

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on September 25, 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 Compton offered prayer.

Mayor Senter presided for Council Members Greg Compton, Duane Culp, Jeff Houin, Robert Listenberger, Randy Longanecker and Shiloh Carothers Milner. Council Member Don Ecker Jr. attended virtually. 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 September 11, 2023 as presented. The motion carried.

City Attorney Surrisi introduces Ordinance No. 2023-2218, An Ordinance for Appropriations and Tax Rates for 2024 on second reading.

Council Members Houin and Culp moved and seconded to approve Ordinance No. 2023-2218, An Ordinance for Appropriations and Tax Rates for 2024 on second reading. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner  
Councilman Opposed: None

City Attorney Surrisi introduces Ordinance No. 2023-2218, An Ordinance for Appropriations and Tax Rates for 2024 on third reading.

Council Members Culp and Listenberger moved and seconded to approve Ordinance No. 2023-2218, An Ordinance for Appropriations and Tax Rates for 2024 on third reading. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner  
Councilman Opposed: None

REGULAR SESSION, COMMON COUNCIL, September 25, 2023

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State of Iowa (SS06A) (1-15)  
Approved by the State Board of Accounts, 2023  
Approved by the Department of Local Government Finance  
Budget Item No. 4  
Created on 07/27/2023 3:07:53 PM

Ordinance / Resolution Number: 2023-2218

Be it ordained/decided by the PLYMOUTH CIVIL CITY that for the expenses of PLYMOUTH CIVIL CITY for the year ending December 31, 2024 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and the purposes are specified and ordered set apart out of the several funds herein named and the purposes are specified to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purpose of raising revenue to meet the necessary expenses of PLYMOUTH CIVIL CITY, the property tax levies and property tax rates as listed by the Department of Local Government Finance, shall be in full force and effect from and after its passage and approval by the PLYMOUTH CIVIL CITY. This ordinance/decision shall be in full force and effect from and after its passage and approval by the PLYMOUTH CIVIL CITY.

Name of Adopting Entity / Fiscal Body  
PLYMOUTH CIVIL CITY  
Common Council and Mayor  
Date of Adoption  
09/25/2023

Funds			
Fund Name	Adopted Budget	Adopted Levy	Adopted Tax Rate
0005 CASINORIVERBOAT	\$40,000	\$0	0.0000
0061 RAINY DAY	\$0	\$0	0.0000
0101 GENERAL	\$10,037,743	\$3,903,463	0.0360
0113 NONREVERTING	\$107,005	\$0	0.0000
0341 FIRE PENSION	\$87,610	\$0	0.0000
0342 POLICE PENSION	\$353,446	\$0	0.0000
0706 LOCAL ROAD & STREET	\$190,000	\$0	0.0000
0708 MOTOR VEHICLE HIGHWAY	\$2,862,292	\$2,265,279	0.5348
1151 CONTINUING EDUCATION	\$38,500	\$0	0.0000
1301 PARK & RECREATION	\$1,727,694	\$1,309,747	0.3093
2102 AVIATIONAIRPORT	\$450,079	\$234,646	0.0554
2150 CEMETERY	\$510,606	\$422,865	0.0699
2379 CUMULATIVE CAPITAL IMP (GIS TAX)	\$17,000	\$0	0.0000
2381 CUMULATIVE CAPITAL DEVELOPMENT	\$170,000	\$249,066	0.0500
	\$17,214,975	\$6,445,188	1.9855

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES			
9507 2016 TIF Tax Money (TIF 4)	\$5,000		
9508 Drug Free Community	\$0		
9509 Common Cents	\$0		
9510 Park Gift	\$19,000		
9511 Park Deposits / Cemetery Deposits	\$16,000		
9512 Crime Prevention / K-9	\$2,000		
9513 Financial Guarantee	\$260,000		
9514 Restitution	\$0		
9515 DARE	\$500		
9516 FEMA FFY20 Grant Fund	\$66,433		
9517 River Park Square Phase 2 Grant	\$0		
9518 Police Dept Federal Equitable Sharing	\$0		
9519 Hoosier Old Wheels Grant	\$0		
9520 Hobart Drive Grant	\$625,000		
9521 Airport Coronavirus Response Grant	\$0		
9522 Community Improvement	\$30,000		
9523 American Rescue Plan Grant	\$41,582		
9524 1993 TIF Tax Money	\$408,525		
9525 2000 TIF Tax Money	\$250,000		
9526 2005 TIF Tax Money	\$593,533		
9527 TIF 5 / Winona TIF Area	\$566,225		
9528 TIF 6 / Centennial Crossings TIF	\$428,603		
9529 TIF 7 / Proizols TIF Air Parcel	\$1,157,000		
9530 Rees Theatre Grant	\$0		
9531 Opifield Settlement/Unestr	\$3,009		
9532 Opifield Settlement Restric	\$9,120		
9533 Plymouth Greenways Trail	\$19,805		
9534 Harrison Street Trail	\$112,398		
9537 Cemetery Trust	\$2,000		
9538 Cemetery Perpetual Care	\$0		
9539 Laporte Street Footbridge	\$0		
	\$5,674,443		

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State of Iowa (SS06A) (1-15)  
Approved by the State Board of Accounts, 2015  
Approved by the Department of Local Government Finance  
Budget Item No. 4  
Created on 07/27/2023 3:07:53 PM

Name	Age	Signature
Don Eckert Jr.	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Duane Culp	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Shah Milner	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Rusty Longenecker	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Chap Compton	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Jeff Houin	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	
Robert Listenberger	Age <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent	

ATTES		Signature
Name	Title	
Lynn M. Corral	Clerk/Treasurer	
MAJOR ACTION (If any City use only)		
Name	Approve <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Withdraw <input type="checkbox"/>	Signature
Mark Genter		

In accordance with IC 1-1-7-1603, we state our intent to issue debt after December 1 and before January 1 in accordance with IC 1-1-7-1603, we state our intent to file a bond/initial report after December 1 and before December 31

Yes ☐ No ☐

City Attorney Surrisi introduces Ordinance No. 2023-2219, An Ordinance for Fixing Salaries for the Year 2024 for the Elected Officials of the City of Plymouth, Indiana on second reading.

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

2023-2219, An Ordinance for Fixing Salaries for the Year 2024 for the Elected Officials of the City of Plymouth, Indiana on second reading. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Eckert, Houin, Listenberger, Longenecker and Milner

Councilman Opposed: None

City Attorney Surrisi introduces Ordinance No. 2023-2219, An Ordinance for Fixing Salaries

for the Year 2024 for the Elected Officials of the City of Plymouth, Indiana on third reading.

Council Members Culp and Milner moved and seconded to approve Ordinance No. 2023-

2219, An Ordinance for Fixing Salaries for the Year 2024 for the Elected Officials of the City of

Plymouth, Indiana on third reading. The motion passed by roll call vote.



REGULAR SESSION, COMMON COUNCIL, September 25, 2023

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

Councilman Opposed: None

ORDINANCE NO. 2023-2219

AN ORDINANCE FIXING SALARIES FOR THE YEAR 2024  
FOR THE ELECTED OFFICIALS OF THE CITY OF PLYMOUTH, INDIANA

Statement of Intent and Purpose

The duties entrusted to the elected positions of Mayor, Clerk-Treasurer and Council, continually evolve in complexity and expand in responsibility. The effort exerted by these elected officials to meet and excel in those responsibilities deserves fair and just compensation to reflect increased responsibilities and cost of living adjustments is important. The elected officials' salaries are funded in part by the City's Water and Wastewater Departments.

The purpose of this ordinance is to fix the 2024 salaries of the Mayor, Clerk-Treasurer, and Council members.

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

Section 1. The following annual salaries are hereby fixed for the elected officials of the City of Plymouth, Indiana, effective January 1, 2024.

Mayor	\$ 74,166.48
\$ 24,722.16 payable from the Water Works Fund,	
\$ 24,722.16 payable from the Wastewater Fund,	
\$ 24,722.16 payable from the General Fund.	
Clerk-Treasurer	\$ 74,855.28
\$ 24,951.76 payable from the Water Works Fund,	
\$ 24,951.76 payable from the Wastewater Fund,	
\$ 24,951.76 payable from the General Fund.	
Common Council	\$ 9,683.76
\$ 3,227.92 payable from the Water Works Fund,	
\$ 3,227.92 payable from the Wastewater Fund,	
\$ 3,227.92 payable from the General Fund.	

Section 2. The annual salaries of the Mayor, Clerk-Treasurer and members of the Common Council shall be paid in twenty-four (24) equal installments payable on the normal payroll dates of each month for services rendered to such date, the first installment being payable in January 2024.

Section 3. This Ordinance shall be in full force and effect from and after its passage and shall be effective as to the salaries provided herein on and after January 1, 2024.

PASSED AND ADOPTED by the Common Council of the City of Plymouth, Indiana, this 25<sup>th</sup> day of September, 2023.

ATTEST:

  
Lynn M. Gorski  
Clerk-Treasurer

  
Mark Senter  
Mayor and Presiding Officer

Presented by me to the Mayor of the City of Plymouth, Indiana, on the 25<sup>th</sup> day of September, 2023.

