

REGULAR SESSION, COMMON COUNCIL, May 8, 2023

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on May 8, 2023. 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 Greg Compton, Duane Culp, Don Ecker Jr., Jeff Houin, Robert Listenberger, Randy Longanecker and Shloh Carothers Milner. City Attorney Surrisi and Clerk-Treasurer Gorski were present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Culp and Listenberger moved and seconded to approve the minutes of the regular session of the Common Council on April 24, 2023 as presented. The motion carried.

Councilman Houin and Culp moved and seconded to open the public hearing for the Additional Appropriations Resolution. The motion carried.

Public Hearing – Additional Appropriations Resolution

| 116 Legals | | | |
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| NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS | | | |
| Notice is hereby given to the taxpayers of the City of Plymouth, Marshall County, Indiana that the proper legal officers of the Common Council at their regular meeting place of the Council Chambers of the City Building, 2nd Floor, 124 N Michigan Street (Garro Street entrance), Plymouth, Indiana immediately following the Board of Works meeting at 6:30 p.m., Monday, May 8, 2023, will consider the following additional appropriation in excess of the budget for the current year: | | | |
| Fund Name: | General | Fund Name: | Park Gift |
| Major Budget Classification: | Entire Budget | Major Budget Classification: | Other Services & Charges |
| Amount: | \$565,398.00 | Amount: | \$1,400.00 |
| Fund Name: | Cumulative Capital Improvement | Fund Name: | American Rescue Plan Act |
| Major Budget Classification: | Equipment | Major Budget Classification: | Other Services & Charges |
| Amount: | \$16,800.00 | Amount: | \$1,032,000.00 |
| Fund Name: | Cumulative Capital Development | Fund Name: | Cumulative Capital Development |
| Major Budget Classification: | Building Improvements & Equipment | Major Budget Classification: | Equipment |
| Amount: | \$170,000.00 | Amount: | \$68,609.25 |
| Fund Name: | General-Engineering | Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be 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 appropriation made within fifteen (15) days of receipt of a Certified Copy of the action taken. Handcapped citizens needing special accommodations for the meeting, please call the ADA Coordinator, 574-836-2948. | |
| Major Budget Classification: | Special Engineering | | |
| Amount: | \$50,000.00 | | |
| Fund Name: | City Monetary Gift Fund | | |
| Major Budget Classification: | Other Services & Charges | Lynn Gorski, Clerk-Treasurer | |
| Amount: | \$1,500.00 | April 29, 2023 -P | April 24, 2023 PM045711 10pmbp |

Clerk-Treasurer Gorski explains the first three appropriations listed were due to when the budget was advertised for 2023 it did not include these in the advertisement but these were approved in the budget. She states the next one for general engineering was requested by the City Attorney. She states the City Monetary Gift Fund is needed to fund the Mayor's Month of Music. She states the Park Gift Fund is needed to fund Park Programs. She states the American Rescue Plan Act is for the promise to Lifelong Learning Network, Sidewalk Program and the Ambulance Chassis.

Houin asked for clarification for the media, public's benefit and his understanding that in the several appropriations that they are either correcting the mistake of not properly advertising the budget but that money was already budgeted and appropriated but they just need to correct it. Gorski agrees.

Houin asked if the next one for the engineering was money that was budgeted, he believes for the City Engineer.

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Gorski responds by stating this was for additional engineering services.

Surrisi compares this year's budget to last years but even with this current additional appropriation they would be spending less than they would have when they had an engineer on staff and they also had a budget for outside consulting. He states they budgeted \$100,000.00 for engineering consulting work in this budget and so far, they spent about \$60,000.00 of that in design work with V.S. Engineering for the 2023 Street Projects they will be receiving bids for next meeting for preliminary work for the Community Crossings INDOT Grant Street Projects of Gibson and Laporte Streets they are working on. He states there will be some additional costs there along with some Stormwater MS4 Engineering consultation. He states Chris Marshall and himself have been working with the departments and IDEM at the beginning of the year and V.S. Engineering has been helping them with a Stormwater Audit which IDEM conducted. He states from that audit, which happens he believes every five years, because they are at a point later this year where they have to renew their Stormwater MS4 Permit. He states they got proposals from V.S. Engineering as well as from Lochmueller Group and through those discussions, Marshall and himself have decided to probably go forward with Lochmueller Group as they have given them their initial proposal and they will be putting some prices to that soon. He states this is an idea for some additional funds with that MS4 work to help them with addressing the issues that were raised in the IDEM audit and to be prepared to submit their MS4 Permit Renewal later this year.

