

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on June 28, 2021. 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. Senter presided for Council member Greg Compton, Duane Culp, Jeff Houin, Robert Listenberger, Randy Longanecker, all of who attended the meeting in person. Council Member Shiloh Carothers Milner was absent. Clerk-Treasurer Xavier was also present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Ecker and Compton moved and seconded to approve the minutes of the last regular Common Council session on June 14, 2021, as presented. The motion carried.

The following legal notice was advertised on June 18, 2021.

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 of Plymouth on a request for tax abatement on real property and personal property improvements by DAC Enterprise LLC, located at 1177 Markley Drive, Plymouth, IN. A statement of benefits is on file in the Clerk-Treasurer's office, 124 N. Michigan St., Plymouth, IN. The real estate has been designated within an Economic Revitalization Area pursuant to IC 5-1-1-12-1-1 on June 14, 2021. A description of the affected area is available and can be inspected in the County Assessor's Office.
Said hearing will be held on Monday, June 28, 2021, in the Council Chambers of the City Building, located on the second floor at 124 N. Michigan St., (Garro Street entrance), Plymouth, IN at the Common Council meeting at 6:30 p.m. Persons appearing at such public hearing shall have the right to be heard on the proposed project. Disabled persons needing special accommodations, please contact the ADA Coordinator at 574-936-2948. Dated this 15th day of June, 2021
Jeanine M. Xavier
Clerk-Treasurer
City of Plymouth, Indiana
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Council Members Ecker and Houin moved and seconded to open the public hearing. The motion carried and the mayor declared the public hearing open.

Laura Walls from Marshall County Economic Development Corporation was present to speak about the proposed tax abatement. She stated that Greg Hildebrand and Dennis Cripe attended the last meeting to present the proposed tax abatement for DAC Enterprises. This tax abatement was for an expansion project which would be adding 4 new jobs to the community and will retain 13 existing jobs. The project would include improvements to both real and personal property. The resolution lays out a seven-year phase-in tax abatement for both the real and personal property for the project.

Ecker asked if Cripe would be ordering in new state of the art production equipment for the project. Walls confirmed this.

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

Compton asked what the value of the real and personal property would be for this abatement.

Surrisi stated that it would be for \$400,000 in real property and \$350,000 in personal property.

Senter asked if Walls had a tour of the facility yet. Walls stated that she had not yet, but Cripe was ready to get these improvements done.

Walls stated that there had been questions brought up to her about another abatement that Cripe had on Lake Avenue. She stated that this would show the success of what tax abatements do for a business. On that property the city had granted Cripe a Real Estate Property Tax Abatement. Now that the business had expanded and grown, he is investing in a new building which was pretty dire and empty for over a year. By doing this he will be bringing that building back to life and adding new jobs to the community.

There being no further comments or questions, Council Members Houin and Compton moved and seconded to close the public hearing. The motion carried.

Mayor Senter stated that the Marshall County Neighborhood Center had major issues with the flooding and storms recently. He stated that the city needs to do something for them in some way as the building may not be inhabitable anymore. He was not sure what they could do, but would love to have members of the community involved in getting something going in terms of relief. The Neighborhood Center may come before the board in the future for help.

Listenberger stated that the Neighborhood Center services at least 300 people every week, which would represent a need. They may be looking for a temporary place to set up for now.

Houin stated that the Neighborhood Center is a county agency and a United Way agency there should be some way to get people involved to help out with this need.

City Attorney Surrisi presented the Second Agreement Regarding Aid to the Aquatics Center.

SECOND AGREEMENT REGARDING AID TO AQUATICS CENTER

This Agreement is between the City of Plymouth, Indiana ("City"), an Indiana unit of municipal government, and Marshall County Health and Wellness, Inc. ("MCHW"), an Indiana nonprofit corporation. Pursuant to Indiana Code § 36-10-2 *et seq.*, and all other applicable law, the City desires to provide aid to support MCHW's operation of the Dr. Susan Bardwell Aquatics Center, a community pool located at 2740 Miller Dr., Plymouth, Indiana 46563. To that end, the parties agree as follows:

1. The City agrees to pay MCHW the sum of Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750.00) upon execution of this Agreement, with said funds to be used solely for MCHW's expenses of operating the Dr. Susan Bardwell Aquatics Center. Such expenses include, but are not limited to utility costs, payroll, supplies, etc.

