

REGULAR SESSION, COMMON COUNCIL, November 14, 2022

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on November 14, 2022. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

Mayor Senter led the Pledge of Allegiance and Councilman Ecker offered prayer.

Mayor Senter presided for Council members Duane Culp, Don Ecker Jr, Jeff Houin, Randy Longanecker and Shiloh Carothers Milner. Council member Greg Compton attended virtually.

Council member Robert Listenberger was absent. Clerk-Treasurer Gorski and Human Resources Manager Klingerman were present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Culp and Houin moved and seconded to approve the minutes of the regular session of the Common Council on October 24, 2022 as presented. The motion carried.

Council Members Ecker and Culp moved and seconded to open the public hearing for

Resolution No. 2022-1025, Additional Appropriations Resolution. The motion carried.

Clerk-Treasurer Gorski states that this additional appropriation is for fuel at the airport in the amount of \$10,000.00.

Houin asks if that is going to be enough to get them through the year.

Airport Manager Sheley responds by stating that will put that at 6000 gallons which

historically should be plenty. He states that they are on track historically to be at as much as they have ever sold but this is just because the cost of goods that caused them to not appropriate enough to cover.

Council Members Houin and Ecker moved and seconded to close the public hearing for Resolution No. 2022-1025, Additional Appropriations Resolution. The motion carried.

Councilman Ecker wished to state that in his neighborhood they had positive feedback on the work that was done to the streets that desperately needed it. He asks if the Street Superintendent could pass that feedback on to the contractor and thank them for what they have been doing. He states that the other situation he wished to bring up was in regards to a neighbor of his. He states that they noticed some water that was bubbling up from the ground in his yard. He states that he spoke to the son of the elder gentleman in his 90's, who is his power of attorney, and they contacted the water department who promptly came out and looked it over. He states that it was late in the afternoon when they got the call and they came out the next day and started digging through it and found a broken water line. He states that they took quick action to secure and did a complete replacement.

He states that not just the neighbor but his son as well were very thankful and appreciative. He adds

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that they commented on how professional and respectful they were to them. He states that is just another example of what our employees do for our city.

Mayor Senter adds that gentleman is a 97-year-old World War II veteran.

Clerk-Treasurer Gorski presented Ordinance No. 2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth on first reading. She asked for the Council to suspend the rules in order to have this ordinance read on second and third readings as well.

Council Members Houin and Ecker moved and seconded to suspend the rules in order to have Ordinance No. 2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth read on all three readings. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilman Opposed: N/A

Councilman Absent: Listenberger

Clerk-Treasurer Gorski presented Ordinance No. 2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth on second reading.

Council Members Houin and Longanecker moved and seconded to approve Ordinance No.

2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilman Opposed: N/A

Councilman Absent: Listenberger

Clerk-Treasurer Gorski presented Ordinance No. 2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth on third reading.

Council Members Culp and Longanecker moved and seconded to approve Ordinance No.

2022-2208, An Ordinance to Amend the Code of Ordinances of the City of Plymouth on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilman Opposed: N/A

Councilman Absent: Listenberger

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ORDINANCE NO. 2022-2208

AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES OF THE CITY OF PLYMOUTH
CONCERNING PREPAYMENT OF CERTAIN CLAIMSStatement of Purpose and Intent

Indiana Code § 36-4-8-14 makes allowance for prepayment of certain claims in advance of any board approval if prepayment of such class of expenditures is authorized by local ordinance. The purpose and intent of this ordinance is to make amendments to City Code § 34.002 to authorize additional classes of expenses as eligible for prepayment.

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

Section 1. Title II, entitled Administration, Chapter 34 entitled Finance; City Funds, in the Code of Ordinances of the City of Plymouth shall be amended by making the following additions and deletions to § 34.002:

§ 34.002 PAYMENTS ON CERTAIN CLAIMS PRIOR TO BOARD APPROVAL;
PREPAYMENT ON CERTAIN CLAIMS WITH BOARD APPROVAL.

