHEREAS, there is a need to compensate City employees who are called in to work on a non-scheduled workday for purposes relating to their employment in emergency situations.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford, Indiana as follows:

Section I. That Bedford City Code Section 33.41 shall be amended to add the following:
In the event a non-exempt employee is called in to work during a non-scheduled work period for an emergency event related to their employment, that employee shall be paid either wages at the rate of one and one-half times his or her regularly hourly rate of pay for each hour worked during that call-in event, or compensatory time at a rate of one and one-half hours for each hour of time worked during that call-in event, regardless of the amount of time worked for that work week. **The emergency call-in shall be paid at a minimum of one (1) hour.**

This subsection shall not apply to the following:

- a. When an employee was “on-call” prior to the call-in event.
- b. When an employee continues to work past the end of their normal work schedule.
- c. When an employee is required to attend a training event.
- d. When an employee is required to cover another employee’s work shift; or
- e. Any other non-emergency event.

- Ryan Griffith made the motion to approve the first passage for Ordinance 24-2021(with the change from (1) hour minimum to (2) hours minimum for emergency call-in),
- Judy Carlisle seconded the motion,
- Larry Hardman made the motion to approve the second passage of Ordinance 24-2021 (with the change from (1) hour minimum to (2) hours minimum for emergency call-in),
- Ryan Griffith seconded the motion,
- *The third and final passage for Ordinance 2-2021 will be presented at the November 15th, 2021, meeting.*

6. Resolution 4-2021- Resolution Authorizing Electronic Participation-Mayor Samuel J. Craig, Greg Pittman

RESOLUTION NO. 4 - 2021

RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF BEDFORD AUTHORIZING PARTICIPATION BY COUNCIL MEMBERS IN MEETINGS BY ELECTRONIC MEANS

WHEREAS, Indiana Code § 5-14-1.5-3.5 requires the governing body of a public agency to adopt a written policy establishing the procedures for a member who is not physically present at a meeting of the governing body to participate by electronic means; and

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Bedford, Indiana, by its Common Council, hereby adopts the following procedures for a member who is not physically present at a meeting of the governing body to participate by electronic means:

Section 1. This policy applies to the Common Council for the City of Bedford and any committee or advisory council appointed directly by the City Council. This policy does not apply when the City of Bedford is subject to a declared local or state public emergency.

Section 2. Subject to the provisions of this policy, a council member may participate in a council meeting by any electronic means of communication that:

1. allows all participating members of the council to simultaneously communicate with each other.
2. And other than an executive session, allows the public to simultaneously attend and observe the meeting.

Section 3. At least a majority of the entire City Council must be physically present at a city Council meeting in which council members participate by means of electronic communication.

Section 4. The City Council for the City of Bedford will conduct all of its meetings where council members will be allowed to participate by electronic means of communication.

Section 5. means of communication at the same City Council meeting.

Section 6. A City Council member, who wishes to participate in a council meeting by electronic means of communication, must notify the Mayor, the Mayor's assistant and/or the mayor's designee in writing at least 48 hours before the date of the City Council meeting. The written notice must contain the reason(s) for participation by electronic means. Once a council member has given notice of participation by electronic means, the mayor's assistant and/or the mayor's designee will be responsible to set up the electronic means of communication for the Council member at the Council meeting requested.

Section 7. A council member may not participate in more than fifty percent (50%) of the City Council meetings in a calendar year by an electronic means of communication, unless the council member's participation is due to:

1. military service,
2. illness or other medical condition,
3. death of a relative, or
4. an emergency involving actual or threatened injury to persons or property.

Section 8. A council member may attend two (2) consecutive City Council meetings by electronic communication, but must attend at least one (1) City Council meeting in person between two sets of consecutive meetings which the council member attends by electronic communication, unless the council member's absence is due to:

1. military service,
2. illness or other medical condition,
3. death of a relative, or
4. an emergency involving actual or threatened injury to persons or property.

Section 9. No council member may participate by means of electronic communication in a City Council meeting at which the Council will take final action to:

1. adopt a budget,
2. make a reduction in personnel,
3. initiate a referendum,
4. impose or increase a fee,
5. exercise the City Council's power of eminent domain, or
6. establish, raise, or renew a tax.

Section 10. A council member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum and participating in the City Council meeting; and may vote on a matter before the Council only if the council member can be seen and heard.

Section 11. All votes taken during a City Council meeting at which at least one council member participates by an electronic means of communication must be taken by roll call vote.