Houin states that corrects his assumption because the rest of them on here like the City Monetary Gift Fund and the Park Gift Fund are just appropriations to spend money that has been appropriated previously. Gorski and Surrisi agree. Houin states the other ones are to just to appropriate the American Rescue Plan Act Funds. He states what Surrisi is saying is that basically they budgeted \$100,000.00 for engineering and they are requested you appropriate an additional \$50,000.00 so we will have \$150,000.00 appropriated for engineering work for the year.

Surrisi states they very well could be coming here again at some point in the future throughout this year and asking for more funds. He states that is something he believes they need to prepare for coming in to budget time to have some serious discussions about the future of the engineering department and the needs of the city. He asks Utility Superintendent Davidson, Street Superintendent Marquardt and GIS Coordinator Marshall to chime in if they wish to. He states when Rick Gaul was originally hired as a Stormwater person and he later picked up the engineering responsibilities through of the course of his career here. He states more and more responsibilities were accumulated to his office and stormwater was always them working the best they could to meet

the minimum requirements of IDEM and it is becoming clear they need additional manpower. He states whether that is consulting manpower or full-time staff to be able to meet those minimum needs and advance the program further than where it has been. He states similarly when Rick Gaul was here that Chris Marshall would design their street projects working with Gaul and he had his engineering stamp where he could stamp off on those. He states the Marshall has a lot of responsibilities in his normal job working for Davidson already and now not having a credential engineer on staff they are having to outsource that work and an engineer's time is valuable and expensive and that \$100,000.00 is just what they needed when they were budgeting last year. He states it is becoming clear it is going to be more than that certainly. He states going forward they may need to consider looking at 2024 and beyond on whether it makes sense to budget a bigger amount or create additional staff people and advertise for those. He states this is an additional amount that wasn't contemplated.

Houin believes he heard him say that there is a chance they will need to appropriate more later this year.

Surrisi responds by stating between the needs of the street design and where the MS4 needs take them.

Compton asks if this is for 2023.

Surrisi responds by stating potentially yes. He states they have a proposal to finish out the construction drawing designs for just the Gibson and Laporte Street community crossing projects which that work has to be done within the next three months to be able to lock in their \$630,000+ grant they received from INDOT. He states the proposal is a not to exceed amount but it is up to \$144,000.00 just to complete that design just for those two projects so he knows he hasn't had a chance to check with Marquardt yet but he was going to have some discussions with the Clerk-Treasurer today to see if there was the potential to rearrange some funds. He states they just received that proposal after they had already advertised for this appropriation. He states professional services for consultants for engineering is a big need.

Ecker states similarly with Houin he is concerned about this and wishes to share in that concern as well. He believes they need to take a hard look at what they can do to minimize and stay within the budget. He states they knew consulting engineering was going to come up and get them and it looks like it is on the path to do so. He states he is unsure on where to go with that for now but we need to stay on top of that.

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Houin believes they are going to need to take a serious look at hiring another full-time City Engineer. He states if they are already spending \$150,000.00 and potentially more that it seems they are spending \$200,000.00 to outsource engineering work. He explains if the problem is salary that they certainly have that conversation about an appropriate salary to attract a full-time City Engineer.

Surrisi states if that becomes the answer to make in-house people that it has been clear from discussions with Marshall, Davidson and Gaul in the past that there is more work then just for one individual. He states Gaul was struggling to do more than the bare minimum for stormwater and this \$50,000.00 or whatever it ends up for professional assistance to make sure they are prepared to renew their MS4 Permit for this year that work will have to be done this year regardless. He states on the going forward basis he believes some of the things they learned in the audit were that they need to not only address drainage and stormwater concerns on the front end when people are developing projects to develop a more comprehensive ongoing inspection program of projects and city facilities as well. He states they have done that very well but for private developments and going out once a year and making sure what was going to happen with their detention pond and retention pond was actually functioning that they have not had the manpower to do.

Houin states they need to have the conversation as they have much more information now on what their needs are and he believes they can determine mainly through the budgeting process whether it makes more sense on bringing it in house or get a more realistic idea about their budget.

Davidson adds what he knew from Gaul was that he would always give the Board a percentage of his duties on what was performed throughout the year and what Marshall performed and they might want to take a hard look at that. He states there was only a very small portion that was actually done as far as the stormwater management for what he was actually hired for. He states his job evolved into a lot of other things that people assumed because he was the City Engineer that he could take care of this and take care of that. He states he willingly did it and it was seriously trying on him at the end. He states Surrisi is exactly right that this is a big picture and he would think you need to evaluate what this person is expected to do and what is Chris Marshall is expected to do. He states if there was to be an assistant what they would be expected to do and how it would be budgeted up.

Compton states the fact is they need one full-time qualified Engineer and if there needs to be assistants then they can go from there. He asks for clarification that there is a huge void right now with not having a qualified engineer.

Surrisi responds by stating there also needs to be a serious assessment of the City Attorney position would be warranted too with him planning to transition out of the job. He states finding somebody that does that and what are the functions because similarly his job has accumulated a lot of responsibilities that you do not need to be an attorney to do. He states when the City Engineer retired, he took over the INDOT grant administration function which is an annual certification they have to do to be able to apply for INDOT grants which is a little out of his wheelhouse but that is one example of something they have the attorney doing because he just jumped in. He states evaluating that is finding another attorney and if some of those responsibilities that are not attorney functions when you don't have somebody there to find a place for those to be reassigned as another thing to consider.

Ecker believes those are all great points.

Listenberger states for tonight's purpose is because they have roughly spent \$60,000.00 so far and they had \$100,000.00 and he just mentioned not to exceed \$140,000.00. He asks for clarification if this is going to do that.

Surrisi asks Marquardt if he has had any of those conversations yet.

Marquardt responds by stating they have spoke briefly and they will have to look at it and see where that will come from.

Listenberger asks if they are looking to find it at other places in the budget.

Marquardt responds by stating possibly.

Surrisi states it might be the kind of thing where he is just brainstorming out loud here that maybe in order to get the engineers to cut loose and start working on that to meet the deadline to have the project bid within that four-month window that they would be coming before them at your next meeting with a resolution to reallocate some appropriations to sign that engineering contract. He states they will then be replenishing that money with an additional appropriation later.

Listenberger asks if some of the money has been spent towards Liberty and Gibson Street.

Surrisi responds by stating part of that \$60,000.00 out of the \$100,000.00 has gone to the preliminary engineering work for those projects so they are able to make the grant application. He states they came up with a preliminary design and budget estimates that they based their ask from INDOT in the amount of \$630,000.00.

Councilman Ecker and Milner moved and seconded to close the public hearing for the Additional Appropriations Resolution. The motion carried.

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Councilman Houin and Ecker moved and seconded to open the public hearing for American Containers, Inc. Tax Abatement. The motion carried.

Public Hearing – American Containers Tax Abatement Resolution

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| 116 Legals | 116 Legals |
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NOTICE OF PUBLIC HEARING
Notice is hereby given to the citizens of Plymouth, Marshall County, Indiana, that a public hearing will be conducted by the Common Council of the City

Said hearing will be held on 31 Plymouth on a request for Monday, May 8, 2023, in the tax abatement on real property Council Chambers of the City and personal property by Building, 124 N. Michigan St., called at 2526 Western Avenue, (Garro Street entrance), Plymouth, IN. A statement of Council meeting at 6:30 p.m. Clerk-Treasurer's office, 124 N. Persons appearing at such Michigan St., Plymouth, IN. The real estate has been designated within an Economic Revitalization Area pursuant to IC 6-1.1-12.1-1 on April 24, 2023. Disabled persons needing special accommodations, please A description of the affected area is available and can be in-Clerk-Treasurer contact the ADA Coordinator at area is available and can be in-Clerk-Treasurer 574-936-2948. Dated this 26th day of April, 2023. City of Plymouth, Indiana April 23, 2023 - P April 23, 2023 PNC45655 hnp:ap

Greg Hildebrand with Marshall County Economic Development Corporation (MCEDC)

states he is here to speak in favor of the tax abatement for American Containers. He states this is approximately a \$6 million capital expenditure they will be making. He states it will be \$3.5 million towards real estate and \$2.5 towards personal property. He expresses that American Containers has been an excellent corporate community partner with them and they are proud to have them here and they happy to help them with this abatement. He states this is going to add 4-5 additional employees out there and they are going to be picking up about \$444,000 in taxes in the next several years.

Mayor Senter states it is great to still have American Containers locally owned.

Councilman Ecker and Houin moved and seconded to close the public hearing for American Containers, Inc. Tax Abatement. The motion carried.

Councilman Culp and Listenberger moved and seconded to open the public hearing for the untimely filing of CF-1's for Complexus Medical. The motion carried.

Public Hearing – Untimely Filing of CF-1 for Complexus Medical

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| 116 Legals | 116 Legals | 116 Legals |
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NOTICE OF PUBLIC HEARING ON B&D REALTY HOLDINGS, LLC
B&D Realty Holdings, LLC, doing business as Complexus Medical, was previously granted tax abatement on improvements made at 2925 Gary Drive, Plymouth, IN, under Resolution No. 2021-975. At this time, B&D Realty Holdings, LLC, requests waiver of non-compliance under Indiana Code

§ 6-1.1-12.1-11.3 regarding untimely filing of a deduction application. A public hearing on the request will be held at the regularly scheduled meeting of the Plymouth Common Council on Monday, May 8, 2023, at 6:30 p.m., local time, at the Council Chambers, 124 N. Michigan St., Plymouth, IN. If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948. PLYMOUTH COMMON COUNCIL 46563 (Garro St. entrance, second floor). All interested parties will have the opportunity to testify. April 28, 2023 PNC45655 hnp:ap

Hildebrand states that they need to get Complexus Medical in compliance for their tax abatement. He states in their first year for their tax abatement there was some confusion with the previous Clerk-Treasurer leaving and the new Clerk-Treasurer coming on what was needed to be done with new tax abatements, some stuff fell through the cracks and they want to be sure it gets picked up. He states Complexus is doing really well out there and on their original form they were

expected to have 10 new additional employees and, on their compliance, form he is confused why they have three as that may be a clerical error because they were just out there this past week and there are about 20 new employees out there.

Mayor Senter states there were four of them that went out on Friday and expresses it was an amazing place. He explains it was so clean, bright and they are doing a lot of good out there.

Hildebrand states they are hiring top of the pay scale for machinists out there and are doing very well. He states this is just to clean up that compliance form.

Compton asks if they did not file it or where the issue came from.

Hildebrand responds by stating they had to get copies of the resolution.

Gorski states they did get copies of those from the previous Clerk-Treasurer and these were not her error.

Surrisi states there are a couple of steps in order to claim a tax abatement that any tax abatement recipient has to comply with. He states there is a form that has to be filed with the County and he believes that is called a 322 form that basically is saying they are claiming the tax abatement. He states they then have to annually file the CF-1 compliance form and they did not file that initial form with the county to initiate that process last year for taxes payable this year. He states they also did not file the CF-1 form with you to then be approved and sent off on to the County. He states that is what this public hearing is for as there is a procedure under the statutes that allows for them to consider waiving non-compliance with the statutory requirements.

Compton asks what they are waiving then. He asks if they are waiving the compliance or is there some kind of fine for not. He believes they do this quite often but there doesn't seem to be an incentive to have someone file on time because they always just approve it. He states if municipalities have some sort of fine or saying you missed the boat this year.

Surrisi responds by stating under the statutes there are not any procedures to impose a fine. He states the fine would be if you chose not to waive the non-compliance as they would not be able to claim the tax abatement for this year. He states he would say that in his time here of 11 ½ years or so that there has maybe been 4-5 of these and he knows there have been a couple of those in the time you have been on the council. He states this would be saying you didn't comply with the statutory requirements of filing these forms in a timely manner.

Compton states to him that it seems fairly severe that they can just say you do not get the tax abatement this year because you didn't file on time. He asks if there is a way, they can set up some ordinance or whatever the case is to say there is a \$200.00 fine or x-amount of fine if you don't.

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Surrisi responds by stating he would think that is a possibility because generally Indiana is a home-rule state and there is a chapter of the Indiana Code called the Home-Rule Act that the gist of it is if the State Legislature hasn't written something in the Indiana Code that defines a process or how local government has to act that local government is within the confines of the guardrails of the state legislature that is set up that you are free then to use your home-rule powers to create other processes or fill in the details on things. He states standing here today without doing any research he thinks that could be a possibility in the future if they wanted to create a regime where if there are non-compliance that they would consider certain penalties or up to whatever the value of the tax abatement would be. He states in general the way the system is set up now the penalty is just that they wouldn't receive the tax abatement. He states to clarify that he does not know exactly what the impact of this would be but whenever one of these is granted by having this meeting and hearing before May 15th, which is the deadline for the County processes, that they could still receive this tax abatement for 2022 payable 2023. He states there will be some kind of marginal impact on city/county tax roll proceeds based on the fact the budgets were based on the idea that this assessed value was not going to be abated as of May last year they didn't file this paperwork to claim it.

Houin asks if there is a procedure in place to stay in contact instead of just punishing them for non-compliance. He asks what they are doing to try to work with the companies to make sure they understand what is required and they maintain a relationship with them and help them along the way.

Hildebrand responds by stating that is probably how this got caught because in March he sends out information to all the people that get tax abatements telling them they have this day coming up in mid-May saying their CF-1 forms have to be completed. He states that is when it came to light, they did not complete the CF-1 forms. He states he didn't mean to imply earlier because what happened was, they did not apply a 322 form and normally that would be caught by the Auditor, the Assessor or the Clerk here. He states during that transition it was one of those things nobody meant to look for. He states in March he contacts all the abatement for the county-wide and lets them know it is coming up and they need to have these CF-1 forms filed with your Clerk by the first of April so they can get approved and passed onto the Auditor by May 15th.

Mayor Senter asks if there is any future action on this meeting tonight after the public hearing.

Surrisi responds by stating after the public hearing if you want to grant the waiver of noncompliance there would have to be some kind of vote. He states they are required before they

take that action to advertise for a public hearing and have taxpayers come and voice their concerns like what they are doing now. He states that is the process that MCEDC has undertaken for as long as he has been working with them on tax abatements. He states they do that regular outreach at the beginning of the season and then with all the other compliance forms they will be asked to accept with other tax abatements tonight coming up to this deadline of May 15th even though MCEDC sent out those reminders. He states from the beginning of last week they had many that were yet to be turned in. He explains Greg Hildebrand and Pam Davis at MCEDC did a lot of outreaches to the companies after Gorski and himself reached out to them. He states there is an ongoing effort to prompt people to remember the process and he just wanted to add a few details to what Hildebrand had shared about Complexus. He states the Mayor, Ecker, Hildebrand and himself were invited out to Complexus last Friday as they had an open house for their biggest customer for that facility which is Zimmer Biomet. He explains he has been on a lot of factory tours in this job and he was really surprised about the turnout as there was probably 30 people from Zimmer Biomet's Warsaw Offices, their global Vice-President of purchasing from Chicago and then a team of 6-8 people from Montreal who came down who designed robots that actually do knee replacement surgeries and utilize the tools Complexus makes to be implemented in the knee replacement. He explains it was fascinating to get to see their robots in action making these parts and see other subject matter experts see the machines in work and to see how impressed those people that knew what they were doing with their operation out there. He states it is pretty cool to have a business like that operating in Plymouth.

Mayor Senter adds there is plenty of space for more.

Councilman Houin and Ecker moved and seconded to close the public hearing for the untimely filing of CF-1's for Complexus Medical. The motion carried.

Councilman Compton and Houin moved and seconded to accept the CF-1 filing for Complexus Medical. The motion carried.

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RESOLUTION NO. 2023-1053

**RESOLUTION OF THE CITY OF PLYMOUTH
WAIVING NONCOMPLIANCE REGARDING TIMELY
FILING OF A DEDUCTION APPLICATION AND
FORM CF-1 FOR PERSONAL PROPERTY
(B&D REALTY HOLDINGS, LLC DBA COMPLEXUS MEDICAL)**

WHEREAS, B&D Realty Holdings, LLC, doing business as Complexus Medical ("Complexus"), was previously granted tax abatement on improvements made at 2925 Gary Drive, Plymouth, IN, under Resolution No. 2021-975. At this time, Complexus requests waiver of noncompliance under Indiana Code § 6-1.1-12.1-9.5, 11.3 regarding untimely filing of a deduction application and Form CF-1 for personal property. The purpose and intent of this resolution is to grant the requested waiver.

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

Section 1. After consideration of the evidence presented at the public hearing on the 8th day of May, 2023, pursuant to Indiana Code § 6-1.1-12.1-9.5(b)(1), 11.3(a)(5) the Common Council now waives Complexus' noncompliance for untimely filing of its Forms CF-1 for personal property and further waives noncompliance for the untimely filing of a deduction application, all for taxes assessed 2022, payable 2023, regarding the tax abatement granted by the Common Council under Resolution No. 2021-975. The Common Council specifically finds that the noncompliance that is the subject of this Resolution has been corrected.

Section 2. The Clerk-Treasurer is directed to provide a copy of this Resolution to the Marshall County Assessor's Office for its review and processing. The Clerk-Treasurer is further directed to certify a copy of this Resolution to the taxpayer and to the Department of Local Government Finance.

PASSED AND ADOPTED by the Common Council this 11th day of May, 2023.

ATTEST:


Mark Senter, Presiding Officer


Lynn M. Gorski, Clerk-Treasurer

City Attorney Surrisi presented Ordinance No. 2023-2213, An Ordinance Regarding Legal Advertisement Fees for the City of Plymouth on second reading.

Surrisi explains this is something that is very pertinent to what they just had going on at the beginning of this meeting with the public hearings. He states that currently for various matters when they have to conduct a public hearing, they have a fee of \$20.00 they have been charging to applicants and this would up that to \$35.00. He states it was found in recent months that they are either right at that \$20.00 amount or just slightly over that \$20.00 amount when they get the bill from the Pilot for advertisement so they think that increasing it to \$35.00 should give them some leeway to not have to change it for a little while.

Houin wished to make a point that this is primarily just a passthrough expense as the Pilot News charges the city to publish a legal notice and as they have to publish it on behalf of some application someone else is making, they have to charge the applicant. He states even if the \$35.00 is slightly more than the \$20.00 or whatever it is that they also have expenses in the office because there is work to prepare all of that and send it over to the Pilot News. He explains he had heard some comments from the public after the first reading at the last meeting so he just wants to clarify that this is not something they are going out charging people and rather it is a passthrough expense when there is an application that has to be advertised. He states that most of these are published as legal advertisements because the law says they have to be published as legal advertisements so it is not like they have a choice or anything.

Councilman Houin and Ecker moved and seconded to adopt Ordinance No. 2023-2213, An Ordinance Regarding Legal Advertisement Fees for the City of Plymouth on second reading. The motion passed by roll call vote.

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

City Attorney Surrisi presented Ordinance No. 2023-2213, An Ordinance Regarding Legal Advertisement Fees for the City of Plymouth on third reading.

Councilman Ecker and Longanecker moved and seconded to adopt Ordinance No. 2023-2213, An Ordinance Regarding Legal Advertisement Fees for the City of Plymouth on third reading. The motion passed by roll call vote.

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

Mayor Senter states he had received the first compliant about the bright lights on the E. Laporte Street Footbridge this morning and they will be looking into that.

Surrisi states he has not reached them yet so that project is still not complete. He states it should be quickly but he still has to talk to the project manager with Lochmueller Group who has been working on that to see if there is a dimmer or something they could add.

Longanecker states they have had two of the lights cut already. He states they had to replace one before the power was turned on and when they turn the power on Friday there was another.

Mayor Senter explains he spoke to the woman and told her they would do their best to either dim them or put a timer on them.

Surrisi and Compton comment on how great the bridge looks.

Surrisi states the Street Department has been building a sidewalk down E. Laporte Street in advance of that road being complete and it is going to be very nice.

Mayor Senter states next Tuesday at 4 p.m. Lutheran Health Network will be having a ribbon cutting at their new facility which is right across from the hospital and he would like for the whole council to be there if they can be there. He states they are bringing in a new clinic next to Michiana Eye Care and Alick's Home Medical. He explains it was the old Patel Clinic and he would love to see you there. He states this came out of nowhere about six months ago and we have been working with them well. He states they will have a part-time Doctor there for 3 ½ days for now and in the future, they will have a full-time Doctor there this Fall.

City Attorney Surrisi presented CF-1's for tax abatements which is presented as follows:

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- CF-1 PP – Vigilant Holdings
- CF-1 RP – River Gate South Development LLC
- CF-1 RP – Vigilant Holdings

Arrivals after agenda posted:

- CF-1 RP – HP Plymouth, LLC
- CF-1 PP – AK Industries – 2020
- CF-1 PP – Zentis – 2012
- CF-1 PP – Zentis – 2020
- CF-1 RP – Zentis – 2020
- CF-1 PP – Viking Paper Corp.
- CF-1 PP – American Containers – 2014
- CF-1 RP – American Containers – 2014
- CF-1 PP – American Containers – 2017
- CF-1 RP – American Containers – 2017
- CF-1 PP – American Containers - 2018

Council Members Compton and Ecker moved and seconded to approve all the CF-1's as presented. The motion carried.

City Attorney Surrisi presented Ordinance No. 2023-2214, An Ordinance to Authorize

Allowances to City Employees and Officials for Mileage and Meals on first reading.

Clerk-Treasurer Gorski explains the allotment for employees who attended conferences and had to travel on city business was originally passed in 2008 for \$26.00. She states in 2019 it was revised to allow for \$6.00 for breakfast, \$10.00 for lunch and \$10.00 for dinner.

Mayor Senter states that is still \$26.00.

Gorski agrees and states this new Ordinance will allow up to \$13.00 for breakfast, \$15.00 for lunch and \$26.00 for dinner including tips not more than 15%. She states if any of these meals are provided during your conference then you will not be reimbursed for those.

Mayor Senter states out of everyone here he has probably traveled to French Lick, Indiana and he can only remember one time where he actually put in for lunch on the way. He states it is maybe because he always forgets but he hardly uses this thing but it is a good start.

Ecker asks how they came to the tip of 15%.

Gorski responds by stating that is what was written in the previous ordinance.

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Surrisi states that has been in there since he has worked here but the thought was that it was just a respectable percentage that is not excessive but also not considered low in the restaurant industry.

Culp asks if there is any type of emergency to get this passed tonight.

Gorski responds by stating there isn't.

City Attorney Surrisi presented Resolution No. 2023-1051, Additional Appropriations

Resolution.

Ecker wished to reiterate what they talked about earlier. He states when it comes to the engineering that it is something that needs to be seriously addressed. He states whether they continue outside sourcing, bringing it in or part of it that someone needs to sit down and really analyze this and come up with a recommendation for 2024. He states that is not something they could put into place now. He states it needs to be kept on the radar and addressed.

Councilman Ecker and Houin moved and seconded to approve Resolution No. 2023-1051,

Additional Appropriations Resolution as presented. The motion passed by roll call vote.

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

Councilman Opposed: N/A

RESOLUTION NO. 2023-1051

ADDITIONAL APPROPRIATIONS RESOLUTION

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

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 | |
|--|------------------|--------------------------------|-----|
| Fund Name: Cemetery | 566,398.00 | 566,398.00 | |
| Major Budget Classification: Personal Services | 566,398.00 | 566,398.00 | |
| TOTAL for Entire Budget | | | |
| Fund Name: Cumulative Capital Improvement | 15,800.00 | 15,800.00 | |
| Major Budget Classification: Capital Outlays-Equipment | 16,800.00 | 16,800.00 | |
| TOTAL for Equipment | | | |
| Fund Name: Cumulative Capital Development | 170,000.00 | 170,000.00 | |
| Major Budget Classification: Capital Outlays-Equipment | 170,000.00 | 170,000.00 | |
| TOTAL for Building Improvements & Equipment | | | |
| Fund Name: General - Engineering | 50,000.00 | 50,000.00 | NAV |
| Major Budget Classification: Other Services & Charges | 50,000.00 | 50,000.00 | |
| TOTAL for Special Engineering | | | |
| Fund Name: City Monetary Gift Fund | 1,500.00 | 1,500.00 | AVE |
| Major Budget Classification: Other Services & Charges | 1,500.00 | 1,500.00 | |
| TOTAL for Other Services & Charges | | | |
| Fund Name: Park Gift | 1,400.00 | 1,400.00 | |
| Major Budget Classification: Other Services & Charges | 1,400.00 | 1,400.00 | |
| TOTAL for Other Services & Charges | | | |
| Fund Name: American Rescue Plan Act | 1,032,000.00 | 1,032,000.00 | |
| Major Budget Classification: Other Services & Charges | 1,032,000.00 | 1,032,000.00 | |
| TOTAL for Other Services & Charges | | | |
| Fund Name: American Rescue Plan Act | 68,609.25 | 68,609.25 | |
| Major Budget Classification: Capital Outlays-Equipment | 68,609.25 | 68,609.25 | |
| TOTAL for Equipment | | | |

Attest:
Lyann M. Gorski
Clerk-Treasurer

City Attorney Surrisi presented Resolution No. 2023-1052, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate Within the City of Plymouth to be Within an "Economic Revitalization Area" for Purposes of Real and Personal Property Tax Abatement Pursuant to I.C. 6-1.1-12.1 et seq. (American Containers, Inc.)

RESOLUTION NO. 2023-1052

RESOLUTION OF THE CITY OF PLYMOUTH
CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION
DESIGNATING CERTAIN REAL ESTATE
WITHIN THE CITY OF PLYMOUTH TO BE WITHIN AN
"ECONOMIC REVITALIZATION AREA" FOR PURPOSES OF
REAL AND PERSONAL PROPERTY TAX ABATEMENT
PURSUANT TO I.C. 6-1-1-12.1 *et seq.*
(AMERICAN CONTAINERS, INC.)

WHEREAS, on April 24, 2023, the Common Council of the City of Plymouth, adopted Resolution No. 2023-1050, entitled a "Resolution of the City of Plymouth Declaring Certain Real Estate to be within an "Economic Revitalization Area" Pursuant to I.C. § 6-1-1-12.1 *et seq.*;" and,

WHEREAS, the Declaratory Resolution found that a certain area in the City of Plymouth was an economic revitalization area within the meaning of I.C. § 6-1-1-12.1, (the Act) as amended, for the purpose of allowing deductions from the assessed value of the real property and personal property improvements; and,

WHEREAS, pursuant to Sections 2-5(b) and 2-5(e)(2) of the Act, the Clerk-Treasurer has filed the Declaratory Resolution, and related documents with other appropriate taxing units and the Marshall County Assessor; and,

WHEREAS, pursuant to Section 2-5(c)(1) of the Act, notice of the adoption and substance of the Declaratory Resolution has been published in accordance with I.C. § 5-3-1; and,

WHEREAS, at a public hearing held by the Common Council on the 8th day of May, 2023 at 6:30 p.m., in the Council Chambers, City Hall, 124 N. Michigan St. (Garro St. Entrance, Second Floor), Plymouth, Indiana, the Council heard all persons interested in the proceedings and received any written remonstrance and objections, and considered the same, if any, and all other evidence presented; and,

WHEREAS, the Common Council now desires to take final action and make the necessary findings in accordance with Section 3 and Section 4.5 of the Act.

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

Section 1. After consideration of the evidence presented at the public hearing on the 8th day of May, 2023, the Common Council finds the qualifications for an economic revitalization area have been met.

Section 2. Accordingly, the Common Council hereby confirms the Declaratory Resolution designating the area described as an economic revitalization area for the purposes of tax abatement. This designation is for real property and personal property tax abatement and is limited to two (2) calendar years from April 24, 2023, the date of the adoption of the Declaratory Resolution.

Section 3. Based upon the totality of benefits of this project, as evidenced in the currently submitted Statement of Benefits, and pursuant to Section 17 of the Act, the Common Council hereby determines the property owner is qualified for and is granted real property tax abatement for a period of seven (7) years, according to the following schedule:

| YEAR OF DEDUCTION | PERCENTAGE |
|-------------------|------------|
| 1 st | 100% |
| 2 nd | 85% |
| 3 rd | 71% |
| 4 th | 57% |
| 5 th | 43% |
| 6 th | 29% |
| 7 th | 14% |

Section 4. Based upon the totality of benefits of this project, as evidenced in the currently submitted Statement of Benefits, and pursuant to Section 17 of the Act, the Common Council hereby determines the property owner is qualified for and is granted personal property tax abatement for a period of seven (7) years, according to the following schedule:

| YEAR OF DEDUCTION | PERCENTAGE |
|-------------------|------------|
| 1 st | 100% |
| 2 nd | 85% |
| 3 rd | 71% |
| 4 th | 57% |
| 5 th | 43% |
| 6 th | 29% |
| 7 th | 14% |

Section 5. By the Common Council determining the public utility and benefit of the proposed real and personal property improvements in the economic revitalization area, this resolution constitutes final action pursuant to Section 2-5(c) of the Act. Further, this resolution shall be in full force and effect from and after its adoption by the Common Council, approval by the Mayor, and due attestation.

PASSED AND ADOPTED by the Common Council this 8th day of May, 2023.

ATTEST:


Kym M. Gorski, Clerk-Treasurer


Mark Senter, Presiding Officer

Council Members Ecker and Compton moved and seconded to approve Resolution No. 2023-

1052, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution

Designating Certain Real Estate Within the City of Plymouth to be Within an "Economic

Revitalization Area" for Purposes of Real and Personal Property Tax Abatement Pursuant to I.C. 6-

1.1-12.1 et seq. (American Containers, Inc.) as presented. The motion passed by roll call vote.

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

Councilman Opposed: N/A

Surtisi states for Stellar Communities they have their quarterly meeting with OCRA and they will give them updates with what is going on. He states they continue to get closer to the closeout of River Park Square Phase Two and quarterly reports for INDOT were due for Greenways Trail Phase Three project at the end of last month. He states everything is on schedule with that project.

Surtisi wished to add that he would like to shout out the Clerk-Treasurer as this is the second year in a row that she has sponsored Public Service Employee Recognition week and they have had fun wearing fun things to work each day today is silly sock day so they both have animals on their socks. He expresses he cannot say enough about how he believes stuff like that is important and develops good morale.

Mayor Senter wished to thank Greg Hildebrand for being here and his leadership at MCEDC is outstanding.

Council Members Ecker and Milner moved and seconded to accept the following communications:


- Minutes of the Board of Public Works and Safety meeting of April 24, 2023
- May 8, 2023 Check Register
- April 25, 2023 Technical Review Committee Minutes
- February 6, 2023 Park Board Minutes
- April 3, 2023 Park Board Minutes
- Plan Commission Minutes April 4, 2023
- Board of Zoning Appeals Minutes April 4, 2023
- 2023 Q1 Council Report – Baker Tilly

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Compton moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 7:17 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor