

REGULAR SESSION, BOARD OF PUBLIC WORKS AND SAFETY, July 14, 2025

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session at 6:00 p.m. on July 14, 2025. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana.

Mayor Robert Listenberger called the meeting to order. Listenberger presided for Board Members Duane Culp, Don Ecker Jr., Shiloh Milner, and Dave Morrow, who were physically present. City Attorney Jeff Houin and Clerk-Treasurer Lynn Gorski were also present. The public was able to see and hear the meeting through Microsoft Teams and streamed live at <https://www.youtube.com/@CityofPlymouth>.

Board members Morrow and Ecker moved and seconded to approve the minutes of the regular session of the Board of Public Works and Safety meeting of June 23, 2025, as presented. The motion carried.

Clerk-Treasurer Gorski administered Oaths of Office to the following Firefighters:

- Stephen Williams
- Maclain Middaugh
- Alex "Michael" Jimenez
- Cole McKibbin

Building Commissioner Dennis Manuwal Jr. stated at the last meeting he was given permission to send out demolition orders. He explained he was still waiting on one demolition order to come back to him and for the other one he was able to track down the owner. He stated the owner signed for it on July 7th and he did not believe he was there that night because last he knew he was still incarcerated.

Houin stated they would hold an evidentiary hearing on this where Manuwal will present his reasoning for issuing the order and if the owner or anyone else with an interest in the property would like to speak, then they could hear their evidence. He stated they would then decide to either affirm the order, rescind the order, or modify the order.

Manuwal stated the lot they were discussing was Lot 23 of Northgate Mobile Home Park located at 1621 N. Michigan Street. He stated this was the trailer that started the initial investigation into Northgate Trailer Park. He stated he originally issued an eviction order due to the condition of the unit. He explained it was uninhabitable in the current condition that it was in and to bring it back into a habitable condition, it would cost more than what the unit was worth. He stated nothing had been done since the original order so that was the reason why he had requested the demolition of this mobile home.

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Mayor Listenberger asked if anyone was currently living in the unit.

Manuwal replied that nobody was living in the unit aside from cats.

Ecker asked if the owner had been contacted.

Manuwal agreed and stated they were currently being housed in Marshall County Jail.

Ecker asked if they knew how long this unit had been vacant.

Manuwal replied that it had been vacant since the eviction order on April 30th.

Mayor Listenberger asked if they could move with the order since the owner was incarcerated.

Houin replied that Manuwal was able to deliver the notice to Marshall County Jail and the owner signed it. He stated the owner had received proper notice and he had made no attempt to contact his office or Manuwal's office. He stated it was proper notice and valid so they could proceed with the hearing and make a determination. He stated today was the hearing so he either had the opportunity to appear, send a representative on his behalf, or request that the hearing be continued if he could not appear. He stated he had done none of those to his knowledge, so they have valid notice to proceed.

Board members Ecker and Culp moved and seconded to affirm the demolition order for 1621 N. Michigan Street Lot 23 of Northgate Mobile Home Park. The motion passed by roll call vote.

In Favor: Culp, Ecker, Morrow, Milner, Listenberger

Opposed: N/A

Manuwal stated the next item was Northgate MHC LLC and at the last meeting they gave Abraham Anderson of Northgate MHC LLC an extended period to continue with his work to fix the sewer issues. He stated he did receive a report and met with Anderson on Friday. He stated they were able to get most of the lines fixed. He stated they were still trying to track the water leaks down and they were going to order water meters for each individual unit to track down where the water leaks were at. He stated when they met, they agreed to demolish Lot 240, Lot 222, and Lot 22. He stated Anderson was wanting to board up the rest of them and he did not have a problem with him boarding up the units brought in by the previous owner and never set up. He still felt as though Lot 140 and Lot 150 should be demolished because Lot 150 was a 1973 model and Lot 140 was a 1971 model, so they were both older than any code for mobile homes. He stated in order to redo them and bring them to current living standards; he would have to bring them up to current U.S. Department of

Housing and Urban Development (HUD) standards. He explained just to insulate it to fit HUD standards, he would have to redesign the whole interior.

Anderson stated his attorney Ferd Niemann was on Microsoft Teams as well if they had any questions for him. He stated that there were several items that the board wanted fixed by this meeting and he believed they fixed all of them. He stated at the prior meeting he had all the sewer lines scoped and that report was given prior to the previous meeting to Manuwal and all those issues had been addressed. He stated there were some water leaks that they could not identify where they were at, so he had already ordered individual meters for each mobile home to find where these leaks were at. He stated all the sewer issues in the report were completely fixed. He stated there were two homes that were discharging greywater and those were fixed. He stated for the cat issue, since taking over the property they have caught and removed over 50 cats. He added this past week they removed over 7. He stated there was a cattery in South Bend that was working with them to remove them and for others, there was a person with a farm where they were taking some of them to. He stated they were now working with the local Humane Society, and they had gave flyers to the residents so any cats as pets would have to get them spayed or neutered so they do not have this issue again in the future. He stated he did meet with Manuwal on Friday regarding the vacant mobile homes, and they agreed on tearing down the three vacant mobile homes discussed earlier. He stated of the remaining homes, he wanted to seal them up with weather resistant plywood for now and then once they finish these other items, they would like to rehab the ones that were left. He asked Manuwal to send him a list of contractors he could reach out to for demolishing the homes. He stated there were two lots, Lot 140 and Lot 150, that he believed could be rehabbed other than some debris that the previous left behind. He stated they were otherwise in good condition and could be redone affordably. He stated he would like to tear down those three homes and board up the other ones for 60 days, so they have adequate time.

Manuwal asked if he got his email about bringing those homes up to current standards. Anderson agreed. Manuwal asked how they would get an R-19 in the sidewalls when they were 2x2.

Anderson replied that he was not a contractor himself, but they would hire someone and ensure that it was up to the current code. He stated they would get licensed people to do the work and pull the proper permits, but he did believe with the current energy standards that they could rehab these homes. He stated these other two homes were in good enough

condition that he would like to save those, because without them it would be two fewer units of affordable housing that they could offer.

Ecker asked if they would have someone on the outside do a study on that to confirm Manuwal's concern.

Manuwal added that the original order required him to have a licensed contractor, plumber, and HVAC evaluate the condition and write a report before he hired them to perform the work.

Ecker shared Manuwal's concern as they were talking about trailers that were over 50 years old. He questioned the feasibility of getting them up to date with today's code.

Manuwal stated if they wanted to put that much money into a unit it was on them, but he did not see it being possible. He stated that Anderson was under the assumption that they could rehabilitate these homes for \$20,000/each. He stated with current building prices, he did not see that.

Anderson replied that the homes themselves were in good condition and the most expensive part would be the inspections which he was fine with.

Niemann asked about bringing older homes up to modern code. He asked if the city had similar requirements for site-build homes from 1910 to add additional insulation to the walls. He stated the HUD code was about structural integrity in 1974-1976 but adding additional insulation was not something that he saw other cities require.

Manuwal replied according to Indiana's mobile home laws, if you start tearing into it, you must bring it up to current HUD standards and get it recertified. He stated these were old enough units that do not meet HUD standards, so once they get redone, someone must come out and certify them as a HUD home.

Niemann stated that HUD had standards for single-family homes as well but much of the original construction standards were built around safe transportation and these were not being transported but rather remodeled on site.

Manuwal replied in agreement and stated if they were being remodeled on site then they could be made to come up to residential code.

Niemann stated they would be grandfathered if they predated the code.

Manuwal replied they would be grandfathered if you did not touch any part of it. He stated if you start working on the wiring, then you would have to bring the wiring to the current code.

Niemann stated he would be interested in seeing ordinance and case law about this. He stated when you normally change the structure by cutting into the four walls, then that would jeopardize the structural integrity of it. He stated if you were putting in new flooring, new paint, new light fixtures, then you wouldn't have to add in additional R-value insulation not for what it was built for.

Manuwal stated that it was correct if they were not opening the wall to replace the electric, then they did not have to update the electrical circuits. He stated he knew that Lot 150 was going to need a new furnace and new duct work because the moment you walk in there is a hole in front of the furnace through the floor.

Niemann stated that Anderson could certainly look into the specifics with the contractors. He stated he owned and operated parks himself throughout the Midwest and in an older home like this, they may not put in a new furnace but a radiator for heat, but it depended on the individual unit. He stated the older homes did not have thickness in the walls so instead of insulation you add additional heat sources. He stated they were still insulated walls, but they did not have double pane windows for example. He stated it was the same with the 1905 single-family homes he owned as they were built that way and grandfathered. He stated from his understanding; it did not matter just penetrating the wall but penetrating the structural components of the wall which affects safety.

Manuwal replied if you get into that circuit, the whole circuit must be brought up to code.

Niemann stated he had not looked at all their codes yet, but they could certainly look into that and coordinate with the licensed locals who would know the code better than him.

Mayor Listenberger asked for clarification on how many units they were discussing.

Manuwal replied there were three older units they agreed to remove. There were three newer units that the previous owner brought in that were never set up that they agreed to board up until they could get someone to come in and set them up. He stated he was fine with those, but it was Lot 140 and Lot 150 that he disagreed with his evaluation on them.

Mayor Listenberger stated Anderson had done considerable stuff and he appreciated Anderson working with them and getting back to them. He stated he had done everything so far and he didn't see why they couldn't say for those two units to give them more time to evaluate.

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Manuwal stated it was up to them if they wanted to allow them to board them up and sit on them.

Mayor Listenberger believed that they needed more time to conclude that they won't be able to rehab them. He stated that was his suggestion as they have seen improvement as they go.

Morrow stated they were supposed to have a licensed contractor already in those units and to give a report to Manuwal before this meeting.

Manuwal stated they were originally supposed to meet on Thursday, but they were not able to make it. He stated he shared the email with the board with Anderson saying he was not sure why Manuwal needed to come in and meet with him. He stated there was some back and forth on that before Anderson reached out to him to meet on Friday. He stated the original order was sent to Noah Davis, who was the original contact, but he never forwarded that information to Anderson. He stated Anderson just received the full order this week that Davis never shared with him.

Ecker stated he agreed with the demolition on the three units but because of the disconnect in communications, he wished to allow 30 days for an analysis to be performed by Anderson and his team for a cost impact as he felt for over 50-year units, he was not sure how much they really wanted to invest into them. He believed it was not going to be cheap to bring those up to code.

Morrow stated he wanted it to be an analysis by a licensed contractor.

Manuwal wished to clarify if it was a licensed contractor registered with the city or just a licensed contractor. Ecker replied licensed with the city.

Anderson asked if 60 days was okay to get them boarded up.

Manuwal replied that he believed that they could get them boarded up within 30 days.

Anderson stated for the ones they had to demolish because he did not feel confident that they could get those demolished within 30 days.

Manuwal stated he understood the aspect of that as he had just sent him the list of contractors today.

Board members Ecker and Culp moved and seconded to modify the order to demolish Lots 240, 222, and 22 to be done within 60 days, for Lots 140 and 150 to be completely inspected by licensed contractors registered with the city within 30 days, and to have the lots that need to be boarded up within 30 days from today. The motion passed by roll call vote.

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In Favor: Culp, Ecker, Morrow, Milner, Listenberger

Opposed: N/A

Anderson thanked Manuwal for meeting him on Friday and the board for working with him to make this a nice community.

Ecker appreciated Anderson for the work he had done so far and encouraged him to continue.

Manuwal stated the last item he had was the Red Rock Inn. He stated he had a contractor come in, apply for his contractor registration with the city, apply for a building permit, but never provided insurance information. He stated the permit had been put on hold and he was well beyond his 30 days. He stated nobody was living in the second story and when he was at the airport, he noticed someone on the second floor. He stated when he went to investigate, they had the maintenance guys in there demolishing some of the rooms, and he told them they could not do that. He stated he did not know how they wanted to handle it, but they were well past the 30 days to get it fixed. He stated they could either fine them or hire someone to perform the work at the owner's expense.

Morrow asked what the maximum fine was. Manuwal replied \$2,500.

Board members Morrow and Ecker moved and seconded to approve a fine of \$2,500 and if the work was not complete within 30 days, to allow the Building Commissioner to invoke the order. The motion was later withdrawn.

Houin asked if by invoking the order, did he mean to hire a contractor to perform the work and charge it back to the property owner. Morrow agreed.

Mayor Listenberger believed they would want to think more about hiring a contractor as it would be at the cost to the city initially.

Manuwal added it would be expensive. Morrow rescinded the original motion.

Board members Morrow and Ecker moved and seconded to approve a fine of \$2,500 as presented. The motion passed by roll call vote.

In Favor: Culp, Ecker, Morrow, Milner, Listenberger

Opposed: N/A

Police Chief John Weir introduced Officer Zach Wallace to discuss concerns regarding the Federal Bureau of Investigation's (FBI) Ballistic Research Facility evaluation of the Michigan State Police (MSP) Sig Sauer M18 evaluation report dated August 30, 2024 for "Uncommanded Discharges." He reviewed documented uncommanded discharge incidents,

legal actions and lawsuits, law enforcement agency bans and policy responses, and technical evaluations and design changes of the Sig Sauer P320. See the consolidated report below.

Federal Bureau of Investigation's Ballistic Research Facility

Michigan State Police Sig Sauer M18 Evaluation.

Report dated 30 August 2024

- **Reason for Evaluation:**

The Michigan State Police (MSP) began transitioning all members from the current Glock pistols issued by the department to the Sig Sauer M18 on or about April 2024. The transition process included issuing the supporting equipment, training each member through a 1,200-round course of fire, and qualifying each member using the department's official pistol qualification course.

On July 31, 2024, an MSP motor officer was standing in a squad area with other members when his department issued Sig Sauer M182 fired uncommanded. The firearm was reportedly secured in the department issued Alien Gear Rapid Force Level 3 holster at the time of firing. According to the MSP motor officer's statement and the statements of others present, at no time was the trigger pressed intentionally or inadvertently. The MSP motor officer had objects in his hands at the time of the event, including keys.

The subject firearm, while in the holster, was removed from the member's leg and placed in an evidence bag pending further evaluation.

On August 2, 2024, BRF was requested to conduct an evaluation of the subject pistol.

- **MSP Firearm Description:**

The subject firearm is a Sig Sauer M18 pistol, serial number *Redacted*, with X Flat Blade Trigger.

The M18/P320 family of firearms uses a frame assembly group (fire control unit) compatible with multiple grip modules offered by Sig Sauer. The fire control unit is a traditional sear design which holds a "partially pre-tensioned striker"^{5 6}. Additionally, the Sig Sauer Technical Manual highlights that "the P320 [M18] firing mechanism has designed safety features that prevent the pistol from firing unless the trigger is moved rearward resulting in the de-activation of these safety features. These features include:"

- Striker Safety Lock
- Captive Safety Lever
- Striker Sear Engagement (Primary & Secondary Sear Notch)

"Because the striker pin hook face is angled, the striker moves rearward an additional .010-.014" when the trigger is pressed. **However, there is sufficient energy in the striker spring while the striker pin hook is captured in the notch for the weapon to fire without the additional rearward travel.**"

- **Meaning the weapon has the capability to discharge without a trigger pull.**
- **Based on the weapon's design, if an uncommanded firing occurred, two things would be required: a complete loss of sear engagement (both primary and secondary) and a failure of the striker safety lock.**

“Additionally, during dry-fire manipulation it was observed the trigger could be partially pressed to the rear and the slide manipulated by hand causing the striker to fall completely. This was then tested using a primed case and the striker did in fact fire the primed case, indicating the striker safety lock was disabled based on the partial trigger press.”

Previous Problem with the P320:

The voluntary upgrade program began August 8, 2017. The voluntary upgrade program was in response to the risk of “potential

discharge of the firearm” when dropped. Other changes were made to the striker and trigger, as well as a mechanical disconnect

being incorporated. All firearms manufactured after this date contained the updated parts.

Conclusion:

According to Sig Sauer, Inc. “five independent actions must occur before the P320 will discharge. Those actions are: (1) trigger is pressed to the rear moving the trigger bar forward, (2) captive safety lever rotates upward, (3) striker safety lock rotates upward, and (4) sear rotates downward, and (5) striker pin is released”³⁴. Should the striker and primary sear notch lose engagement, there are two safeties designed to prevent the weapon from firing: these are (1) Secondary Sear Notch and (2) Striker Safety Lock.

A reliable test could not be developed at the time of this document to test the effectiveness of the secondary sear notch. However, testing indicated that with movements representing those common to a law enforcement officer it is possible to render the Striker Safety Lock inoperable and ineffective at preventing the striker from impacting a chambered round if complete sear engagement is lost. It is important to note that the Striker Safety Lock, by design, is the last safety in line to prevent an unintended discharge as it is in place to protect against a secondary sear notch override.

While examination of the subject weapon did not independently provide evidence of an uncommanded discharge it does indicate that it may be possible if sear engagement is lost. The disabling of the striker safety lock through movement and friction creates a condition which merits further exploration to fully assess potential risk.

BRF recommends that MSP weigh the content of this report with the outcome of the internal investigation in making its final determination related to the Sig Sauer M18 as an issued firearm within the department.

Weir requested to move forward to look at different firearms. He explained that Glock was readily available, and they have been proven since the 80’s and departments had never had uncommanded discharges. He stated he questioned this three years ago with the old administration and nothing moved on. He stated he was reminded after the uncommanded discharge with a School Resource Officer (SRO) recently in the news. He stated he wouldn’t want that to happen in their schools or at his daycare.

Ecker stated he knew little about guns and asked if the ammunition would be the same if they switched.

Weir replied that the ammunition would be the same and the sights/flashlights were interchangeable. He stated the new firearms would be under \$500/each. He believed that the SIG Sauer's were at least \$1,200/each.

Gorski stated the last two purchases were \$750/each.

Weir stated the sights and flashlights were paid separately. He stated it was \$1,100 for a package deal. He stated they would keep the sights and flashlights and could utilize them on whatever firearm.

Ecker stated with 15 out of 50 failing, that was a 30% chance of uncommanded discharges. He stated if you extrapolate that out to parts per million that you would have an opportunity of 300,000 uncommanded discharges.

Mayor Listenberger asked how many they had.

Weir replied that they had 27 and a few spares. He stated it only took one incident.

Mayor Listenberger asked if those could be traded in.

Weir replied that they could, and the cost of the Glockes would be below \$500/each. He listed that new holsters would be \$80/each. He stated that trade-in value would be between \$200-\$300 depending on the condition.

Culp asked if it would be feasible to go with all new versus taking sights and flashlights off a previously used gun.

Wallace replied he would recommend that. He stated he did not have time to bring that up to Weir yet.

Culp recommended bidding out the entire thing and did not advise taking pieces off the old guns. He stated flashlights were not a big deal though.

Wallace replied that what Weir was referring to with the sights was the optic. He stated they had gone to red dots, and it was just mounted to the top of the weapons. He stated those could transfer from one to the next. He stated the flashlights just had a plate mounted to the top of the flashlight that would then mount to the weapon itself. He stated those could be swapped out as well.

Gorski stated the current weapons they were carrying now were purchased in 2023 at a price of \$324/each with the trade-ins.

Culp believed that it would be a liability to not switch them out.

Mayor Listenberger asked if they were looking for authorization to proceed and get the details worked out on exact cost.

Ecker asked how soon they could expect to see numbers back for this.

Weir replied that he was hoping he could get numbers back tomorrow or by Wednesday.

Board members Culp and Milner moved and seconded to allow the police department to proceed with gathering quotes. The motion carried.

Street Superintendent Jim Marquardt stated on July 11th, 2025, the Clerk's Office received payback from the State on the electric vehicles we purchased. He stated they were working on getting the charger set up in the park with a purchase order for that so hopefully they can get that money back this year. He stated that E&B Paving was tentatively going to start concrete work this week. He stated the bad news was the stop light on Oak Drive at Walmart and Marshalls was on flash. He stated it has been on and off since June 24th when the storm came through. He stated when he was called in at 11:30 PM that night to see if he could get it running, that the box smelled bad because it was burnt. He stated he spoke with a gentleman at Michiana Contracting and he believed they were going to have to replace the whole cabinet. He stated the price to replace that could come in the low 20,000's.

Cemetery Superintendent Mike Collins asked for permission to do an open burn of their brush pile again. He stated he would contact the county and get with the Fire Chief when they do it within the next month or so.

Board members Ecker and Morrow moved and seconded to approve the request as presented. The motion carried.

City Attorney Houin introduced an IT Services Proposal for Hyper Wave Consulting LLC (HWC).

He stated three months ago he let them know that the current city IT contract with PC Source goes through August 1st of this year and he had notified them not to automatically renew it. He stated in the meantime they had a committee to get together to review options and consider what they would do going forward with IT services. He stated after that review and looking at different options, that the committee recommended contracting Hyper Wave Consulting (HWC) for IT services for the city. He stated part of the reasoning was because HWC had assisted with their transition to Microsoft 365, currently in the process of transitioning their phone service, and they worked with some departments for many years. He stated they were here that night to make sure our new computer was working with livestreaming. He stated this was not a three-year contract like the last one but instead a one-

year contract to give them an opportunity to evaluate the transition and hold them accountable so they could consider how well they were doing around this time next year.

Morrow asked if the monthly payment was \$4,562.00.

Houin replied in agreement and stated that it would be dependent upon the number of users so it may fluctuate if they add or remove computers. He stated it was not just computers as it also covered servers and security on them.

Board members Culp and Milner moved and seconded to approve the IT Services Proposal with HWC as proposed. The motion carried.

Clerk-Treasurer Gorski introduced a request to install a fire pit on city property at 201 Water Street from Kevin Berger. Kevin Berger was in attendance to speak on behalf of this request.

Houin stated that Berger contacted him asking if this would be allowed and based upon the city ordinance, a Fire Pit like this would be permitted on private property. He stated because of how this would be set up, the parking lot was property of the city Redevelopment Commission, and the reason was because it was city-owned property.

Culp asked if anything that would happen with that fire pit would fall under the city's responsibility liability wise.

Houin replied if something were to happen, everyone would be sued. He stated there would have to be city insurance coverage and there could be an indemnification agreement between the apartment complex and the Redevelopment Commission.

Berger stated this had been popular with other properties they own, it would be small, and it would be on one of the islands so there was concrete paving all the way around it.

Morrow asked how close the nearest building was.

Berger replied that it would be 8-10 feet.

Morrow stated that was not enough. He explained that the National Fire Protection Association (NFPA) recommends that it should be at least 25 feet. He stated in his experience; indemnification agreements only go so far. He stated with this being on city property, he would recommend denial.

Board members Morrow and Culp moved and seconded to deny the request. The motion was later withdrawn.

Art Jacobs of Gibson Insurance asked if this would be a gas or wood fire pit.

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Berger replied that it would be for wood as they had no gas on the property. He stated it was a 24-inch diameter so it would not be a big fire.

Board members Culp and Milner moved and seconded to table the request. The motion carried.

Board members Milner and Ecker moved and seconded to allow the payroll for June 30, 2025, and the claims for July 15, 2025, as entered in Claim Register #2025-13. The motion carried.

Board members Morrow and Milner moved and seconded to accept the following communications:

- July 14, 2025 Docket
- June 24, 2025 Technical Review Committee Minutes
- July 8, 2025 Technical Review Committee Minutes
- Orders to Take Action for Northgate Lots 23 & 228
- Demolition Order for 309 Gibson St./309 Kingston Rd.
- Fire Department Activity Report – June 2025

The motion carried.

There being no further business, Board members Ecker and Milner moved and seconded to adjourn. Listenberger declared the meeting adjourned at 7:15 p.m.

APPROVED:


Robert Listenberger, Mayor


Lynn M. Gorski, Clerk-Treasurer

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