Section 12. The minutes of a City Council meeting at which any council member participates by electronic means of communication must:

1. Identify each council member who:
 - a. was physically present at the meeting,
 - b. participated in the meeting by electronic means of communication, and

- c. was absent.
- 2. Identify the electronic means of communication by which:
 - a. council members participated in the meeting, and
 - b. members of the public attended and observed the meeting.

- Ryan Griffith made the motion to approve Resolution 4-2021
- Judy Carlisle seconded the motion,
- *All votes were in favor, No One Opposed, Resolution 4-2021 Passed.*

7. Ordinance 25-2021-Establishing Encroachment Specifications (Street Cut)-David Flinn

- Mayor Craig said the current Ordinance is weak and the result is when utility companies do underground work and dig up parts of the streets, the repair work to the streets is rough patch.
- According to the new Ordinance, there will be stipulations which will spell out what is allowed, and contractors will be required to obtain a permit before doing the work.

**AN ORDINANCE ESTABLISHING
ENCROACHMENT SPECIFICATIONS FOR THE CITY OF BEDFORD**

WHEREAS the City of Bedford wishes to establish Encroachment Specifications within the City of Bedford.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford as follows: Section I. That the following shall be added to the City of Bedford Municipal Code:

1.0 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum standards for construction of all required by the Bedford Unified Development Code, and procedures to control, review, and approve the construction of these public improvements as well as procedures for the control and maintenance of the city rights-of-way.

The City of Bedford is responsible for maintaining all streets and structures accepted within the Bedford rights-of-way and is therefore necessary to set minimum standards for the construction of all improvements for which the city will be responsible in order to avoid assuming unnecessary maintenance costs and inconvenience to the citizens and businesses of the City of Bedford.

All improvements intended for public use, to be constructed in a City right-of-way or easement, or to be constructed as a privately maintained improvement must conform to City standards according to the Planning Commission requirements, the Bedford Unified Development Code, and shall conform to or exceed the standards as set forth in this City Ordinance.

The standards set forth in this City Ordinance are intended to be minimum standards. Variances from these standards may be considered by the Bedford Board of Public Works and Safety upon written application to the Board citing unusual conditions justifying changes based upon sound engineering practices. Proposed variances shall have been reviewed by the Planning and Zoning Department, as appropriate, before consideration by the Board of Public Works and Safety.

All improvements shall be constructed to conform to the Current Standard Specifications of the Indiana Department of Transportation (INDOT), referred to in this Ordinance as “Standard

Specifications”, except where deviations are hereinafter allowed, or variances granted. The standard specifications can be found on the INDOT website.

2.0 SUBGRADE AND BACKFILL

Flowable fill shall be required as backfill on any cut made in streets, alleys, or shoulders within five feet (5’) of the edge of asphalt. With an 8” layer of concrete 1 ½” below grade as per Table A2. The Board of Public Works and Safety or the Street Commissioner/ and or his representative, herein referred to as “City” shall review and approve any exceptions. If an exception is granted the following procedure would be utilized. Number 8 or 9 stone compacted every 6” with an 8” layer of concrete 1-1/2” below grade. A bed for the pipe will be allowed using sand, #11 or #9 stone per Table A2.

3.0 RIGHT-OF-WAY ENCROACHMENTS

Any person, firm, or corporation desiring to open, cut, bore into or under any street, alley, or other public way, paved or unpaved, or to obstruct the right-of-way for the express purpose of construction, vending, or other purpose restricting the intended use of the right-of-way within the limits of the city shall be required to obtain a specific permit for such purpose.

All streets shall have right-of-way widths equal to or greater than the widths shown in the Bedford Comprehensive Master Plan, and Table A1 of this Ordinance. All new streets not specifically identified shall be classified as determined by the Planning Director, Street Commissioner, and/or the City Engineer using the definitions as set forth in the Bedford Comprehensive Master Plan.

3.1 Encroachment Permit Authority

The Board of Public Works and Safety has the legal responsibility for the management of all City property. The proper use of the public rights-of-way are within the legal authority of the Board of Public Works and Safety. All encroachments shall be in accordance with this Ordinance and subject to the authorization of the Board of Public Works and Safety. The Board of Public Works and Safety shall hereby grant the Street Commissioner the authority to approve encroachment permits, as an agent of the Board, on specifically designated local streets for normal and routine encroachment requests. The Street Commissioner shall have the right to appoint a deputy to perform the duties of encroachment permit administration subject to the approval of the Board of Public Works and Safety.