(A) The Clerk-Treasurer is authorized to make claim payments in advance of any necessary Board approval for only the following kinds of expenses:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (78) Leases or rental agreements;
- (89) Bond or coupon payments;
- (910) Payroll;

(+011) State, federal, or county taxes;

(12) Expenses that must be paid because of emergency circumstances;

(13) Expenses noted in invoices that were untimely delivered to the City by mail or other delivery method, which in the determination of the Clerk-Treasurer would be late and/or subject to late payment charges if paid under normal procedures.

(B) When necessary, the Clerk-Treasurer is authorized to prepay any expense, prior to the receipt of the applicable goods or services, if prepayment of the expense has been previously approved by the applicable Board in a public meeting.

(C) Each payment of expenses as outlined above must be supported by fully itemized claims.

(D) The Common Council, or the Board of Public Works and Safety, or Board having jurisdiction over the allowance of the claim as outlined above, shall review and allow the claim at its next regular or special meeting following the preapproved payment of said expense.

Section 2. This Ordinance shall take full force and effect upon passage, due attestation and publication if required by law.

PASSED AND ADOPTED this 14th day of November, 2022.

Mark A. Senter
Mark Senter, Presiding Officer

ATTEST:

Lynn M. Gorski
Lynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 14th day of November, 2022, at 6:50 o'clock p. m.

Lynn M. Gorski
Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 14th day of November, 2022.

Mark A. Senter
Mark Senter, Mayor

Houin wished to state that he wanted to point out why that ordinance was passed so fast. He states that this is just allowing the Clerk-Treasurer to pay claims before approval by the board. He

Clerk-Treasurer Gorski presented Resolution No. 2022-1025, Additional Appropriation Resolution.

ADDITIONAL APPROPRIATIONS RESOLUTION

Sec. 1. Be it resolved by the Common Council of the City of Plymouth, Marshall County, Indiana, that for the expenses of the taxing unit the following additional sum of money is hereby appropriated out of the funds named and for the purpose specified, subject to the laws governing the same:

AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
10,000.00	10,000.00
10,000.00	10,000.00

AYE

Kym M. Gorski
Kym M. Gorski
Clerk-Treasurer

Passage Pursuant to IC 6-1.1-18-6.

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RESOLUTION 2022-1026

A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS WITHIN DEARTMENTS AND FUNDS OF THE CITY OF PLYMOUTH, INDIANA AS REQUESTED BY THE DEPARTMENT HEADS AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6

WHEREAS, IC 6-1.1-18-6 provides that all cities using departmental budgets may, by ordinance or resolution, transfer appropriations from one major budget classification to another within a department or office at any regular public meeting without prior notice and without approval from the Department of Local Government Finance, provided such transfer does not necessitate expenditure of more money than the total amount set out in the budget.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2022 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for various departments.

WHEREAS, it has been shown that certain existing appropriations have unobligated balances will be available for transferring as follows:


Department	From Account	To Account	Amount
Fire	1101.010.429.0000 - Other Supplies	1101.010.445.0200 - Equipment	3,000.00
		Total	
MVH	2201.000.443.0200 - Bldg. Struct Improve	2201.000.421.0000 - Office Supplies	1,000.00
	2201.000.443.0200 - Bldg. Struct Improve	2201.000.422.0200 - Garage and Motor	<u>7,000.00</u>
		Total	8,000.00
Cemetery	2205.000.439.0900 - Employee Physicals	2205.000.445.0500 - Improvements	63.36
		Total	
Aviation	2206.000.411.0130 - Salaries	2206.000.423.0000 - Other Materials	2,839.00
	2206.000.413.0500 - Health Insurance	2206.000.434.0500 - Insurance	5,024.49
	2206.000.411.0130 - Salaries	2206.000.436.0100 - Repairs/Labor	<u>4,000.00</u>
		Total	11,863.49
Park Non-Reverting	2211.000.429.0000 - Other Supplies	2211.000.411.0140 - Salaries Part time	1,500.00
	2211.000.431.0500 - Contractual Svcs	2211.000.411.0140 - Salaries Part time	3,000.00
	2211.000.432.0300 - Travel/Meeting	2211.000.411.0140 - Salaries Part time	500.00
	2211.000.433.0200 - Printing/Advertising	2211.000.411.0140 - Salaries Part time	500.00
	2211.000.435.0000 - Utilities	2211.000.411.0140 - Salaries Part time	942.40
	2211.000.439.0990 - Physicals	2211.000.411.0140 - Salaries Part time	400.00
	2211.000.435.0000 - Utilities	2211.000.432.0400 - Telephone	<u>155.36</u>
		Total	6,997.76
Deferral & Diversion	2233.000.429.0000 - Other Supplies	2233.000.449.0000 - Equipment	1,210.00
		Total	