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

2. In consideration for the aid provided by the City, MCHW agrees to provide the City with documentation of how such funds were expended in the operations of the Dr. Susan Bardwell Aquatics Center. Such documentation shall be provided by MCHW by no later than the 10th day of August, 2021.

3. It is anticipated that the funds provided under this Agreement will be expended in the month of July of 2021.

SO AGREED.

City of Plymouth

Marshall County Health and Wellness, Inc.

Don Ecker, Jr., Common Council President

Mark Senter, President

Date

Date

Surrisi stated that earlier in the year the council authorized up to \$75,000 for expenses of funding to assist with operations with the aquatic center. There was the first agreement regarding operations for the aquatic center that provided \$37,500 for the operations of the facility in April, May, and June. This second agreement proposes releasing half of the remaining funds to operations of the aquatic center. This would help covering the expenses in July to cover until the refinancing of the bonds had been completed. The refinancing would free up funds for the operations in August. They will be submitting a request for additional funding from the school board at their July meeting to help with the operation costs as well which would be provided in September.

Compton asked what percent of the operation costs would be covered by the bond refinancing. Surrisi stated that it would cover just over 80% and the remaining amount would be generated by income and private fundraising.

Council members Listenberger and Houin moved and seconded to approve the Second

Agreement Regarding Aid to the Aquatics Center for \$18,750.00. The motion passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker
NAYS: None
ABSENT: Milner

Clerk-Treasurer Xaver referred to the request that was denied at the last meeting for

Guadalupe Sanchez, 711 N. Center Street regarding the bill for clean-up. Mr. Sanchez was in her office last week questioning why he had to pay the bill. Xaver told him that the Council had denied his request and that she had no authority to waive the bills; her job requires that she bill according to ordinance. When he asked who he could speak to, she told him that this only recourse would be to address the council.

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

Sanchez was present to speak about his request. He stated that he had received the notice after the clean-up had occurred. When he found out about the clean-up, he called the street department who forwarded him to the police department. The officer that he spoke to stated that the letter for the code enforcement was sent out on April 2nd and gave him 10 days to clean up before the city did it for him. He stated that he did not receive any mail until after the clean-up occurred. He said that his sister had moved out, and when she did, that all of their mail was messed up and everything had been forwarded to her address. He added that the letter had showed up on the 17th of April and the clean-up was on the 14th of April. The letter did have the yellow tag on the bottom right forwarding the mail to his sister's address. He stated that this was not his fault that he did not get his mail as it was a post office issue. He admitted he knew he was not getting any of his mail.

Senter asked if the letter was sent via certified mail. Police Chief Bacon stated that it was not. Ecker asked if the letter was sent to the Dickson Street address. Sanchez stated that it looked like it went to the Dickson Street address, but it eventually ended up at his address.

Houin what portion of the bill was for disposal costs. Street Superintendent Marquardt stated that just the landfill fee portion of the bill was for the disposal costs. He added that this was from before the ordinance changed this fee so this was already lower than the new rates and true costs.

Ecker asked if Houin was thinking of just asking Sanchez to pay the cost of disposal. Houin stated that his concern was different as he and Compton just met with Assistant Police Chief Owen about changing how code enforcement was done. He stated that how the city notifies residents should be one of those aspects that needs looked at to avoid issues like this. He said that this situation is different than the last one because the last case was someone who did not notify the city or county that where she lived had changed, and this was someone who actually lived there, but the mail did not get to the address.

Ecker asked when Sanchez's sister submitted the change of address form to the post office. Sanchez stated that this change occurred during the first week of April or the last week of March.

Houin stated that he was leaning more towards waiving the entire fee since this was an issue of him living at the house, but not receiving the notice due to a post office issue.

Ecker asked if Sanchez owned the house. Sanchez stated that he did, but when his sister moved out and filled out the forwarding address form at the post office she put for all residents and not just her. After his sister noticed that she did this, she went back to change the request. It turned out that this did not go through until Sanchez went to the post office himself to get it corrected.

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

Council members Houin and Longanecker moved and seconded to waive all fees associated with the clean up on 711 N. Center Street.

City Attorney Surrisi presented Resolution No. 2021-956, 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 Property and Personal Property Tax Abatement Pursuant to IC 6-1.1-1.1 et seq (DAC Enterprise Inc).

Compton stated that he believed that the personal property terms should be evaluated again. He agrees with the abatements, but the value of personal property automatically declines throughout the term. In turn, the value at the end of the term could end up being nothing. He said that he believes that for an personal property tax abatement of this size it should be a four-year phase-in abatement rather than a seven-year phase in. With a larger investment in equipment that may last longer, a seven year may be more appropriate. In this case with the \$350,000 he believes that a four-year phase in would fit better.

Houin asked if the council had ever formally adopted a standard tax abatement scheduled. Surrisi stated that they did around 2015. This was due to an effort by MCEDC to get all of the communities in the county to adopt a unified tax abatement policy. For this policy the city set forth a set of guidelines that the city typically followed. He stated that these are an informal set of guidelines. Yet, by statute, the council would be required to make a determination of what they would like the schedule to look like. This would create a fresh opportunity to take a second look at the tax abatement schedule with each tax abatement that would come before the council.

Compton stated that he likes the seven-year phase-in for real property and a ten-year phase-in for a larger real property investment. He stated that for a personal property abatement, a four to seven-year declining abatement would be more fitting.

Houin stated that he did not disagree with Compton on his thought process. He added that his concern with moving to a four to seven-year abatement schedule for personal property would be in cases where they deviated in the past. He stated that it may be more appropriate to take the guidelines and rework them so that maybe there is not a standard abatement schedule.

Compton stated that there had been mistakes made in the past on abatements, and that he would like to see that corrected in the future.

Laura Walls stated that if the council were to put the personal property tax abatement schedule down to a 4-year declining abatement it would put the City of Plymouth at a disadvantage compared to surrounding communities. She stated that ten years for real property and seven years for

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021

personal property is standard for abatements. Having the current policy at seven years for both real property and personal property was already putting the city at a disadvantage. She would hate for the city to make a precedent that would send a message to existing industries that new industries are more supported in the community than existing businesses. Compton stated that the city would still be offering abatements to existing businesses in order for them to expand and grow.

Compton added that with personal property, the value of the investment would decrease over time rather than increase over time.

Listenberger asked if the city were at a disadvantage in any other way already in terms of the tax abatements. Walls stated that most other counties in Indiana have a local option income tax. Marshall County does not have this tax on the payrolls of people who lived in Marshall County. The Marshall County Council has the sole authority to determine and implement this tax and tax rate to benefit all taxing entities within the county. From her understanding, Marshall County had never had this tax. The tax is typically used as a tool for training, infrastructure improvements, and other uses such as incentivizing projects. Without that tool, the city is limited to tax abatements and TIF Districts.

Council Members Ecker and Houin moved and seconded to adopt Resolution No. 2021-956, 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 Property and Personal Property Tax Abatement Pursuant to IC 6-1.1-1.1 et seq (DAC Enterprise Inc). The motion passed by roll call vote.

AYES: Culp, Ecker, Houin, Listenberger, Longanecker
 NAYS: Compton
 ABSENT: Milner

City Attorney Surrisi updated the council on the Stellar Communities Projects. He stated that the bids for the Reese Theatre Project would be received on the Wednesday following the meeting. He added that he had been working with Mike Reese, of the Troyer Group, and Elaina Parish on the INDOT project applications for the Greenway Trails Project Phase 3, Michigan Street Viaduct Project, and the Harrison Street Trail Projects. They hoped to have something for review soon.

Mayor Senter offered the privilege of the floor. No one accepted.

Council members Ecker and Compton moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of June 14, 2021
- 06.28.21 Check Register

REGULAR SESSION, COMMON COUNCIL, JUNE 28, 2021


- Notice from Marshall County Drainage Board – Yellow River Clearance
- May 2021 Clerk-Treasurer's Financial Reports and Depository Statement/ Cash Reconciliation

The motion carried.

There being no further business to come before the Council, Council Members Compton and Longanecker moved and seconded to adjourn. Mayor Senter declared the meeting adjourned at 7:07 p.m.


Jeanine M. Xaver, IAMC, CMC, CPFIM
Clerk-Treasurer

APPROVED


Mark Senter, Mayor