3.2 Types of Right-of-Way Encroachments

The following right-of-way encroachments which shall specifically require an encroachment permit:

a. Right-of-Way Cuts

1. The extension of services to a new development from existing city right-of-way.
2. The extension of services to existing homes in the right-of-way.
3. Upgrade of service to a single user within the right-of-way.
4. Directional bores within the right-of-way.
5. Parallel, diagonal, or perpendicular cuts through the existing pavement or the right-of-way.
6. Installation of overhead services within the right-of-way.
7. Emergency encroachments; and
8. Trenching.

b. Right-of-Way Blockage

1. Obstruction due to dumpsters, construction equipment, materials, or signage.
2. Any work to be done by the resident pertaining to drive approaches or sidewalk replacement.

c. Curb Cuts/New Access into Existing City Right-of-way

1. New residential driveways.
2. Upgrade of commercial or residential driveways.
3. Addition of auxiliary lanes to existing development in accordance with city standards.

d. Special Provision Encroachments

1. Pavement resurfaced within thirty-six (36) months of encroachment application.

3.3 Encroachment Application and Permit Procedures

All encroachment permit applications shall be in written form. Applications must be submitted to the city

Street Department prior to the encroachment being granted. The encroachment permit application shall be administered and reviewed by the Street Department and approved only after the required conditions of the permit have been established and all conditions are met to the satisfaction of the City. On all applications submitted there will be up to a five working day review period excluding applications requiring the Board of Public Works and Safety approval. No work will be allowed prior to approval. A penalty fee of \$500.00 will be enforced by the city with a stop work order for unauthorized work performed before permits are approved. All permit work shall be performed Monday through Friday, during the hours of 9:00 a.m. to 3:30 p.m., unless pre-approved by the Street Commissioner. Permittees are responsible for reimbursement of any overtime incurred by the inspectors for any work done out of the normal business hours of Monday through Friday, 7:00 a.m. to 3:30 p.m. Possession of a properly endorsed encroachment permit by the City shall constitute permission to encroach upon the City of Bedford rights-of-way. The permit shall be available at all times, on site during the period of encroachment.

a. Standard Encroachment Permit Application

Standard encroachment permit applications must be obtained through the City of Bedford Clerk Treasurer office 1102 16th. Bedford, IN. 47421. The permittee must submit the original encroachment permit application, a bond(sec.3.4) and a drawing of the proposed right-of-way encroachment to the Street Commissioner or his representative. Upon the receipt of the application, the permittee shall be notified after a review period of up to five working days of the approval or denial of the submitted application, excluding applications requiring the Board of Public Works and Safety approval. Permits shall be returned by mail only when the permittee provides the proper postage and envelopes.

b. Emergency Encroachment

If public safety is a concern after normal business hours, the city will allow the contractor to perform the necessary repairs, then the next working day obtain a standard encroachment permit. All applicable fees are due at the time the standard encroachment permit is issued.

c. Additional Permits

The permittee is responsible for obtaining all the necessary permits prior to the approval of the encroachment application; including, but not limited to the following:

1. City of Bedford permits.
2. Indiana Department of Transportation permits.
3. Department of Natural Resource permits; Indiana Department of Environmental Management; and
4. Federal permits through the Army Corps of Engineers.

d. Notification of Residents

The permittee shall be responsible for the proof of proper notification of all residents affected by the proposed encroachment, as determined by the City. A copy of the letters shall be provided to the Street Department to become part of the encroachment permit documentation.

e. Traffic Control

Traffic control shall be required for all encroachments that restrict the natural flow of traffic. All temporary traffic control measures shall conform to the latest addition of the Manual on Uniform Traffic Control Devices. (MUTCD) Unless otherwise provided, the street shall be kept open to all traffic while undergoing improvements. Where so provided on maintenance of traffic plan, approved by the Street Commissioner, traffic may be bypassed over a detour route. The detour route markings shall be erected, maintained, and removed by the Contractor. The portion of street being used by public traffic shall be kept in such conditions that such traffic will be adequately accommodated. Flashing type II barricades or drums in accordance with INDOT Specification 801.09, shall be placed at 100 ft. intervals where drop-offs of greater than 3 inches are adjacent to the shoulder until the aggregate or earth wedge is placed. In areas allowing on-street parking, a distance of 50' to 25' may be required.

f. Encroachment Start Procedures

The Street Department shall be notified a minimum of 48 hours prior to the start of any encroachment. In accordance with Indiana Public Law #1C-8-1-26, an I.U.P.P.S. authorization number must be received a minimum of 48 hours prior to any encroachment in the right-of-way. Failure of 48-hour notification prior to the start of the encroachment shall result in a \$100.00 fine. If the encroachment duration is more than 5 working days, written weekly updates shall be provided to the Street Commissioner and/or his representative and daily notification shall be required at the discretion of the Street Commissioner. A copy of the approved encroachment permit shall be required to be on site at all times.

g. Permit Life

Encroachment start dates shall be provided on the encroachment permit application. If encroachment does not commence within 45 working days of the permit approval date, the permit shall be considered void, and the encroachment application shall be resubmitted for approval consideration. All work must be completed within 60 working days of the application approval date. Exceptions shall be noted on the permit application and shall be authorized by the City only.

1. Completion dates and times on all open cuts will be noted by City Inspectors on-site at the time of final inspection of the permit. (See 3.3(1))

h. Permit Cancellation Procedures

Failure of prior notice will result in a penalty fee of \$100.00 per inspection.

Temporary and Permanent Patches

Maintenance periods will begin with the final inspection date approved by the Street Commissioner and/or his representative. All open cuts in streets and alleys shall have permanent patches in place no later than 20 working days from the completion of work and approval date of the temporary patch inspection date. Temporary construction patches shall be maintained to the satisfaction of the Street Commissioner until permanent patches are complete. Bricks shall be replaced with original bricks removed from patches. Concrete and sod areas are to be restored to equal, if not better condition within the 20-working day completion period. All patches listed in this Ordinance Section 3.0 shall be maintained and warranted by the permit application holder for a period of one year. Winter cut procedures will be determined by the Street Commissioner and/or his representative for each individual permit application. All temporary patch methods are to be determined by the Street Commissioner or his representative.

i. Monthly Reports

At the discretion of the Street Commissioner, the permittee may be required to submit monthly written reports of all permanent patches. The required reports shall include the permit number and location of each patch completed throughout the calendar month, as well as a proposed schedule for the following month of all proposed permanent patch construction. These monthly reports shall be submitted no later than the 7th calendar day of each month.

k. INDOT Encroachment Permits

The city may request to review all Indiana Department of Transportation encroachment permits obtained for work within the Bedford Corporate limits.

1. Inspections

All encroachment permits defined in Section 3.2 shall be inspected by the City before, during, or after encroachments.

3.4 Encroachment Permit Insurance and Bonding

The permittee shall be required to submit proof of insurance for general liability. The Board of Public Works and Safety shall require the permittee to post a \$10,000 bond in favor of the City of Bedford. Single family dwelling driveways and sidewalks as defined in Section 3.2(b) of this Ordinance shall be exempt from the bonding requirements. The minimum insurance requirement shall be \$1,000,000 per occurrence, \$300,000 per person, and \$50,000 for legal.

3.5 Encroachment Details

All asphalt encroachments shall conform to Table A1 and Table A2 of this Ordinance, upon the completion, unless instructed otherwise and approved by the City.

3.6 Encroachment Permit Fees and Public Improvement Responsibilities

A separate encroachment permit application shall be required for each individual right-of-way cut or encroachment. Each standard application 3.2 (a) and (c) shall require a minimum \$100.00 fee to be paid upon the receipt of the approved encroachment permit. Encroachments as defined in Section 3.2 may require review of construction plans by the city.

a. Special provision encroachment fees as stated in Section 3.2(d) are as follows. These fees are in addition to the standard encroachment fees.

1. Pavement resurfaced within twelve (12) months of encroachment applications shall require a \$500.00 fee. This fee is to be paid upon the receipt of the approved encroachment application.

2. Pavement resurfaced within twenty-four (24) months of encroachment application shall require a \$300.00 fee. This fee is to be paid upon receipt of the approved encroachment application.

3. Pavement resurfaced within thirty-six (36) months of encroachment application shall require a \$200.00 fee. This fee is to be paid upon receipt of the approved encroachment application.

4. The City of Bedford holds all options to invoke special fees per the approval of the Board of Public Works and Safety when applicable for encroachments not covered within these standards.

b. Street cuts requiring authorization by the Board of Public Works and Safety, shall be a minimum 1 ½" mill and overlay for the entire effected street surface for streets paved within 3 years of the encroachment permit application date as listed under Section 3.2 (d).

1. Open street cuts parallel, diagonal, or perpendicular to the travel lanes shall require a full pavement width mill and overlay. The required resurfaced area shall extend a minimum of 25' beyond each of the saw cut edges, as determined by the Street Commissioner and/or his representative. See Tables A3 and A4

c. The Street Commissioner shall require the implementation of special methods of street cuts from November 1st through April 31st to ensure temporary street cut patches do not interfere with the normal operation of the Street Department or other City services.

d. Removal of surface, as a general rule, the minimum size of all cuts shall be four (4') feet by four (4') feet, unless a lesser size is specifically allowed by the Street Commissioner. 12" round core drilling disconnect cuts can be allowed by a vacuum truck as needed. Where applicable, erosion control shall be addressed by the inspector prior to beginning work.

4.0 PENALTIES

a. Any person, firm, corporation, or any other entity who shall be in violation of Chapter 3.1 through 3.5 of these ordinances, or any amendment thereto, shall receive a fine of not more than \$500 and costs. Each day an entry or cut is made without the issuance of a proper permit under this chapter shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein.

b. Special Provisions:

Any person, firm, or corporation, or any other entity who shall be in violation of Chapter 3.6 (a) 1-4, shall be subject to a fine twice that of the original encroachment application fee. Each day an entry or cut is without the issuance of a proper permit under this chapter shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein.

c. Any agency whose approval is required under this Ordinance, or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this Ordinance.

d. In accordance with any other sanction under this Ordinance, a person who fails to install or to maintain the approved public improvements in accordance with the approved construction plan shall be liable to the City of Bedford in a civil action, for damages in an amount equal to the cost of installing or maintaining the controls, all engineering fees, court costs, litigation expenses, and attorney's fees incurred by the City.

e. Any persons, firm, corporation, or any other entity who fails to secure any service that can cause damage to property or health due to its failure, shall receive a \$500.00 penalty for every 24-hour period that corrections are not made. The twenty-four (24) hour period will start from the time the damaged service is reported. This application should fall under Section 3.3 (b) on procedures and time frames.

f. Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:

1. Correcting, to the extent possible, the failure to install or maintain the public improvements according to the approved plans and specifications.
2. Correcting, to the extent possible, the failure to follow the procedures outlined under permits issued in accordance with this Ordinance; and
3. The administration of the construction inspection as per this Ordinance.

g. The City of Bedford shall hold the right to secure and/or complete without prior notification to the applicant any and all permit cuts found to be public safety concerns. Costs incurred by the City of Bedford, any and all actions taken by the City shall be reimbursed by the permittee/applicant as reflected in Attachment A1 of this ordinance.

h. Failure to complete permanent patches within the 20-working day requirement shall result in a fine of \$100 per day, up to five (5) working days. In the event the repairs are not made in this time period, the city may repair the patches as defined in section 4.0 (g), including all fines. If during construction the contractor does not secure the open cuts properly and provide cones and barricades for safety, the City of Bedford will impose attachment A1. Exceptions will be allowed with a wintertime patch to be replaced within 20 days after the opening of the asphalt plant.

5.0 SEVERALTY

If any portion, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance, it being the intent of the City of Bedford Board of Public Works that this Ordinance shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

The costs shown on this attachment are subject to change only at the approval of the City of Bedford Board of Public Works and Safety.

Labor - \$ 30.00 / hour
Operator - \$ 45.00 / hour
Backhoe - \$120.00 / hour
Loader - \$150.00 / hour
Traffic Maintenance
Cones - \$10.00 each / hour
Barricades - \$30.00 / hour
Steel Plates - \$50.00 / hour
Vehicles
Pickup - \$ 50.00 / hour
Single axle - 85.00 / hour
Tandem - \$100.00 / hour

This list does not reflect all costs, nor does it imply maximum charges that can incur with all penalties of this ordinance. Material costs of asphalt and/or concrete are not listed due to price variations with vendors and quantities.

*A minimum of one (1) hour will be charged on all labor and equipment.

- Larry Hardman made the motion to approve the first passage for Ordinance 25-2021,
- Ryan Griffith seconded the motion made the motion,
- Ryan Griffith made the motion to approve the second passage of Ordinance 25-2021,
- Brad Bough seconded the motion,
- ***The third and final passage for Ordinance 25-2021 will be presented at the November 15th, 2021, meeting.***

8. Discussion

- Brad Bough wanted to thank the Fire Department for the Fire Safety Program that was held at the Bedford Fire Department.
- Misty Adams has applied for a grant with IFA through INDOT. The grant amount is \$1,684,800 with local match of \$527,600

9. Adjourn

- Larry Hardman made the motion to adjourn,

- Ryan Griffith seconded the motion,
- *All votes were in favor, No One Opposed, Meeting Adjourned*

Bedford City Council 2021

- *Judy Carlisle, President* _____
- *Penny May* _____
- *Ryan Griffith* _____
- *Angel Hawkins* _____
- *Dan Bortner* _____
- *Larry Hardman* _____
- *Brad Bough* _____

Attest: Marsha Pfeiffer
Clerk-Treasurer _____