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Department	From Account	To Account	Amount
Park Gift	2301.000.429.0000 - Gifts on Supplies	2301.000.452.0000 - Txfr to Other Fund	150.00
		Total	
FEMA Grant	2498.000.441.0000 - Acquisition	2498.000.431.0000 - Professional Svs	6,200.00
	2498.000.441.0000 - Acquisition	2498.000.431.0510 - Demolition	52,880.00
		Total	59,080.00
Aviation Rotary	2505.000.429.0000 - Mdse Inventory	2505.000.422.0210 - Fuel Inventory	500.00
	2505.000.439.0800 - Fees, Dues & Taxes	2505.000.422.0210 - Fuel Inventory	450.00
	2505.000.439.0906 - Sales Tax Payable	2505.000.422.0210 - Fuel Inventory	344.32
	2505.000.439.0907 - Excise Tax Expense	2505.000.422.0210 - Fuel Inventory	14,330.46
		Total	15,624.78
Elaporte Footbridge	4505.000.431.0200 - Construction	4505.000.449.0000 - Improvements	223,200.00
		Total	

NOW THEREFORE, be it resolved by the Common Council of the City of Plymouth, Indiana, that for the expenses of various departments the appropriations are hereby transferred and set apart out of the funds named for the purposes specified in the 2022 annual budget, subject to the laws governing the same, and that such sums are herein transferred unless otherwise stipulated by law.

Passed and adopted by the Common Council on the 14th day of November, 2022.


Mark Senter, Presiding Officer

Altest:

Kynn M. Gorski
Clerk-Treasurer

Council Members Ecker and Longanecker moved and seconded to approve Resolution No. 2022-1026, A Resolution Providing for the Transfer of Appropriations Within Departments and Funds of the City of Plymouth, Indiana as Requested by the Department Heads and Forwarded to the Common Council for their Action and Passage Pursuant to IC 6-1.1-18-6 as presented. The motion passed by roll call.

- Councilman in Favor: Compton, Culp, Ecker, Houin, Longanecker, Milner
- Councilman Opposed: N/A
- Councilman Absent: Listenberger

Clerk-Treasurer Gorski presented Resolution No. 2022-1027, A Resolution Providing for the Transfer of Appropriations from the General Engineering Department Fund, Special Engineering Services Line Item to the Harrison Street Trail Fund, Engineering Line Item.

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RESOLUTION NO. 2022-1027

**A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS
FROM THE GENERAL ENGINEERING DEPARTMENT FUND,
SPECIAL ENGINEERING SERVICES LINE ITEM TO THE HARRISON
STREET TRAIL FUND, ENGINEERING LINE ITEM**

WHEREAS, the purpose and intent of this resolution is to effectuate a transfer of funds from the General Engineering Department Fund, Special Engineering Service Line Item to the Harrison Street Trail Fund, Engineering Line Item.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Plymouth, Indiana, as follows:

Section 1. That for the expenses of the General Engineering Department Fund, Special Engineering Service Line Item to the Harrison Street Trail Fund, Engineering Line Item, the appropriations are hereby transferred and set apart out of the funds named below for the purposes specified in the 2022 annual budget, subject to the laws governing the same, and that such sums are herein transferred unless otherwise stipulated by law. Said appropriations shall be transferred as follows:

<i>FROM: General Fund, Engineering Department Services and Charges</i>	
1101.003.431.0200 Special Engineering	\$228,800.00
<i>TO: Harrison Street Trail Fund Services and Charges</i>	
4508.000.431.0200 Engineering	\$228,800.00

PASSED AND ADOPTED this 14th day of November, 2022.