  
Lynn M. Gorski  
Clerk-Treasurer

This Ordinance approved and signed by me on the 25<sup>th</sup> day of September, 2023.

  
Mark Senter  
Mayor and Presiding Officer

Ecker wished to bring up tonight that Councilman Longanecker has reached out to himself and Councilman Culp about golf carts riding on sidewalks. He explains that Longanecker has expressed concerns about that and he would like them to look at the ordinance to see that it specifically states you cannot be on sidewalks and they have to stay on the streets.

Longanecker states they have the bike trails across the street from his house along with Riverside School. He explains he has reached out to the Police Chief about all of this. He states for a long time they had an ATV that was running up and down the road but that has since been taken care of. He states they now have several golf carts that are different colors going up and down the Greenway Trails behind Riverside School and then he sees them circle back around coming back through the trails.

Houin explains that the Greenway Trail is definitely no motorized vehicles.  
Longanecker adds that is posted as well.

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Surrisi states that about a month ago the Clerk-Treasurer shared with him an ordinance they were considering in Bremen to register golf carts and ask if he could take a look at that. He explains they have an ordinance that allows for golf carts where people are supposed to have them insured. He states there is currently no mechanism to check if people are carrying insurance on them. He states he is looking into what Bremen and some of the other communities do. He adds that Culver has an extensive regulation of golf carts as there are a lot of golf carts around there. He states there may be something they can maybe consider with putting some type of comprehensive ordinance together over the Winter that can get people plenty of notice so by Spring when golf carts are going to be used again that it can be effective at that time.

Compton adds if there would be restrictions on where they can go.

Surrisi responds by stating that could be in there.

Compton states he has seen people go down Michigan Street with people's legs hanging out the back.

Gorski adds that she does not believe golf carts can go on a State Highway.

Surrisi responds by stating they cannot.

Compton states he does not believe there is an ordinance for the county but there is a speed limit restriction for the roads they can go on. He believes it is either 30-35 mph.

Surrisi states he will try to get a survey of some of those other ordinances that surrounding communities have and then present a report to you for discussion on what you would like to see for an ordinance. He believes it would be good to address this as we see more of those.

Mayor Senter adds that motorized bicycles are becoming very popular too and he does not believe we want those on our trails either.

Compton adds he has seen the single tire thing with the guy going down Michigan Street on that. He states he holds his breath as he goes by because he is afraid the person is going to crash.

Longanecker states he has seen a lot of homemade bicycles. He states he saw an officer pull one over that had no turn signals, no lights, etc. He explains there are bikes out there with the proper equipment but there has been a lot of homemade stuff recently.

Clerk-Treasurer Gorski introduces a request from the Charles Karamon to dispute an invoice for a clean-up bill. Charles Karamon was in attendance for this request.

Karamon states he wishes to provide a quick recap of what happened. He explains shortly before Labor Day he received an invoice which he was not expecting. He explains he called the city office to ask what this was about and why he was being charged. He states he was told this was for



the removal of a basketball hoop and up until that point he had thought his basketball hoop had been stolen. He states the reason being was that he works from home and he left the house to pick up his children and it was gone when he got back. He explains it had been there in the morning but it was gone in the afternoon. He asked how that could have happened and why somebody would come and take this. He states he was told that he should have received a letter in the mail and then he told him that he had not received a letter in the mail. He asked if that letter was certified and it was not. He asked if a follow up letter had been sent and there was not. He asked if there was an email sent and one was not. He asked if there was a phone call and there was not. He asked if there was a note or a knock on the door and there was not. He states he has been charged \$100 for the privilege of somebody coming to his property and taking his stuff. He states he is operating under the assumption in good faith that everyone was operating as they were supposed to and as we all know stuff does happen with the mail and letters do get lost. He believes everyone has probably received a letter from somebody in the neighborhood and dropped it off for him. He states if he was a cynical person, he could say that this seems like a pretty gross way someone can take advantage of the system and say a letter was sent and say you have to be charged. He explains the water department sends him emails when there is a bill due and he works from home so somebody could have knocked on the door. He states the big issue was that the basketball hoop was a few inches into an alleyway which would have taken all of one person knocking on the door and asking it to be moved back six inches.

Listenberger asks if he has received the basketball hoop back.

Karamon responds by stating he did not and he does not know where it is.

Mayor Senter asks if anything else was taken.

Karamon responds by stating not that he knows of.

Listenberger asks if they know what department picked this up

Karamon responds by stating it was the Street Department.

Marquardt responds by stating they have it still. He states they received an email August 28<sup>th</sup> that explained the basketball hoop needs to be removed from the alley at 701 Rex Street. He states that came with a copy of the letter that code enforcement sends out from August 16<sup>th</sup> along with a picture of the basketball hoop by the Building Commissioner's truck. He states they picked up the basketball hoop as they are supposed to and turned in the paperwork at the city office for billing.

Houin asks if that was the Street Department that took the picture.

Marquardt responds by stating they did not as that was the Building Commissioners truck there who is code enforcement. He states they are unaware of what they have to do for code

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

enforcement until they receive an email that says they have to do it. He explains they still have the basketball hoop sitting there but sometimes some of the items are trash that has to go right away but stuff like this they can set it aside until they have time to go take it.

Listenberger asks Karamon if he would like it back. Karamon agrees.

Compton states in the letter it is plural for the word large items.

Marquardt responds by stating he cannot speak for that.

Compton reads that it states a large number of debris has accumulated at this address.

Karamon states they just moved in at the beginning of September so he is unsure what large debris has accumulated.

Mayor Senter asks if he brought the basketball hoop with him. Karamon agrees.

Surrisi states this fee is just the flat minimum two-hour fee that is allowed for by this ordinance. He states it does not have any additional charges on this invoice. He states in this case we still have the basketball hoop but, in some cases, they pick up debris and have to take it to the landfill. He explains this is just the flat city ordinance rate.

Marquardt adds there are no landfill fees, no equipment fees and that this is the very basic two-hour fee.

Houin reads the letter aloud, "Per City Code, it shall be unlawful for any person to place or allow to be placed or accumulate upon his property any refuse to the extent that it becomes unsightly or unsanitary." He states he is a little confused because what about a basketball hoop is unsightly or unsanitary.

Manuwal responds by stating the basketball hoop was hanging into the alley. He adds he is currently driving back from Fort Wayne. He states when he took the picture there was also something back by the garage, he is unsure if it was a cabinet or a microwave, but something was back along the garage with the basketball hoop.

Compton asks Karamon if he did not move in until September.

Karamon responds by stating he may have misspoken it was the beginning of August. He states the basketball hoop was definitely hanging over a little bit and he is not disputing that at all. He states aside from his own personal stake in this which would be \$100 and a basketball hoop that it does seem to him that if there is no other kind of follow up or note put on the door that it could have fixed all of this.

Mayor Senter asks Manuwal if he normally sends certified mail for these.

Manuwal responds by stating not for a code violation.



Mayor Senter asks what he would use certified mail for.

Manuwal responds by stating unsafe buildings.

Marquardt does add in the letter it does state, "It is against city code to block or obstruct any public street, alley, or sidewalk. Your basketball hoop is in violation and must be removed from the alley way." He adds that Karamon did say he didn't see this.

Compton asks if the hoop can be returned to him.

Marquardt responds by stating he can do it and whatever is decided tonight is fine with him.

He states he is just doing what he is supposed to do.

Listenberger states if Karamon stated he did not receive the letter then we can waive the fee. He explains he did say he did not receive the letter. He states he did see the basketball hoop and he should have knocked on the door and said something to you. He assumed you just had it out for a few days. He explains he uses that alley sometimes but he thought that maybe kids pulled it out a little way or something.

Karamon responds by stating he will make sure it is pushed back.

Listenberger explains if it is there again that it has to be pushed back.

Marquardt states they have had to pick up several basketball hoops in the street before so this isn't new.

Listenberger states in his opinion if he did not receive the letter then he didn't receive the letter and he will take him on his word for that.

Houin believes it is important to also point out that the Building Commissioner did exactly what he was supposed to do in this case by following procedure, the Street Department also did exactly what they were supposed to do, and that this would be a great opportunity for them to learn from the experience and see if there is a better way to handle these types of violations in the future to avoid this kind of miscommunication.

Listenberger states when he saw the hoop, he should have just knocked on your door.

Surrisi wished to add that they do not run into this very often but when Manuwal mentioned that with the unsafe buildings that it is required that they send those certified. He explains it would not be a whole lot of work to amend the city code to make these certified as well. He states it adds a little expense but generally they are billing these out or placing a lien on people's properties so another five to six dollars would not be a lot.

Gorski adds that it is over seven dollars now.

REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Houin states he does not know if certified is the way to go. He explains in his business practice he tries to send multiple notices and there may be good opportunities to just go knock on the door. He explains he is not saying any of those are the right solutions but it is something they should be mindful of and consider other ways to handle this.

Mayor Senter asks Manuwal how many code enforcement letters are sent out.

Manuwal responds by stating it depends but for stuff hanging into public rights-of-way he does not have a whole lot. He explains that it varies.

Longanecker asks if this was the only thing that was picked up.

Marquardt responds by stating it was asked to pick up a basketball hoop so that is what they got.

REQUEST FORM  
CITY OF PLYMOUTH

Date: 9/8/2023

Notice to COMMON COUNCIL, CITY OF PLYMOUTH, INDIANA

Kindly review of the following request:

Dispute a charge against me  
at 701 Rex St

Signed [Signature] Phone Number 540-325-4206  
Print Name Charles Karaman Address 701 Rex St

In-Office Only:  
Determination of Request

Common Council voted to forgive invoice and return  
basketball hoop to Charles Karaman. September 25, 2023

Return original form to Clerk-Treasurer's office after determination is complete.

Signed [Signature] Title Clerk-Treasurer

Council Members Listenberger and Houin moved and seconded to approve the request to waive the fee and return the basketball hoop as presented. The motion passed by roll call vote.

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

Councilman Opposed: None

City Attorney Surrisi introduces Ordinance No. 2023-2220, An Ordinance to Amend the City

Code Regarding Utility Payments on first reading.

City Attorney Surrisi introduces Resolution No. 2023-1073, A Resolution of the Common

Council of the City of Plymouth to Adopt a Revised Plan for Expenditure of American Rescue Plan

Act of 2021 Funds.



## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Surisi explains this was a proposal that Park Superintendent Hite brought to his attention for consideration regarding the Price's Pond Trail Grant that was received. He states they are looking to identify some funding now that would be available to get started with the engineering work that needs to be done to get the permitting and design done for that trail in place to be able to receive either next year or the year after. He states what this would propose to do is reprioritize the use of the ARPA funds taking \$100,000 from what was previously allocated in the ARPA fund for Blue Zones Project and \$2,900 from the amount that was allocated for sidewalk design and construction to total the \$102,900 for support for the Price's Pond Trail project.

Hite states they got the trail grant from the DNR. He states when they originally applied for it and at first, they thought they were not going to get the grant and that the money would not be available until 2025. He states he looked to have it budgeted in 2025 but luckily, they received the grant and the money is coming early. He states they would like to start with Troyer Group who went through all the buttons they have to push for this type of grant as it is a federal grant. He lists surveys, tests, army corps engineers, etc. and that could all take up to six months so that is where the \$102,900 figure comes from.

## RESOLUTION NO. 2023-1073

A RESOLUTION OF THE COMMON COUNCIL OF  
THE CITY OF PLYMOUTH TO ADOPT A REVISED PLAN FOR  
EXPENDITURE OF  
AMERICAN RESCUE PLAN ACT OF 2021 FUNDS

WHEREAS, the City has received \$2,257,926.69 through the American Rescue Plan Act of 2021 ("ARPA or the Act"), federal legislation designed to address various adverse impacts of the Covid-19 pandemic. Under the U.S. Department of Treasury's Coronavirus State & Local Fiscal Recovery Funds Final Rule, effective April 1, 2022, and other applicable rules, the City has elected to take the standard allowance for pandemic-related revenue replacement. Accordingly, the entirety of the ARPA funds the City received may be used for general government services. The Act requires a recipient of ARPA funds to adopt a plan for expenditure of the funds. The first adopted such a plan with Resolution No. 2022-1028. At this time, the City wishes to revise its plan to reflect changed priorities. The purpose and intent of this resolution is to make such revisions.

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

**Section 1.** The City shall expend its funds received under ARPA for the following purposes encompassing general government services:

- a. \$400,000.00 – Support for design and construction of a solar field installation, of up to 2,880 panels, at the Plymouth Wastewater Treatment Plant located at 900 Oakhill Avenue, Plymouth, IN 46563;
- b. \$600,000.00 – Support for the Lifelong Learning Network's Marshall County Career Innovation Center career and technical education project;
- c. \$450,000.00 – Support for the Plymouth Fire Department's purchase of a new fire truck (Pierce Velocity Top Mount Pumper and associated equipment) and a new ambulance (as mounted on a 2023 Ram 5500 chassis and associated equipment);
- d. \$200,000.00 – Support for design and construction of the City's Harrison Street Trail project;
- e. \$430,026.69 – Support for design and construction of sidewalks, including repair/replacement of existing sidewalks as well as development of new sidewalks in areas where none previously existed, throughout the City;
- f. \$75,000.00 – Support for the Marshall County United Way's annual campaign; and
- g. \$102,900.00 – Support for design of the City's Price's Pond Trail project.

PASSED AND ADOPTED this 25<sup>th</sup> day of September, 2023.

ATTEST:

  
Lynn M. Gorski, Clerk-Treasurer

  
Mark Senter, Presiding Officer

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Council Members Compton and Culp moved and seconded to approve Resolution No. 2023-1073, A Resolution of the Common Council of the City of Plymouth to Adopt a Revised Plan for Expenditure of American Rescue Plan Act of 2021 Funds. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner  
Councilman Opposed: None

City Attorney Surrisi introduces Resolution No. 2023-1074, A Resolution of the City of

Plymouth to Create a Fund Entitled "Greenways Trail Price's Pond Extension Grant Fund."

## RESOLUTION NO. 2023-1074

A RESOLUTION OF THE CITY OF PLYMOUTH TO  
CREATE A FUND ENTITLED  
"GREENWAYS TRAIL PRICE'S POND EXTENSION GRANT FUND"

WHEREAS, the Indiana Department of Natural Resources (DNR) has developed the Indiana Trails grant program to aid in local trail projects. Once again, the City is seeking a 80/20 matching grant from DNR Indian Trails Program in the amount of approximately \$600,000.00 with the grant of \$400,000.00. The purpose and intent of this resolution is to create a new fund to hold all of the grant and match moneys for use in administration of the grant to complete Greenways Trail Price's Pond Extension project.

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

Section 1. There is hereby created City Fund #4510, which shall be called the Greenways Trail Price's Pond Extension Grant Fund (the "Fund").

Section 2. Any moneys paid to the City from the State of Indiana as part of the Grant Program award (sometimes also referred to as Indiana Trail Program) shall be placed in the Fund.

Section 3. Expenditures from the Fund shall be for purposes of the Greenways Trail Price's Pond Extension project, or other related purposes as authorized by Indiana law.

Section 4. The duration of the Fund shall be perpetual until terminated by subsequent resolution or ordinance, or by operation of Indiana law. The Fund balance shall be non-reverting at year end.

Section 5. Upon termination of the Fund, any balance remaining shall be transferred in accordance with Indiana law and as specified in the termination resolution or ordinance.

PASSED AND ADOPTED this 25<sup>th</sup> day of September, 2023.

ATTEST:

  
Mark Senier, Presiding Officer

  
Lynn M Gorski, Clerk-Treasurer

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

2023-1074, A Resolution of the City of Plymouth to Create a Fund Entitled "Greenways Trail Price's Pond Extension Grant Fund." The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner  
Councilman Opposed: None

City Attorney Surrisi introduces Resolution No. 2023-1075, A Resolution Providing for the Transfer of Appropriations Within Department and Funds of the City of Plymouth, Indiana as Requested by the Department Head and Forwarded to the Common Council for their Action and Passage Pursuant to IC 6-1.1-18-6.

Marquardt states approximately a week ago one of their dump trucks shut down, lock up, and then the motor started to blow smoke and oil making bad noises. He explains they ended up having it



towed. He states a valve in the head broke, dropped down, and took out a piston along with everything else inside the motor. He states this truck is their second newest truck as they recently got one and it is 10-11 years old currently. He states it has been around for a while and they have a lot of older trucks. He states they need to fix it as they cannot buy trucks or even get them. He explains they received a quote from Wiers International Trucks and it broke down that the motor would be \$52,161 with possible needed parts they do not know for certain totals just about \$9,000. He states with all the admissions and all these items on the motors they roughly have \$840 to get the exhaust and all these motors cleaned out. He states hopefully there are no problems there but their total estimate comes out to be \$61,992 and they are hoping that would be a worst-case scenario. He states what they are looking at doing is moving some money.

Surrisi states it would be from Curb and Sidewalk Improvements and move it to Repairs and Labor.

Marquardt states that the Curb and Sidewalk money that is in there is if their paving projects run into issues when they open up the roads. He states this could affect their preservation program with crack sealing or rejuvenating. He explains they try to do those purchase orders closer to the end of the year to make sure they still have the money available. He explains there may be some local road and street money that could cover that if they have no problems with paving. He states this would cover having the truck fixed and hopefully back up and running with a new motor with a warranty for it. He states it is a big problem and a big ask. He adds he received this phone call while he was on vacation.

Surrisi adds the total amount they are asking to move over is \$67,000.

Marquardt explains that gives them a little more cushion if they have anything else go bad in repairs and labor for this year.

Longanecker asks if they have given you a price on if you have to put in a new filter. He states he has sent several trucks over there and he wants to make sure you are covered.

Marquardt responds by stating they believe this is the worst-case scenario but they are trying to add just a little more to make sure they are covered when they tear into it.

Houin states Marquardt and him talked about this earlier and he states he is anticipating that some or all of this amount could be left over in other budgeted areas but they just do not know that yet. He states whatever projects were anticipated to come out of curb and sidewalks they may be able to still do as long as nothing else happens.

Margardt states if their paving was done earlier before it was moved back then they would know a lot more right now.

Compton asks if the bottom line is that he needs a truck right now.

Margardt responds in agreeance and that it is a 10-11-year-old truck but it is not being replaced as there is no way. He explains the new one they just got was \$220,000.

RESOLUTION 2023-1075

A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS WITHIN DEPARTMENT AND FUNDS OF THE CITY OF PLYMOUTH, INDIANA AS REQUESTED BY THE DEPARTMENT HEAD 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 2023 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
MWH	2201.001.445.0550-Curb & Sidewalk Improvements	2201.000.436.0200-Repair/Labor	67,000.00
		Total	67,000.00

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 2023 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 25th day of September, 2023.

  
Mark Senter, Presiding Officer

Attest:  
  
Lynn M. Gorski  
Clerk-Treasurer

Council Members Houin and Longanecker moved and seconded to approve Resolution No. 2023-1075, A Resolution Providing for the Transfer of Appropriations Within Department and Funds of the City of Plymouth, Indiana as Requested by the Department Head and Forwarded to the Common Council for their Action and Passage Pursuant to IC 6-1.1-18-6. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner  
Councilman Opposed: None

Surrisi states for Stellar Communities there is not a lot to report other than their INDOT quarterly reporting meeting with MACOG next week. He explains he will be doing that along with Melita Green who is going to be taking over as the Employee in Responsible Charge (ERC) for INDOT projects.



Kevin Berger reports for the Riverside Commons project that they have trees planted and seed down. He explains he met with Utility Superintendent Davidson last week and they are going to try to squeeze four street trees in the tree lawn.

Mayor Senter asks Berger if he wants to mention to Marquardt what he said about the parking from last meeting.

Berger states he was caught off guard with the parking and asks if it makes more sense to have that area as one-to-two-hour parking because if you go all the way down to the school that they are lined up for over an hour waiting for drop off in the morning and pick-up in the afternoon. He states all of those people would be in violation if you make it absolutely no parking there. He states for his residence a one-hour parking or two-hour parking would make a lot of sense for a visitor but not for the resident to park there all night.

Compton asks if he is just talking about Baker Street.

Berger agrees as there is no room on Richter Road.

Marquardt responds by stating he is not certain how school parking would go on Baker Street as he does not expect anyone to get any tickets in the school drop off lane as that would be a mess.

Berger states there would be a lot of soccer moms in here upset.

Gorski states those cars would be occupied. She states the cars sitting in front of your apartment complexes would be unoccupied cars.

Marquardt states he knows this was all talked about when this first started about the parking problems around there.

Berger responds by stating they have the required parking on site but he cannot control the people off site.

Marquardt states he sees people already parking the church lot across the street and he is uncertain if the church would want to allow that. He explains it would be hard to enforce with the winter and morning bus routes.

Surrisi states for the Comprehensive Plan Update that they wrapped up the public engagement portion of the Comprehensive Plan and they are working with MACOG for a draft of the plan currently. He explains they do have a Steering Committee meeting on Wednesday and he thinks they will see more of that in the coming weeks. He states they should have a draft document or portions of a draft to push out to you and the Plan Commission to start digesting and commenting on.

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

For the Privilege of the Floor, Longanecker noticed Phil Bockman in the room and understood he reached out to him in regards to the utility payments ordinance and asks if he has any comments on that tonight.

Bockman states he believes this mostly has to do with stuff that was put in place by nobody in this room and that may be part of what the issue is. He states it is a simple thing and he believes that is why it has him frustrated and he wishes he can pick the things that bother him but this is about the grace period on the water bill. He states he does not want to say too much to make it complicated because his whole point is that it really isn't. He states the bill is due on the 4<sup>th</sup> and you have until 4:30 on the 4<sup>th</sup> and what the practice has been is on the next business day you have until sometime in the morning and what this is proposing is you have until 11:00 before you can start assessing that late fee on the grace period day. He states it is frustrating when you go in to pay the bill on the next business day and you are there during the day and you get a late fee. He states it seems petty and unnecessary for that reason. He states it goes back to the ordinance and nobody in the room here probably have anything to do with it. He explains this is proposed to change the ordinance to 11:00 to make it clearer. He asks the council to consider this as it sends bad message to the residents/customers of the City of Plymouth as it does not seem necessary. He adds there may be something necessary to it and he gets that but to him it really seems to be grasping at something and where it has to be such a big deal to have to do that. He states if you come in that next day you should have until the close of business like how banks, credit cards, and other bills are. He states he is not trying to get legal and technical with it but he wanted to look at how other utilities handle it but that next business day or grace day becomes that due day with the same conditions as the due day. He states one of the things Surrisi and him talked about was the timing of it because it is five and a half hours for the difference between 11:00 AM and 4:30 PM. He states he may be wrong but if it is an issue with sending late notices or shut off notices because they are already a day behind and they want to provide enough time to do that but his opinion on that would be to continue to do that. He explains it is fine if you have to send those but if a customer comes in to pay the bill, then just don't send the late fee. He explains that a half hour ago you may have sent the notice but the deal is when you get the shut off notice that you would disregard it anyway if you came and paid the bill before that. He believes if this was not something that was done at all and was completely fresh because part of this is that it has been done for a very long time. He states he is not interested in saying somebody was wrong or this was done incorrectly that he has no interest in that and that he is not trying to prove something wrong. He states he is saying to look at this with common sense and if your reason for



doing something is that you have always done it this way that it is starting to go down the wrong road. He states if it made sense before for whatever reason that he wouldn't go into that. He states what he is asking is if the council to not change the existing ordinance but it is an interpretation thing as it is written fine. He states the ordinance says the next business day but what he is asking you to consider is to change the standard operating procedure of how an office has accessed those late fees. He states if you have always done it that way that it doesn't make sense to do it that way.

Mayor Senter asks if he can give an example of what happened to him.

Bockman responds by stating there is something to be said about the drop box and that he had an issue with that one time so he has always paid his bill in person. He states he is unsure if there was a holiday or not but the next business day was after the 4<sup>th</sup> so it was the next business day and it may have been in the afternoon but it was after the time, they started assessing the late fee. He states he was given a late charge and that came as a surprise but found out it actually happened before but he did not pay attention to it. He states it seemed ridiculous to have the grace period of the next business day to pay the bill but they are actually assessing late charges at some particular time. He states it would now be 11:00 AM and to him that seems clearer and it does not send a good message to the residents.

Mayor Senter asks if this is his business on Oak Drive.

Bockman responds by stating that was the one he was paying. He states it was certainly not about any amount of money as it was a very small amount. He understands this is the first reading but he feels strongly about it only for that reason. He states there is nothing personal or anything like that but he feels it does not make sense and when things like that do not add up especially when they are simple and he feels it is a simple thing.

Gorski states the fees are assessed on the 5<sup>th</sup> because they have to give the customers 10 days to pay their delinquent bill. He states this is because the bill has to be paid on the 14<sup>th</sup> and if the bill is not paid by the 14<sup>th</sup> then 9 AM on the 15<sup>th</sup> the water will be shut off. She states if she does not mail the delinquent notices on the 5<sup>th</sup> the day, we charge penalties then they do not have their 10 days to pay their delinquent bill so that is why this is at 11:00 AM that way it gives our Utility Clerk time to add penalties, printing the delinquent bills, prepare them to mail, and then get them in the mail on the 5<sup>th</sup>.

Houin states this is on first reading tonight so he believes this is all good information to take in to consideration.

## REGULAR SESSION, COMMON COUNCIL, September 25, 2023

Surrisi wished to clarify on what Bockman had said. He states he would suggest no matter on how you want to treat this that you do make some sort of amendment because one option for first reading is to kill it and the ordinance dies. He restates that leaving it as is would not be a good option. He states that because the provision that talks about delinquent bills mentions the bills are due by 9 AM on the 15<sup>th</sup> for shut off so that deadline already has a specific time for when things are determined but the section about the bills being due on the fourth or the day after does not mention a time. He explains you could reasonably assume it is by the end of the business that day so that both time periods have a specific time that if you wanted it to be by the end of the day that it would be good to specify that to clarify so 10 years from now, they do not have that issue with new people in these seats have an argument on what the ordinance actually means.

Longanecker asks if we print that time on the bills.

Gorski responds by stating they do not because it is due on the 4<sup>th</sup> of every month. She states we are just allowing them extra time to come in. She states there is a drop box on the north side of the building, online payments you can do, account for the mail, and wait for the postal carrier deliverer to deliver the mail to the street address on top of going over to the Post Office and pick up any mail that was postmarked and mailed. She states that is why it is 11:00 AM as to allow time for the postal carrier to have time to deliver the mail to our address.

Surrisi states he wished to throw that out there if you all wanted to have this discussion on second reading for adoption of this or some proposed amendments.

Council Members Compton and Listenberger moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of September 11, 2023
- September 25, 2023 Check Register
- August 2023 Clerk-Treasurer Financial Reports
- August 8, 2023 Board of Aviation Commissioners Minutes
- August 15, 2023 Redevelopment Commission Minutes

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Milner 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