ATTEST:


Mark Senter, Presiding Officer


Lynn M. Gorski, Clerk-Treasurer

Council Members Longanecker and Culp moved and seconded to approve Resolution No. 2022-1027, A Resolution Providing for the Transfer of Appropriations from the General Engineering Department Fund, Special Engineering Services Line Item to the Harrison Street Trail Fund, Engineering Line Item as presented. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilman Opposed: N/A

Councilman Absent: Listenberger

Greg Hildebrand with Marshall County Economic Development Corporation (MCEDC) was present to discuss updates at MCEDC. He states that their former president and CEO tenured her resignation a couple of weeks ago and their board has designated him as the Interim Executive Director. He states that he will be taking over until either they decide to move him Full-Time or advertise for someone else. He states that the other thing he wanted to update them on is their Business Expansion And Retention (BEAR) program. He explains that they have let that slip by because of covid. He states that they put it on hold and they want to get that restarted. He states that he would like to get people involved in those as it is an opportunity for them to meet leaders in

industry and also an opportunity for leaders in industry to meet them to discuss what challenges they face on a daily basis. He states that aside from that it will be business as usual.

Mayor Senter asks what the latest information is on Plymouth Molding Group.

Hildebrand responds by stating that the building is coming along fine but the issue arises with NIPSCO. He explains that issues are getting transformers and that means that they are looking at February before they can get moved in there. He states that they are still on a month-to-month lease. He states that hurricanes demand transformers and they get priority so that is where they are at on that.

Roger Holston with Koontz Lake Brewing Company was here to speak on behalf of his business at 529 N. Fifth Street. He explains that there are two reasons why he has decided to come before the board tonight. He states that they applied for a grant or a rebate program and that he is not too sure on how it is worded. He states that he has not heard much about that. He states that he wanted to ask the board about that because he knows that they put an application in. He states that there was a resolution that the attorney had set up and he states that they have not heard much back since then.

Mayor Senter asks if anyone remembers much about that situation.

Houin responds by stating that it was about that façade program. He states that he knows that they discussed that at a meeting but he does not remember when it was.

Holston states that it was about a year ago at this time. He explains that he believes it was in December and that he was on the zoom part of the meeting.

Culp asks if that is the request where Holston wanted to do the labor himself instead of a contractor.

Holston responds by stating that he thought it would benefit them both and he had already purchased the material. He states that he was informed about the program prior to them buying the building. He states that it was basically for the material cost as they would not be charging for labor. He states that he was aware that they wanted two estimates and they can do that no problem but you are going to save a lot more money without the labor involved in it. He states that he has all of the material slips and bills and all of that comes from the suppliers.

Mayor Senter asks for clarification that he filled out an application back then.

Holston responds by stating that he did and that he had also provided a cover letter alongside the application explaining what they were intending on doing. He states that there was even a resolution that was wrote up and he had not heard anything since the resolution.

Mayor Senter states that they can look into that as he does not recall. He explains that the City Attorney and himself spoke about that the other day when they were out there.

Holston states that the other matter is the parking area in front of their business. He explains that they just own up to the sidewalk. He states that they did not anticipate having to pave it themselves. He states that he had thought that the city would take care of that for them providing an entrance into their business. He reclarifies that is not their property. He states that it is similar to what they have out front on Michigan Street. He believes that the state takes care of that but they pave up to the sidewalk.

Ecker asks who tore the parking lot up.

Holston responds by stating that the parking lot was destroyed before he had got there. He clarifies that he did not do it any good as he was moving his equipment out there. He states that when he spoke with E&B Paving that the gentleman stated there wasn't enough base under there to even make any difference as whoever did it before did a terrible job. He states that he is unsure if it was the original property owner that paved that or the city that paved it. He explains that it was in a bad situation when they got it but they did drive a lot of things on it that did not help it any.

Mayor Senter asks what it looks like now.

Holston responds by stating that it is pretty much cleaned up. He states that there is still one pile of rubble over on the north end. He explains that it is barren up to the sidewalk.

Mayor Senter asks what other parking they would have there.

Holston responds by stating that the whole thing about it is the ADA requirement. He states that that they have to have an ADA facility and you can't roll a wheelchair through gravel. He states that they could put a temporary ramp up but he is afraid with the liability being the way that it is that someone could fall and get hurt.

Houin asks if there is any other off-street parking on the property.

Holston responds by stating that there is off-street parking to the north and to the south. He states that it was approved when they had their zoning done. He states that he believes that it was done back in 2001.

Mayor Senter asks if Building Commissioner Hammonds has anything to add.

Hammonds responds by stating that when they approved it, they approved the one on the south side. He states that he does not believe that the one of the east side was approved as they didn't want them backing out into the road. He states that the ordinance does not allow that style of parking in a residential area.

Mayor Senter asks for clarification in the front. Hammonds agrees.

Mayor Senter asks Street Superintendent Marquardt if he has any input on this.

Marquardt responds by stating that he has met with Mr. Holston a few times out there and they discussed this. He states that he has always looked at it as they have always done. He states that it is city right-of-way, and where the right-of-way is exactly is hard to determine without a survey. He states that he explained to him that we would not say they are doing that because that is parking for a business. He states that if they do that one that they would be asked to do that anywhere where the parking lot abouts the city right-of-way. He states that they have never done driveways or parking lots for people even though it is on the right-of-way. He provides the example for properties with existing parking lots, Dairy Queen to the Moose Lodge, is full of holes, a lot of parking, a lot of driveways. He explains that the city maintains their road edges and then people maintain their parking lots. He states that there are parking lots and driveways all over the city on the right-of-way. He explains that is something that they never included on their projects and it would be up to the Board of Public Works and Safety. He states that they did get a price from E&B Paving, which is \$29,704.00, and he is unsure how much they tore up versus what was already torn up as the building sat empty for a while. He states that there is about 4-5 feet of sand gravel showing and then some asphalt to where they just paved. He states that E&B's comment was that it was very thin and they would cut all of that out and put in base up to the sidewalk.

Mayor Senter asks if it would be a base of limestone.

Marquardt responds by stating that you would put in some limestone, some base asphalt, etc.

He states that he knows Mr. Holston wants it to go up to the top of the sidewalk for ADA compliance. He states that he is unsure if you could put a slope in there as he has never put a level to it and that they do not do this for people. He states that they usually do it for their businesses and that is where they were on this. He states that he is uncertain if this style of parking was allowed in a new construction or if it was allowed because it was existing before.

Howin states that's what had jumped out to him aside from who would pay for it. He states that it sounds like it is not even permitted.

Holston states that it was permitted during the very first hearing. He states that he had brought in a drawing and it was approved.

Mayor Senter asks if it was here at the Board of Public Works and Safety.

Holston responds by stating that it was actually for the zoning board as they rezoned it to residential.

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Mayor Senter asks Hammonds if he recalls the Board of Zoning Appeals meeting.

Hammonds responds by stating that he recalls him coming to the Board of Zoning Appeals.

He states that he does not recall it getting approved for parking in the front.

Holston states that it was approved as they would not have bothered following through with this.

Ecker suggests since it has been over a year since they talked about this. He suggests that they vote to table this until their City Attorney comes back from vacation. He states that he would like to do some research on it from the zoning perspective as well as the other points that were brought up. He believes that they need all of the data before they could make a logical decision.

Houin states that he would like to figure out when they discussed it and get the minutes from that meeting and also find out when everything else was discussed and get those minutes.

Holston states that he believes that the city engineer was involved in it at the time and he had presented it with a slideshow. He states what was approved was the entire thing.

Council Members Ecker and Houin moved and seconded to table the discussion until next meeting when they have further information. The motion carried.

Council Members Ecker and Houin moved and seconded to accept the following

communications:

- Minutes of the Board of Public Works and Safety meeting of October 24, 2022
- November 14, 2022 Check Register
- November 8, 2022 Technical Review Committee Minutes

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Ecker moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 6:52 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor