

## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on June 27, 2022. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

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

Mayor Senter presided for Council members Shiloh Carothers Milner, Duane Culp, Greg Compton, Don Ecker Jr, Randy Longanecker, and Jeff Houin. City Attorney Surrisi and Clerk-Treasurer Gorski were present. Council member Robert Listenberger was absent. 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 regular session of the Common Council on June 13, 2022 as presented. The motion carried.

Mayor Senter states that Councilmen Listenberger has been absent as he has been helping to feed 30,000 soldiers in Kansas. He adds that he is proud of him for that.

# NOTICE OF A HEARING ON PROPOSED WATER & SEWER RATES AND CHARGES

Property owners, ratepayers, and other interested parties in or served or to be served by the Water Utility, the Wastewater Utility of the City of Plymouth are hereby notified that Ordinance No. 2022-2196 establishing rates and charges for the use of and services to be rendered by the Wastewater Utility and Ordinance No. 2022-2197 establishing rates and charges for the use of and services to be rendered by the Water Utility, were introduced at a meeting of the Common Council on June 13, 2022. At a meeting of the Common Council to be held at 6:30 p.m. on June 27, 2022, in the City Council Chambers, 124 N. Michigan Street, Plymouth, Indiana 46563, there will be a public hearing on the matter of rates and charges, and consideration of adoption of said ordinances. Ordinance No. 2022-2196 regarding Wastewater and Stormwater rates provides in part as follows:

## 50.080 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

50.092 shall be as follows:

(E) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average concentration as follows:

BOD not more than 240 mg/l  
S.S. not more than 240 mg/l  
Ammonia not more than 10 mg/l  
Phosphorus not more than 10 mg/l

## 50.082 SANITARY SEWER RATE FOR VOLUME.

For the use of the service rendered by the Sewage Works for sanitary sewage, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Plymouth. Such rates and charges include user charges, debt service costs, excessive strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

(A) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meter shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

## Phase I – Effective September 1, 2022 (August Consumption)

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

All Class I Users			
(1) Treatment Rate per 1,000 gallons of usage per month:			
	User Charge	Debt Service	Total
plus			
(2) Base rate per month:			
5/8" - 3/4" water meter	\$ 2.91	\$ 10.70	\$ 13.61
1" water meter	5.63	26.66	32.29
1 1/2" water meter	11.56	61.71	73.27
2" water meter	19.16	106.30	125.46
3" water meter	42.54	244.43	286.97
4" water meter	75.03	435.66	510.69
6" water meter	167.04	977.49	1,144.53
Outside Corporate City Boundaries			
(3) Treatment Rate per 1,000 gallons of usage per month:			
	User Charge	Debt Service	Total
plus			
(4) Base rate per month:			
5/8" - 3/4" water meter	\$ 3.34	\$ 12.29	\$ 15.63
1" water meter	6.47	30.63	37.10
1 1/2" water meter	13.28	70.90	84.18
2" water meter	22.01	122.14	144.15
3" water meter	48.88	280.85	329.73
4" water meter	86.21	500.57	586.78
6" water meter	191.93	1,123.14	1,315.07
Phase II – Effective September 1, 2023 (August Consumption)			
(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)			
All Class I Users			
(1) Treatment Rate per 1,000 gallons of usage per month:			
	User Charge	Debt Service	Total
plus			
(2) Base rate per month:			
5/8" - 3/4" water meter	\$ 3.06	\$ 11.24	\$ 14.30
1" water meter	5.91	27.99	33.90
1 1/2" water meter	12.14	64.80	76.94
2" water meter	20.12	111.62	131.74
3" water meter	44.67	256.65	301.32
4" water meter	78.78	457.44	536.22
6" water meter	175.39	1,026.36	1,201.75



Outside Corporate City Boundaries  
(3) Treatment Rate per 1,000 gallons of usage per month:

User	Debit	Total
Charge	Service	
\$ 3.08	\$ 1.96	\$ 5.04

plus

(4) Base rate per month:		
5/8" - 3/4" water meter	\$ 3.08	\$ 12.91
1" water meter	6.79	32.16
1 1/2" water meter	13.95	74.46
2" water meter	23.12	128.25
3" water meter	51.33	294.89
4" water meter	90.52	525.60
6" water meter	201.52	1,179.29
		1,380.81

(B) For residential users of the Sewage Works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

Phase I – Effective September 1, 2022

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

Residential:	User	Debit	Total
Single-family dwelling unit	Charge	Service	
	\$ 15.26	\$ 18.67	\$ 33.93
Outside Corporate City Boundaries			
	User	Debit	Total
	Charge	Service	

Residential:	Single-family dwelling unit	\$ 17.53	\$ 21.45	\$ 38.98
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Phase II – Effective September 1, 2023

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

Residential:	User	Debit	Total
Single-family dwelling unit	Charge	Service	
	\$ 16.02	\$ 19.60	\$ 35.62
Outside Corporate City Boundaries			
	User	Debit	Total
	Charge	Service	

Residential:	Single-family dwelling unit	\$ 18.41	\$ 22.52	\$ 40.93
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(C) For the service rendered to the City of Plymouth, said City shall be subject to the same rates and charges established in harmony therewith.

(D) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than One Hundred Ninety-two Dollars (\$192.00) per monitoring event, plus the actual cost for each time sampling equipment is used, or One Hundred Fifty-five Dollars (\$155.00) for each time sampling equipment is used, whichever is greater, all as determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

50.084 SANITARY SEWER RATES FOR STRENGTH OF SEWAGE

In order that the rates and charges may justly and equitably be adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner, by such method, and at such times as the City may deem practicable in light of the conditions and attending circumstances of the case. In order to determine the proper charge, The user shall furnish a central sampling point available to the City at all times.

(A) Normal domestic waste strength should not exceed a biochemical oxygen demand of 240 milligrams per liter of fluid, or suspended solids in excess of 240 milligrams per liter of fluid, or ammonia in excess of 10 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

Phase I – Effective September 1, 2022\*

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of \$.64 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.41 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia

There shall be an additional charge of \$.74 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.

(4) Rate Surcharge Based Upon Phosphorous

There shall be an additional charge of \$.47 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid. Rate becomes effective August 1, 2023, when NPDES permit limits are applied.\*

Phase II – Effective September 1, 2023

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of \$.67 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.43 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia

There shall be an additional charge of \$.98 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.

(4) Rate Surcharge Based Upon Phosphorous

There shall be an additional charge of \$.49 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid.

(B) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

Ordinance No. 2022-2197 regarding Water rates provides in part as follows:



51.41 SCHEDULE GENERALLY.

That there shall be and there are hereby established for the use of and the service rendered by the Waterworks system of the City of Plymouth the following rates and charges, based on the use of water supplied by said Waterworks system:

Phase I – Effective September 1, 2022 (August Consumption)

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used

Rate Per 1,000 Gallons		
Inside Corporation		Outside Corporate City Boundaries
Gallons Per Month	City Boundaries	
First 3,000	\$4.96	\$5.70
Next 7,000	4.48	5.15
Next 20,000	3.73	4.29
Next 70,000	3.01	3.46
Next 200,000	2.28	2.62
Over 300,000	1.94	2.23

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

Rate Per 1,000 Gallons		
Inside Corporation		Outside Corporate City Boundaries
Size of Meter (Inches)	Gallons	
5/8" – 3/4"	3,005	\$14.90
1"	7,953	37.07
1 1/4"	11,467	51.71
1 1/2"	17,430	73.95
2"	27,303	110.78
3"	51,172	184.57
4"	116,237	368.56
6"	277,655	736.59

(C) Fire Hydrants

Private fire hydrants, per hydrant	Per Month \$40.07	Per Annum \$480.84
Flushing hydrants	No Charge	No Charge
(D) Public fire hydrants, per meter, per month		

month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

Monthly Minimum		
Inside Corporation		Outside Corporate City Boundaries
Size of Meter (Inches)	Gallons	
5/8" – 3/4"	3,005	\$15.50
1"	7,953	38.56
1 1/4"	11,467	53.79
1 1/2"	17,430	76.93
2"	27,303	115.24
3"	51,172	191.97
4"	116,237	383.28
6"	277,655	765.84

(C) Fire Hydrants

Private fire hydrants, per hydrant	Per Month \$41.67	Per Annum \$500.04
Flushing hydrants	No Charge	No Charge
(D) Public fire hydrants, per meter, per month		

Rate Per Month		
Inside Corporation		Outside Corporate City Boundaries
Size		
5/8" – 3/4"	\$3.81	\$4.38
1"	9.54	10.96
1 1/4"	15.25	17.52
1 1/2"	19.05	21.89
2"	30.49	35.03
3"	57.17	65.69
4"	95.27	109.47
6"	190.56	218.95

(E) Fire Protection Services – Sprinkler Connections

Rate Per Year (Billed Monthly)		
Inside Corporation		Outside Corporate City Boundaries
Size		
1"	\$20.06	\$23.04
1 1/2"	58.71	67.46
2"	124.23	142.74
3"	360.88	414.65
4"	768.41	882.90
6"	2,231.87	2,564.42
8"	4,755.18	5,463.70
10"	8,551.93	9,826.17
12"	13,813.58	15,871.80

Rate Per Month

Inside Corporation		Outside Corporate City Boundaries
Inches		
5/8" – 3/4"	\$3.66	\$4.21
1"	9.17	10.54
1 1/4"	14.66	16.84
1 1/2"	18.32	21.05
2"	29.32	33.69
3"	54.97	63.16
4"	91.61	105.26
6"	183.23	210.53

(E) Fire Protection Services – Sprinkler Connections

Rate Per Year (Billed Monthly)		
Inside Corporation		Outside Corporate City Boundaries
Size		
1"	\$19.28	\$22.15
1 1/2"	56.45	64.86
2"	119.45	137.25
3"	347.00	398.70
4"	738.86	848.95
6"	2,146.03	2,465.79
8"	4,572.29	5,253.56
10"	8,223.01	9,448.24
12"	13,282.29	15,261.35

Phase II – Effective September 1, 2023 (August Consumption)

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used

Rate 1,000 Gallons		
Inside Corporation		Outside Corporate City Boundaries
Gallons Per Month	City Boundaries	
First 3,000	\$5.16	\$5.93
Next 7,000	4.66	5.35
Next 20,000	3.88	4.46
Next 70,000	3.13	3.60
Next 200,000	2.37	2.72
Over 300,000	2.02	2.32

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per

Phase III – Effective September 1, 2024 (August Consumption)

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used

Rate Per 1,000 Gallons		
Inside Corporation		Outside Corporate City Boundaries
Gallons Per Month	City Boundaries	
First 3,000	\$5.37	\$6.17
Next 7,000	4.85	5.57
Next 20,000	4.04	4.64
Next 70,000	3.26	3.75
Next 200,000	2.46	2.83
Over 300,000	2.10	2.41

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

Monthly Minimum		
Inside Corporation		Outside Corporate City Boundaries
Size of Meter (Inches)	Gallons	
5/8" – 3/4"	3,005	\$16.13
1"	7,953	40.13
1 1/4"	11,467	55.99
1 1/2"	17,430	80.08
2"	27,303	119.96
3"	51,172	199.88
4"	116,237	399.00
6"	277,655	796.09

(C) Fire Hydrants

Private fire hydrants, per hydrant	Per Month \$43.34	Per Annum \$520.08
Flushing hydrants	No Charge	No Charge
(D) Public fire hydrants, per meter, per month		

Rate Per Month		
Inside Corporation		Outside Corporate City Boundaries
Size		
5/8" – 3/4"	\$3.96	\$4.55
1"	9.92	11.40
1 1/4"	15.86	18.22
1 1/2"	19.81	22.76
2"	31.71	36.43
3"	59.46	68.32
4"	99.08	113.84
6"	198.18	227.71



(E) Fire Protection Services – Sprinkler Connections			
		Rate Per Year (Monthly)	
	Inside Corporation	Outside Corporate	
Size	City Boundaries	City Boundaries	
1"	\$20.85	\$23.96	
1 1/2"	61.06	70.16	
2"	129.20	148.45	
3"	375.32	431.24	
4"	799.15	918.22	
6"	2,321.14	2,666.99	
8"	4,945.39	5,682.25	
10"	8,894.01	10,219.22	
12"	14,366.12	16,506.67	

(F) Temporary Users. Water furnished to temporary users, such as contractors, shall be charged on the basis of the metered rates set forth above, as estimated and established by the Waterworks Superintendent.

(G) Charges for Partial Month Service. When a Utility customer either connects to or disconnects from the Utility at a time of the month other than the first business day of the month or meter reading date (i.e., service for a partial month), then that customer shall be charged as follows:

(1) For flat rate connection charges (i.e., sprinkler connections and hydrant service), the customer shall be charged for one-half (1/2) of the monthly rate if the services were connected for one (1) to and including fifteen (15) days of the calendar month. If the customer was connected for sixteen (16) through thirty-one (31) days of the calendar month, the customer shall be charged for the entire monthly rate.

(2) Metered connections shall be billed for one-half (1/2) of the minimum rate, or actual consumption, whichever is greater, for service that has been provided for only one (1) through fifteen (15) days of the calendar month. Service provided for metered connections for sixteen (16) through thirty-one (31) days of the calendar month shall be charged the entire minimum monthly rate, or the actual consumption rate, whichever is greater.

(H) After hours service charge (non-emergency only):

(1) After hours and Saturdays – \$70.00 minimum for first two hours. After two hours an additional \$35.00 per hour per employee.

Sundays and Holidays – \$90.00 minimum for first two hours. After two hours an additional \$45.00 per hour per employee.

**51.42 TAPPING FEES.**

A tap charge shall be collected from each customer prior to connection to the water system. The minimum size for water service line for new construction is one (1) inch. The charge for any connection shall be an amount sufficient to reimburse the water department for labor, material, and overhead necessary for tapping the main, installation of service from the main to the property line (including curb stop), and the cost of furnishing and installing a suitable water meter. In no event shall the charge for such connection be less than One Thousand Dollars (\$1,000.00).

At such public hearing and prior to final adoption of said ordinances, all interested parties may appear and be heard. A copy of Ordinance Nos. 2022-2196 and 2022-2197 may be examined at the office of the Clerk-Treasurer

Dated June 14, 2022

Lynn Gorski, Clerk-Treasurer  
City of Plymouth, Indiana

June 17, 2022 PM330202 regatdp

**Public Hearing: Sewage Rate Increase**

Councilmen Culp and Ecker moved and seconded to open the public hearing for the Sewage Rate Increase. The motion carried.

**Tyler Coffel (Baker Tilly):**

Coffel addresses the Board and states that he wished to give a quick rundown of each utility and why the rate increases are needed for each. He adds that there are pretty similar stories for each. He states that the last time there was a rate increase on sewer was 2017 that had three phases with the last phase being effective in March 2019. He states that the drivers for the rate increase are because the operating revenues are trending a little lower than they had expected. He states that the operating disbursements are right in line with where they expected them to be. He explains that the big driver however is the capital improvements since those budgets have gone up due to the current inflation in the market. He notes that the CCTV project, the Gibson Street Project, and the Phosphorus Removal Project are all large capital needs of the utility that have come up over the last three years. He states that for sewer they are proposing two five percent rate increases with the first



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phase being effective September 1<sup>st</sup>, 2022 and the second phase being effective September 1<sup>st</sup>, 2023. He states that the average bill being 4,000 gallons for phase one will be \$30.33 which is a \$1.50 increase from the current rates. He adds that phase two will be \$31.85 which would be another \$1.50 increase from the phase one rates. He states at the end of this the average sewer bill will have gone up \$3.00 a month.

Councilmen Houin and Longanecker moved and seconded to close the public hearing for the Sewage Rate Increase. The motion carried.

**Public Hearing: Water Rate Increase**

Councilmen Houin and Ecker moved and seconded to open the public hearing for the Water Utility Rate Increase. The motion carried.

**Tyler Coffel (Baker Tilly):**

He explains that on the water side that it is almost the same story. He states that the last rate increase was adopted in 2020 but that rate increase was to start charging hydrant rental instead of paying it all to the general fund. He states that the actual rate increase for the utility was in 2017. He states that the operating revenues and disbursements are right in line where they had expected them to be five years ago. He states that the main driver here again is the capital improvements with some of the larger projects being Water Tower Paintings and the East Jefferson Street Primary Water Feeder Project alongside the inflation in the current market. He states the proposed rate increases are a five percent rate increase in 2022 and then two four percent rate increases in 2023 and 2024. He states that in total per phase the average residential bill will go up by a dollar. He states that at the end of the three phases increase the total residential bill for water will go up by \$3.00. He states that in total between the two utility bills will go up by about \$2.50 a month over the next two years and then in total they will go up by about \$6.00 at the end of the three phases.

Councilmen Houin and Culp moved and seconded to close the public hearing for the Water Utility Rate Increase. The motion carried.

Councilmen Compton believes there is an urgent need for the city, the county, and the city council to be aware of a crisis in our community. He states that the crisis is our healthcare. He states that with the advent of Holm's medical care practice being closed it leaves hundreds of people without a doctor because of it. He states additionally the IC Unit at Saint Joseph Hospital is closing which draws the question of doctors wanting to perform surgeries in our hospitals anymore if there is not an IC Unit. He asks what is next and when is next. He asks if they are planning on closing the hospital. He states that they do not know because Trinity is not communicating with either the



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county or the city in regard to this crisis. He states that our hospital is 1 of 88 hospitals that Trinity Health has. He states that the clinic is 1 of 125 in which Trinity has 20 billion dollars in annual revenues that they generate from their hospitals and clinics.

Compton knows that the county is already forming some committees to look at this and see what alternatives they have to healthcare in Marshall County if something were to happen. He adds that they are willing to work with the city now to file an injunction toward Trinity to force them to let them know what their intentions are. He states that our social and economic implications are great if they do not have a hospital. He states that it will be difficult to bring in new industry and businesses if they do not have an active hospital here. He states that he would like to ask the mayor and the council to form a committee that includes some of the council people and potentially some business leaders and doctors to work closely with the county. He states they already have feet on the ground and are looking at this and considering the options. He restates that they need a serious look at this and take some action.

Mayor Senter references to Compton that he keeps saying Trinity and states that he also knows somehow Loyola is involved in this. He asks if Compton knows what the difference is between the two.

Compton states that he knows that Trinity bought out Saint Joseph and Saint Joseph is still there. He states that he does not know the answer to that but he does know that no one seems to be getting answers from Trinity as to what their intentions are. He states is not good news for that fact. He adds that he has already seen emails sent to the City Attorney in regards to joining the injunction to force Trinity to communicate with them. He states that in the meantime there are a lot of people in the community who want to look at other alternatives so they are not left without healthcare.

City Attorney Surrisi presented Ordinance No. 2022-2195, An Ordinance Regarding Parking Motor Vehicles in Residential Lawn Areas on second reading.

Councilmen Houin and Ecker moved and seconded to approve Ordinance No. 2022-2195, An Ordinance Regarding Parking Motor Vehicles in Residential Lawn Areas on second reading so they can start discussion on this.

Houin states that when this first came up, however long ago it was, that he had received several comments from residents both for and against it. He states that he was surprised because this time around he had only one person reach out to him. He explains that he is unsure if they assumed that the Council is still taking their previous comments into consideration or not but this is the first time that they have had anything specific to really look at so he thought there would be a larger



response out of it. He adds that a couple of things that have come up that concern him about this is the lack of definitions in this ordinance and he thinks that specifically it should define motor vehicles or add a more expansive definition because he thinks that whatever they do that it is not just a car or a pick-up truck but they are also concerned with things like campers, trailers and motorcycles. He states that he is not sure if anything that is not motorized like a trailer or a boat would necessarily fall under this ordinance. He states that they need to be clear about what it is they are restricting and that is especially important because he is concerned with including a rear yard in the restriction. He explains that he can understand restricting parking in the front yard and even the side yard but he has a hard time telling a resident that they can't park a car in the back yard behind their house. He states at the very least he would recommend removing the rear yard from the restriction and that makes it all the more important to define what is the front yard and what is the side yard that they would be restricting. He adds that he is not saying that he is not prepared to make an amendment with those changes and that be the final version but he is stating that those are his immediate concerns with it.

Houin states that he did have a resident reach out to him questioning the exemption for handicap parking and he emailed Surrisi and he stated that was in there to recognize that they want to allow people who have handicap permits to have a little more convenience. He states that he is unsure if they want to make that a permanent exception and that maybe they should put a time restriction on it. He states that there is already a time restriction for how long you can park on the street in front of your house and if they are worried about people parking in the front yard that they do not want someone to make a permanent parking place just because they have a handicap registration.

Mayor Senter asks what the environmental impact is in the backyard as opposed to the side yard or the front yard. He asks if this is an environmental issue if it states motor vehicle as opposed to trailers or things of the sort.

Houin asks what environmental issues he is talking about.

Mayor Senter states the leaking of oil into the grass.

Houin asks how that is different from leaking oil onto a concrete driveway that washes into the sewer system. He thinks that the environmental impact of leaking oil is going to be an environmental impact whether it is on grass, gravel, concrete or asphalt. He states that you are still going to have some effect.

Compton adds that it is easier to clean on the cement unless it does wash into the ground there.



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Houin states that it washes right into the river.

Compton states that he thinks that there would be less oil that would be on a concrete surface because of its nature of someone cleaning it up. He states that when he gets oil on the ground in his garage that he cleans it up. He adds that even if it is on his driveway that he cleans it up.

Houin states that he thinks that Compton is the exception. He states that for example his driveway is two strips of concrete with grass through the center. He explains that if a vehicle parks in his driveway and leaks oil that it would make no difference as it would leak right into the grass. He states that his biggest motivation there is if we do not want people to park a car in front of their house then we probably do not want them parking a camper or a boat trailer or anything else in front of the house. He states that at the same time if he has a camping trailer that he feels like he should be able to park it in their back yard. He restates that he is not suggesting an amendment but there needs to be more conversation about what those impacts are.

Councilmen Culp states that one question he does have is that if they do move a vehicle to the side or back yard and that person wants to sell their house if it would present a problem for IDEM because other houses have tried to be sold but they end up having to clean the lot up. He states that motor oil causes a contaminant.

Councilmen Longanecker states that in his subdivision they started the two strips of concrete with grass in the middle and that could also be contaminated. He states that if they do this and people have to expand their driveways, would the city have to reevaluate their rules. He states that with commercial they have to have so much drainage space per hard surface concrete.

Building Commissioner Hammonds states that if you have 4000 square feet of in a residential area that it requires the same thing as you would in commercial. He states that you would have to have a drainage plan.

Houin asks if he is correct that the zoning ordinance restricts where you can put a driveway. He asks if he can just put gravel in the front yard and call it a driveway.

Hammonds responds by stating that does not restrict that.

Houin asks if any of these properties where they have multiple cars parked in their front yard that there is nothing stopping them from just dumping some gravel there and stating that is their driveway.

Hammonds agrees. He states that the only thing that they restrict is commercial. He states that they have to be concrete or blacktop.



City Attorney Surrisi states that they would still have to go to the Street Superintendent and get a driveway permit.

Hammonds states that if they have already had a driveway there, they can expand the sides as far as they want.

Street Superintendent Marquardt states that there are not a lot of restrictions on the permit but it has to be fifty feet away from intersection in the street. His concern is what happens when someone has five cars parked across the front, what is stopping them from putting concrete in and not coming to him for a driveway permit.

Houin asks if you need a driveway permit to expand his driveway. He states that since he already has a driveway and he wanted to make it twice as wide if he would need a permit for that.

Marquardt states that they would if they were going to go that wide but if they are just trying to make their entrance a little wider that they usually let that go. He restates that there is not a lot of guidance out there on that.

Mayor Senter asks Police Chief Bacon if there are any comments about enforcement.

Bacon states that it will be difficult as there are people who will park wherever in their yard for years and it has worn down the grass so it is going to be a challenge. He adds that he will enforce whatever they want but restates that it will be a challenge.

Houin states that there is already an ordinance against parking in the terrace which is defined as the space between the public sidewalk and the public street. He asks if Bacon spends time enforcing that ordinance.

Bacon states only if they get complaints.

Houin states that the other part of this is if they start getting complaints and are requested to enforce this then how much time is that going to require of the City Police force. He adds this will take them away from other duties.

Longanecker reminds them that if the people were to park in the streets that there are time constraints for that as well.

Clerk-Treasurer Gorski adds that if an ambulance service or a fire service needed to get down the street wouldn't be able given that the city streets are not wide. She states that if people are parking on both sides of the street, then you wouldn't be able to get emergency vehicles down the street.

Ecker states that he has been contacted by a small number of people when this came up a year ago and when they started talking about it several months ago that there was a more positive



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moving forward with some kind of restriction as opposed to doing nothing. He adds that in his district there are several houses where people are not only parking in the front yard but also in the side yard. He states what is unfortunately happening is that it is destroying the grass and there are ruts in the yard. He explains when there are heavy rains and they still park their vehicles there that it creates something that is not very attractive. He states that this does impact property values and that is one of the things that they are trying to sustain is the property value that people have that gained over the years. He states that if you continue to erode that property value then we are into a situation that is not positive for anybody.

Ecker adds that there are landlords that are renting these properties that he believes in some cases that the renters are taking advantage of it. He states that he has asked a couple of landlords if they have any kind of parking restrictions or expectations and unfortunately the response was, they do not. He states that maybe it could start there with them putting it in their rental agreements. He states that the point is if you are living in a neighborhood that you want it to be kept up. He explains that it is not only for that property value but it is for the properties surrounding the ones in question. He adds that he is not trying to be difficult but he is in support of some kind of restriction. He states that if they need to identify whether it is a car, truck, boat, etc. then he is willing to listen to that. He clarifies that he does not think that they need to let something like this die and that they should move forward and find something that is meaningful. He reclarifies not dictatorial but meaningful and that will help to ensure the value of properties in this community.

Compton agrees and states that there have been many people that he has spoken to who were in favor of some kind of restriction. He adds that he also spoke to the Landlord Association and they were surprised with him when he stated if they ticketed someone's car that it would be the individual's car. He states that for the most part they would not want people parking on their lawns to begin with for the rentals.

Surrisi states that he was there in April as well and was surprised that there was not more of a response. He states that at that time they did not have a draft of the ordinance and they had provided them with the example of South Bend that the mayor had shared previously. He states that it was more of an informational gathering for them. He adds that there were not many negative responses when he expected more push back.

Houin asks if rental properties are already required to provide off street parking.

Hammonds states that the ordinance adopted in 2008 says that but for properties that are already grandfathered in that it cannot change that.



**Bobbi Milliser (1206 W. Harrison St, Plymouth, IN 46563)**

Milliser states that when they state that nobody contacts them that she had to look really hard to find out when this meeting was. She states that she had sent a message to the mayor's Facebook page and she didn't get an answer. She adds that WTCOA updated their article so it included the times and dates of when it was. She states that for the other Council members that she has no clue who they are or how to get ahold of them. She states that she can assure them that there are a lot of people who don't want the city telling them where they can and cannot park in their yard.

She adds that it sounds like the city has a lot of laws that they cannot enforce right now. She asks why they are making another one that they can't enforce and that it sounds like they have enough laws to take care of the problem if they would just enforce them. She states there are people who park their cars in their yard and the city is going to give them a ticket for \$25. She asks how long are they going to do that and where are people supposed to park their cars. He states that Harrison Street is no parking on the street. She states that they have someone who built a driveway and their park vehicle sticks out past the sidewalk three feet into the road and nobody has told them they cannot do that.

Mayor Senter responds by stating it has to be reported.

Milliser asks isn't that what the police are supposed to do. She states that she is not going to complain about it but eventually someone is going to hit that in the middle of the night when they can't see it. She states that he is a construction guy so he should know what the rules are. She restates that the city has enough rules to enforce what they are trying to enforce but they don't use rather than making another ordinance. She adds that as far as campers and motorhomes, where would the city like her to park them if she cannot park them in the side yard. She asks if they want her to rent somewhere to park it. She states that they are asking a lot of people to do something that the city does not have a solution for.

Mayor Senter thinks if we were the only community to come up with this idea that he would feel bad but they are not.

Milliser states that she understands that but she lives on Harrison Street and that is one of the worst parts of town, although it has improved greatly over the years, that she does not see cars parked in the yard. She states that the few exceptions are those who have five people driving at their house. She explains that she has five cars parked in her yard right now and she would like to park in the shade instead of the driveway if it is over 100 degrees out without a ticket. She restates that her



question is what is the solution to the problem after giving the ticket three or four times. She asks where is she supposed to park her car.

Surrisi states that the way the ordinance is written right now, the draft of it, states that the restriction only applies to lots that are adjacent street where parking is permitted. He states that if she lives on a street where there is no parking that this would not apply to her and she would still be allowed to park in the yard with the way that it is written right now.

Milliser states to her that is silly because it should be either be a rule that everyone follows or everybody doesn't. She states that they are just making it more difficult to enforce it.

Surrisi responds by stating that with the way that the ordinance is written now if you have available street parking then use it.

Milliser states that if she can get a phone number that she can have people call them that do not want this and that she didn't even think that they were considering that this was an environmental issue. She states that she thinks there are bigger environmental issues in the city. She also wished to state that she does not like anyone telling her what she can and cannot do. She states that as for campers those people can't afford to rent a place to put that so if the rear parking is taken out then that makes it better but she still thinks that there are enough laws or ordinances already to enforce that the city does not use. She states that she does not want to refer to McDonalds but she will. She states that they put in two lanes to take the order faster but they didn't do anything inside to fill her order faster and that is what this ordinance sounds like to her. She states that they are telling her what to do but there is no solution for how she is supposed to fix the problem.

Mayor Senter states that he does not see any messages from her recently on Facebook.

Surrisi states that if you go to the city's website, plymouthin.com, there is a section that says "Government" that lists all the council members with all their contact information and addresses. He adds that they are very receptive.

Milliser states that is great and she will put that in a Facebook post when she gets home.

Houin states that he would welcome it as he is always happy to hear from people.

Compton asks Houin how parking in the rear yard would work for a corner lot.

Houin responds by stating that on a corner lot, if he uses the definition from the zoning ordinance, you have two front yards.

Hammonds and Ecker agrees.

Houin states that on each street it is considered a front yard so the back yard corner would be a lot smaller.



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Compton agrees that it would be reasonable for the ordinance to take out the back yard part and address motor vehicles as automobiles. He thinks that there are a lot of residents who are abusing their yards and making their community look bad. He thinks if they got some kind of ordinance to start with that, they can just tweak it in the future. He states that if the back yard gets abused then maybe they should do something about that in the future. He states that if they line up RVs across their front lawn, that can be an issue as well.

Ecker thinks that Houin makes a good number of suggestions and he would propose that they take what they have here and modify this as part of the second reading. He thinks that he should table the ordinance on third reading and he they need to make other adjustments they can do that then. He restates that he is looking for something meaningful. He adds that he has also had people reach out as Milliser did earlier that this is an overreach. He feels that they need to move forward on this but he believes that some of the suggestions that Houin made should be incorporated into this for consideration of the discussion.

Houin asks if he would be comfortable tabling this tonight.

Ecker asks as a second reading.

Houin explains that they usually do second and third reading at the same time.

Ecker responds by stating that he is comfortable with that as they have approved on second and third reading.

Councilmen Ecker and Houin moved and seconded to table Ordinance No. 2022-2195, An Ordinance Regarding Parking Motor Vehicles in Residential Lawn Areas on second reading. The motion carried.

Surrisi states that he will work up some draft language that addresses all the things that have been discussed and that covers most of the things that Councilmen Houin had emailed him with his concerns earlier today. He states that will go out in their packet next time so they can have further debate about this.



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

**ORDINANCE NO. 2022-2195**  
**AN ORDINANCE REGARDING**  
**PARKING MOTOR VEHICLES IN RESIDENTIAL LAWN AREAS**

**Statement of Purpose and Intent**

In recent years, the Plymouth Common Council has heard many concerns regarding the parking of motor vehicles on lawn areas of residential properties. Those concerns included deterioration of lawn areas and the general aesthetics and property values of the City's residential neighborhoods. This year, the Mayor convened a committee to take a closer look at such concerns. The committee examined the issue and how other communities have attempted to restrict such parking, while balancing property owners' accessibility needs. The purpose and intent of this ordinance is to adopt restrictions on parking motor vehicles on residential lawns.

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

**Section 1.** Title VII, entitled Traffic Code, Chapter 71, entitled Parking Regulations, shall be amended by adding a new section, § 71.14 NO PARKING ON RESIDENTIAL LAWN AREAS, as follows:

**§ 71.14 NO PARKING ON RESIDENTIAL LAWN AREAS**

(A) It is unlawful to park a motor vehicle in a lawn area of a front yard, of a side yard, or of a rear yard of a lot zoned for residential use, if such lot abuts a public street where parking is permitted. Such conduct is deemed a public nuisance.

(B) The parking restrictions set forth in subsection (A) are not applicable to motor vehicles displaying a valid disability license plate or parking placard. Additionally, such parking restrictions are not applicable during the time of the annual Marshall County Blueberry Festival, beginning the Monday before Labor Day and running through Labor Day.

(C) For each violation of the parking restrictions set forth in subsection (A), the registered owner of the motor vehicle shall be assessed a fine of \$25.00.

**Section 2.** This ordinance shall become effective after passage, due attestation, and publication as required by law. Further, this ordinance shall remain in effect until amended or repealed by the Common Council. Enforcement of this ordinance shall be undertaken by the Plymouth Police Department. From its effective date through October 15, 2022, the Plymouth Police Department shall issue written warnings for any violations of this ordinance; thereafter, the Plymouth Police Department shall issue the registered motor vehicle owner a ticket for any violations, pursuant to the penalty provisions of City Code § 71.14(C).

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2022.

\_\_\_\_\_  
 Mark Senter, Presiding Officer

**ATTEST:**

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

Presented by me to the Mayor of the City of Plymouth, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_ o'clock \_\_\_\_ m.

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

Approved and signed by me this \_\_\_\_ day of \_\_\_\_, 2022.

\_\_\_\_\_  
 Mark Senter, Mayor

City Attorney Surtisi presented Ordinance No. 2022-2196, The Sewage Rate Ordinance of the City of Plymouth on second reading.



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Councilman Ecker and Culp moved and seconded to adopt Ordinance No. 2022-2196, The Sewage Rate Ordinance of the City of Plymouth on second reading. The motion passed by roll call vote.

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

Councilman Opposed: N/A

Councilman Absent: Listenberger

City Attorney Surrisi presented Ordinance No. 2022-2196, The Sewage Rate Ordinance of the City of Plymouth on third reading.

Houin wished to state his opinion that he believes the rest of the council shares as well. He states that nobody likes raising rates and it is not something they look forward to but he thinks that historically the city has done a really great job of running an efficient department. He adds that Utility Superintendent Donnie Davidson gets a lot of credit for that and even after this increase they are still going to have some of the lowest water and sewage rates of any comparable city so he thinks it is a testament to the good management of the city and the department over the years. He thinks that as uncomfortable as this is that it is a necessary action to take.

Councilman Culp and Ecker moved and seconded to adopt Ordinance No. 2022-2196, The Sewage Rate Ordinance of the City of Plymouth on third reading. The motion passed by roll call vote.

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

Councilman Opposed: N/A

Councilman Absent: Listenberger



**ORDINANCE NO. 2022-2196**  
**THE SEWAGE RATE ORDINANCE OF**  
**THE CITY OF PLYMOUTH**

**Statement of Purpose and Intent**

The City has previously constructed and has in operation Sewage Works for the purpose of collecting and disposing of the sewage and stormwater of the City in a sanitary manner. It is necessary to establish a schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the Sewage Works, including stormwater management. Baker Tilly Municipal Advisors, LLC, the City's financial consultant, demonstrates in its annual financial management report of the City's Sewage Works that the anticipated future expenses will exceed anticipated future revenues. The consultant has recommended an increase in the monthly rates and charges imposed by the Sewage Works. The purpose and intent of this Ordinance is to implement the recommended sewage rate adjustments in the interest of maintaining the financial integrity of the City's Sewage Works. Prudence supports adoption of this Ordinance.

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

**Section 1.** Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.080, entitled Definitions, of the City Code, is repealed and replaced by the following:

**50.080 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used §§ 50.080 through 50.092 shall be as follows:

- (A) "City" shall mean the City of Plymouth, Indiana, acting by and through the Board of Works and Safety.
- (B) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term debt.
- (C) "Equivalent Runoff Unit" shall mean a property with impervious area equal to or less than 12,000 square feet located within the City.
- (D) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (E) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average concentration as follows:  

BOD not more than 240 mg/l  
S.S. not more than 240 mg/l  
Ammonia not more than 10 mg/l  
Phosphorus not more than 10 mg/l
- As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from waste from industrial processes.
- (F) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis, and produce discharges to receiving waters that conform with all related Federal, State, and local requirements, and include all costs, direct and indirect, necessary to provide adequate wastewater and stormwater collection and transport on a continuing basis, and produce discharge that conforms with all Federal, State, and local requirements. (These costs include replacement.)
- (G) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges, and excessive strength surcharges.
- (H) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the Sewage Works equipment to maintain the capacity and performance for which such works were designed and constructed.



- (I) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (J) "Stormwater Department" shall mean a department of the Sewage Works created by Ordinance No. 2006-1914 for the purpose of planning, controlling, and operating and maintaining the City's stormwater management system, and to comply with Indiana Stormwater Quality Programs.
- (K) "Stormwater Ordinance" shall mean Ordinance No. 2006-1914, as amended from time to time, establishing regulations for stormwater management and creating a Stormwater Department of the Plymouth Municipal Sewage Works.
- (L) "User Charge" shall mean the charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (M) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental).
- Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
- Commercial User - shall mean any establishment involved in a commercial enterprise, business, or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(N) Any term not defined herein, but defined in the Sewer Use Ordinance, shall have the same meaning herein.

Section 2, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.081, entitled Sanitary and Stormwater Users, of the City Code, is repealed and replaced by the following:

#### 50.081 SANITARY AND STORMWATER USERS.

(A) For sanitary sewer services, every person whose premises are served by said Sewage Works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the Sewage Works shall recover from each user and user class revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude with a user class.

(1) User charges are subject to the rules and regulations adopted by the U. S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the Sewage Works equipment.

(2) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

Class I - Residential  
Commercial  
Governmental  
Institutional  
Industrial

(B) For stormwater service, every person whose premises are within the City shall be charged for service provided in relationship to the number of Equivalent Runoff Units for the premises in the manner provided for in Section 6(b). The user charge is deemed reasonable and necessary to pay for the operation and maintenance of the Stormwater Department.

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**Section 3.** Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.082, entitled Sanitary Sewer Rate for Volume, of the City Code, is repealed and replaced by the following:

**50.082 SANITARY SEWER RATE FOR VOLUME.**

For the use of the service rendered by the Sewage Works for sanitary sewage, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Plymouth. Such rates and charges include user charges, debt service costs, excessive strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

- (A) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meter shall be read monthly, and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

**Phase I – Effective September 1, 2022** (August Consumption)

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

**All Class I Users**

(1) Treatment Rate per 1,000 gallons of usage per month:				
	User Charge	Debt Service	Total	
plus				
(2) Base rate per month:				
5/8" - 3/4" water meter	\$ 2.91	\$ 10.70	\$ 13.61	
1" water meter	5.63	26.66	32.29	
1 1/2" water meter	11.56	61.71	73.27	
2" water meter	19.16	106.30	125.46	
3" water meter	42.54	244.43	286.97	
4" water meter	75.03	435.66	510.69	
6" water meter	167.04	977.49	1,144.53	

**Outside Corporate City Boundaries**

(3) Treatment Rate per 1,000 gallons of usage per month:				
	User Charge	Debt Service	Total	
plus				
(4) Base rate per month:				
5/8" - 3/4" water meter	\$ 3.34	\$ 12.29	\$ 15.63	
1" water meter	6.47	30.63	37.10	
1 1/2" water meter	13.28	70.90	84.18	
2" water meter	22.01	122.14	144.15	
3" water meter	48.88	280.85	329.73	
4" water meter	86.21	500.57	586.78	
6" water meter	191.93	1,123.14	1,315.07	

**Phase II – Effective September 1, 2023** (August Consumption)

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

**All Class I Users**

(1) Treatment Rate per 1,000 gallons of usage per month:				
	User Charge	Debt Service	Total	
plus				
(2) Base rate per month:				
5/8" - 3/4" water meter	\$ 3.06	\$ 11.24	\$ 14.30	
1" water meter	5.91	27.99	33.90	
1 1/2" water meter	12.14	64.80	76.94	
2" water meter	20.12	111.62	131.74	
3" water meter	44.67	256.65	301.32	
4" water meter	78.78	457.44	536.22	
6" water meter	175.39	1,026.36	1,201.75	



Outside Corporate City Boundaries

(3)	Treatment Rate per 1,000 gallons of usage per month:			
		User Charge	Debt Service	Total
		\$ 3.08	\$ 1.96	\$ 5.04
plus				
(4)	Base rate per month:	\$ 3.08	\$ 12.91	\$ 16.43
	5/8" - 3/4" water meter			
	1" water meter	6.79	32.16	38.95
	1 1/2" water meter	13.95	74.46	88.41
	2" water meter	23.12	128.25	151.37
	3" water meter	51.33	294.89	346.22
	4" water meter	90.52	525.60	616.12
	6" water meter	201.52	1,179.29	1,380.81

- (B) For residential users of the Sewage Works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

Phase I – Effective September 1, 2022

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

Residential:	Single-family dwelling unit	User Charge	Debt Service	Total
		\$ 15.26	\$ 18.67	\$ 33.93

Outside Corporate City Boundaries

Residential:	Single-family dwelling unit	User Charge	Debt Service	Total
		\$ 17.53	\$ 21.45	\$ 38.98

Phase II – Effective September 1, 2023

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

Residential:	Single-family dwelling unit	User Charge	Debt Service	Total
		\$ 16.02	\$ 19.60	\$ 35.62

Outside Corporate City Boundaries

Residential:	Single-family dwelling unit	User Charge	Debt Service	Total
		\$ 18.41	\$ 22.52	\$ 40.93

- (C) For the service rendered to the City of Plymouth, said City shall be subject to the same rates and charges established in harmony therewith.
- (D) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than One Hundred Ninety-two Dollars (\$192.00) per monitoring event, plus the actual cost for each time sampling equipment is used, or One Hundred Fifty-five Dollars (\$155.00) for each time sampling equipment is used, whichever is greater, all as determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

Section 4, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.083, entitled Determining Sanitary Sewer Volume, of the City Code, is repealed and replaced by the following:



**50.083 DETERMINING SANITARY SEWER VOLUME.**

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect, and the sewage service shall be billed at the appropriate rates, except as hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewage system.

- (A) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate for charge provided in this Ordinance, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition is a user of water from another source which is not measured by a water meter or is measured by a meter which is not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (C) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then, for billing purposes, the base charge and the flow rates and charges shall apply for each of the number of residential lots, parcels of real estate, or buildings served through the single water meter, with all such rates and charges being billed on a single bill in the name of the property owner.

- (D) In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that an additional units charge shall be added thereto, in the amount equivalent to the customer's applicable base rate for a  $5/8'' - 3/4''$  water meter per month per dwelling unit over one (1) served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms, or any other space or spaces in which cooking facilities are provided.

- (E) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the City that a portion of water is measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (F) In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months, the billing for sewage service for such users shall be based upon the water usage of the last previous calendar month of March. In the case of domestic and residential users who do not have a billing history for March, their rate will be based on a citywide average from residential customers from the month of March.

- (1) In the event the water usage for the months of May, June, July, and August is greater than the water used by such user for the previous month of March, then the billing for sewage service shall be computed on the water use for the last previous month of March.



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- (2) In the event water usage is less in the months of May, June, July, and August, then billing shall be based upon the actual water used in said month.

Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage as registered by the water meter service portion of the premises used for residential purposes would qualify under the sprinkling rate.

**Section 5.** Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.084, entitled Sanitary Sewer Rates for Strength of Sewage, of the City Code, is repealed and replaced by the following:

**50.084 SANITARY SEWER RATES FOR STRENGTH OF SEWAGE.**

In order that the rates and charges may justly and equitably be adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner, by such method, and at such times as the City may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (A) Normal domestic waste strength should not exceed a biochemical oxygen demand of 240 milligrams per liter of fluid, or suspended solids in excess of 240 milligrams per liter of fluid, or ammonia in excess of 10 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

**Phase I – Effective September 1, 2022\***

- (1) **Rate Surcharge Based Upon Suspended Solids**  
There shall be an additional charge of \$.64 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.
- (2) **Rate Surcharge Based Upon BOD**  
There shall be an additional charge of \$.41 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.
- (3) **Rate Surcharge Based Upon Ammonia**  
There shall be an additional charge of \$.44 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.

- (4) **Rate Surcharge Based Upon Phosphorus**

There shall be an additional charge of \$.474 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid. Rate becomes effective August 1, 2023, when NPDES permit limits are applied.\*

**Phase II – Effective September 1, 2023**

- (1) **Rate Surcharge Based Upon Suspended Solids**  
There shall be an additional charge of \$.67 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.
- (2) **Rate Surcharge Based Upon BOD**  
There shall be an additional charge of \$.43 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.
- (3) **Rate Surcharge Based Upon Ammonia**  
There shall be an additional charge of \$.498 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.
- (4) **Rate Surcharge Based Upon Phosphorus**  
There shall be an additional charge of \$.498 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid.

- (B) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.



- (B) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes"; as written by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

Section 6. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.085, entitled Stormwater User Fee, of the City Code, is repealed and replaced by the following:

**50.085 STORMWATER USER FEE.**

- (A) The user fees for stormwater shall be \$5.00 per month per Equivalent Runoff Unit.

- (B) Equivalent Runoff Units shall be determined as follows:

	<u>Square Feet</u>	<u>ERUs</u>
For Impervious Area	1 - 12,000	1
For Impervious Area	12,001 - 24,000	2
For Impervious Area	24,001 - 96,000	8
For Impervious Area	Over 96,000	32

- (C) Customers seeking a re-determination of their Impervious Area calculation must file an application for the same on an application form provided by the Board through the Director of Public Works office. Applications must be accompanied by the appropriate application fee set forth below:

- (1) Residential application fee - \$25.00
- (2) Non-Residential application fee - \$100.00

If it is determined that a parcel's impervious area is less than initially established and as a result the parcel is subject to a lower ERU, the application fee shall be refunded.

Section 7. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.086, entitled Billing for Sanitary and Stormwater Service, of the City Code, is repealed and replaced by the following:

**50.086 BILLING FOR SANITARY AND STORMWATER SERVICE; AND PAYMENT.**

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

- (A) The rates and charges for all users with open accounts shall be prepared and billed monthly.
- (B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

- (C) All rates and charges billed for open accounts are due on the 4th day of any given month (In months where the 4th day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until the next business day in which the City Clerk-Treasurer's office is open). Bills that are not paid by the due date are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15th day of any given month (In months where the 15th day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If delinquent bills are not paid in the time allowed, any water service to the property shall be disconnected. In order for a customer to have water service to the property resume, a reconnection fee of Thirty Dollars (\$30.00) must be paid by the customer (See City Code § 51.43(F)), in addition to the payment in full of all delinquent charges and rates. For sewer-only accounts, if delinquent bills are not paid in the time allowed, an administrative fee of Thirty Dollars (\$30.00) must be paid by the customer, in addition to the payment in full of all delinquent charges and rates.



(D) When a customer requests that water service be disconnected at a property (or requests to discontinue sewer only service) a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10th day following the billing date (1n months where the 10th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until the next business day in which the City Clerk-Treasurer's office is open).

Section 8, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.087, entitled Creation of Stormwater Utility Revenue Fund, of the City Code, is repealed and replaced by the following:

#### **50.087 STORMWATER UTILITY REVENUE FUND.**

(A) The City has established the Stormwater Utility Revenue Fund. All proceeds received as a result of user fees and charges or penalties assessed by §§ 50.085 and 50.086(C) or subsequent amendments hereto, shall be deposited in the Stormwater Utility Revenue Fund. Proceeds from this Revenue Fund shall be for the exclusive use of the City's Stormwater Department which includes, but is not limited to, the following:

- (1) Stormwater management services, such as studies, design, permit review, plan preparation, and development review.
- (2) Operation, maintenance, repair, and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- (3) Project costs related to constructing major or minor structural improvements to the City's stormwater-related infrastructure.
- (4) Administrative costs associated with the management of the Stormwater Department user fee and the administrative costs associated with MS4 compliance and reporting to the state and federal authorities.
- (5) Debt service financing of the City's stormwater-related capital improvements.
- (6) Funding of studies, such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.
- (B) On the last day of each month, proceeds remaining in the Revenue Fund shall be first transferred to the Stormwater Department Operating Account so that the Operating Account maintains a balance equal to the operating and maintenance expenses (excluding replacements) of the Stormwater Department for the next two months. Any proceeds remaining in the Revenue Fund after the transfers to the Stormwater Department Operating Account shall be transferred to the Stormwater Utility Improvement Account. Funds held in the Operating and Improvement Accounts may be used to pay operating and maintenance expenses of the Stormwater Department.

Section 9, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.088, entitled Charges for Non-Recurring Sanitary Sewer Customers, of the City Code, is repealed and replaced by the following:

#### **50.088 CHARGES FOR NON-RECURRING SANITARY SEWER CUSTOMERS.**

- (A) Fees associated with shipping and handling of treatable waste generated by a customer approved by the City of Plymouth Utilities Superintendent shall be billed at an hourly rate to include, as necessary to complete such shipping and handling, wages and benefits for employees and normal contracted commercial trucking rates determined by the Superintendent.
- (B) Self-contained portable toilets (R.V.'s, motor homes, etc.) shall be billed \$14.19 per discharge up to 30 gallons of treatment and billing. This fee would apply only to a non-city resident who cannot produce a valid water bill.
- (C) Bio-solids or septage which have been trucked in by a private hauler shall be billed at \$.084 per gallon. In the event the City of Plymouth Utilities Superintendent determines the Department should truck the material, the customer shall be assessed \$.084 per gallon plus trucking, wage, and benefit fees to perform the task.

Section 10, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.089, entitled Review of Rates, of the City Code, is repealed and replaced by the following:



**50.089 REVIEW OF RATES.**

In order that the rates and charges for sanitary and stormwater sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the City shall cause a study to be made within a reasonable period of time following the first two years of operation following the date on which this Ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the Sewage Works, and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the wastewater treatment systems and Stormwater Management Department.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the City shall cause a similar study to be made for the purpose of reviewing the fairness, equity, and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the City or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the City shall determine to be best under the circumstances. The City shall, upon completion of said study, revise and adjust the rates and charges as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 11, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.090, entitled Prohibited Wastes, of the City Code, is repealed and replaced by the following:

**50.090 PROHIBITED WASTES.**

The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the City's sewage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system, and for the regulation, collecting, rebating, and refunding of such rates and charges.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards including the National Pollutant Discharge Elimination System (NPDES) Permit issued to the Sewage Works, or as may be contained in the EPA General Pretreatment Regulations, 40 CFR Part 403, and any amendments thereto, or the City's Pretreatment Program.

Section 12, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.091, entitled Appeals, of the City Code, is repealed and replaced by the following:

**50.091 APPEALS.**

Any differences that may arise between users and officials of the Sewage Works that cannot be resolved at any level may be appealed to the Board of Works and Safety of Plymouth.

Section 13, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.092, entitled Special Rates, of the City Code, is repealed and replaced by the following:

**50.092 SPECIAL RATES.**

The Board is hereby further authorized to enter into special rate contracts with customers of the Sewage Works where clearly definable reduction in cost to the Sewage Works can be determined, and such reduction shall be limited to such reduced costs.

Section 14, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, of the City Code, is amended by adding the new Section 50.093, entitled Deposits for Sewer Only Accounts, as follows:

**50.093 DEPOSITS FOR SEWER-ONLY ACCOUNTS.**

(A) A prospective residential customer seeking a sewer-only account with the City shall pay a deposit of \$120.00 prior to the furnishing of the services. The deposit shall be refunded to the customer upon payment of the final charges for sewer service after the discontinuance of the services. Payment of such deposit is not required of persons who hold title to the real estate where the sewer service is to be provided, which is sufficient to guarantee the payment of the costs of the sewer service.

(B) If a customer for whom a deposit has been credited remains delinquent on his or her sewer bill for a period of 45 days, the Clerk-Treasurer may apply the deposit to the delinquent sewer bill. If any funds remain after application to the delinquent sewer bill, the Clerk-Treasurer may apply the balance to any other fee owed to the City.

(C) New accounts opened for non-residential sewer-only users shall pay a deposit in the amount equal to the billing for 1-1/2 months of anticipated sewer usage or \$120.00, whichever is greater. Such deposit must be made prior to initiation of sewer service. However, the Board of Public Works and Safety is hereby given the authority, after a



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

petition is presented to it, to waive all or any part of the deposit as required and as calculated in this subchapter.

(D) The customer deposits required in divisions (A) and (C) above shall not accrue interest.

Section 15. Invalidity – The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which shall be given effect without such invalid part or parts.

Section 16. Repeals of Conflicting Ordinances - All ordinances or parts of ordinances in conflict herewith are hereby repealed, including specifically, Ordinance Numbers 92-1548, 94-1615, 96-1673, 2000-1783, 2002-1805, 2008-1951, 2010-2007, 2016-2099, 2017-2111, 2017-2128 and 2020-1724, in their entirety. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 17. Effective Date - The rates and charges as herein set forth shall become effective on the next monthly billing after adoption of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage, publication, and signing by the Mayor.

PASSED AND ADOPTED this 27<sup>th</sup> day of June, 2022.

  
Mark Senter, Presiding Officer

ATTEST:

  
Lynn Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 27<sup>th</sup> day of June, 2022, at 7:30 o'clock P m.

  
Lynn Gorski, Clerk-Treasurer

Approved and signed by me this 27<sup>th</sup> day of June, 2022.

  
Mark Senter, Mayor

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City Attorney Surrisi presented Ordinance No. 2022-2197, The Water Rate Ordinance of the City of Plymouth on second reading.

Councilman Ecker and Compton moved and seconded to adopt Ordinance No. 2022-2197,

The Water Rate Ordinance of the City of Plymouth on second reading. The motion passed by roll call vote.

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

Councilman Opposed: N/A

Councilman Absent: Listenberger

Houin wished to state that his prior comments apply to this ordinance as well.

Mayor Senter wished to thank the gentlemen from Baker Tilly as well and thanked them for their guidance on this.

City Attorney Surrisi presented Ordinance No. 2022-2197, The Water Rate Ordinance of the City of Plymouth on third reading.

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Councilman Culp and Compton moved and seconded to adopt Ordinance No. 2022-2197,

The Water Rate Ordinance of the City of Plymouth on third reading. The motion passed by roll call vote.

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

Councilman Opposed: N/A

Councilman Absent: Listenberger

## ORDINANCE NO. 2022-2197

## THE WATER RATE ORDINANCE OF THE CITY OF PLYMOUTH

Statement of Intent and Purpose

Baker Tilly Municipal Advisors LLC, the City's financial consultant, demonstrates in its annual financial management report of the City's Water Utility that the anticipated future expenses will exceed anticipated future revenues. The purpose and intent of this Ordinance is to implement the recommended water rate adjustments in the interest of maintaining the financial integrity of the City's Water Utility. Prudence supports adoption of this Ordinance.

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

Section 1. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.40 entitled Deposits, of the City Code, is repealed and replaced by the following:

**51.40 DEPOSITS.**

- (A) The City Clerk-Treasurer shall collect the payment of a customer deposit of One Hundred and Fifty Dollars (\$150.00) from the prospective residential customers of the City Waterworks for water service prior to the furnishing of such services. Such customer deposit shall be refunded to the customer upon the payment of the final charges for water service after the discontinuance of such services to the customer.
- (B) In the event a customer for whom a deposit has been credited remains delinquent on his or her water bill for a period of 45 days, the Clerk-Treasurer shall be empowered to apply said deposit to the delinquent water bill. If any funds remain after application to the delinquent water bill, the Clerk-Treasurer shall be empowered to apply the balance to any delinquent garbage pick-up bill, stormwater bill, wastewater bill, or any other fees said customer may owe the City.
- (C) The customer deposit of One Hundred and Fifty Dollars (\$150.00) required in division (A) of this section shall not accrue interest and therefore no interest on the One Hundred and Fifty Dollars (\$150.00) deposit shall be payable to the customer on return of the deposit to the customer after utility services are terminated by said customer.
- (D) New accounts opened for non-residential water users are hereby required to first make a deposit with the Water Utility in the amount equal to the billing for one and one-half (1½) times the highest monthly utility bill based upon a review of the past year's billings for the property, or the anticipated amount of one and one-half (1 ½) months utility service based upon the nature and character of the customer's use of the property for properties connected for the first time, or One Hundred and Fifty Dollars (\$150.00), whichever is greater. This deposit must be made prior to the water being turned on for said user. However, the Plymouth Common Council is hereby given the authority, after a petition is presented to it, to waive all or any part of the deposit as required and as calculated in this subchapter.

Section 2. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.41 entitled Schedule Generally, is repealed and replaced by the following:



**51.41 SCHEDULE GENERALLY.**

That there shall be and there are hereby established for the use of and the service rendered by the Waterworks system of the City of Plymouth the following rates and charges, based on the use of water supplied by said Waterworks system:

**Phase I – Effective September 1, 2022 (August Consumption)**

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

	<b>Gallons Per Month</b>	<b>Rate Per 1,000 Gallons</b>	
		<b>Inside Corporation</b>	<b>Outside Corporation</b>
		<b>City Boundaries</b>	<b>City Boundaries</b>
First	3,000	\$4.96	\$5.70
Next	7,000	4.48	5.15
Next	20,000	3.73	4.29
Next	70,000	3.01	3.46
Next	200,000	2.28	2.62
Over	300,000	1.94	2.23

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<b>Size of Meter (Inches)</b>	<b>Gallons</b>	<b>Monthly Minimum</b>	
		<b>Inside Corporation</b>	<b>Outside Corporation</b>
		<b>City Boundaries</b>	<b>City Boundaries</b>
5/8" – 3/4"	3,005	\$14.90	\$17.13
1"	7,953	37.07	42.61
1 1/4"	11,467	51.71	59.44
1 1/2"	17,430	73.95	85.02
2"	27,303	110.78	127.38
3"	51,172	184.57	212.21
4"	116,237	368.56	423.69
6"	277,655	736.59	846.61

(C) Fire Hydrants

Private fire hydrants, per hydrant	Per Month \$40.07	Per Annum \$480.84
Flushing hydrants	No Charge	No Charge



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## (D) Public fire hydrants, per meter, per month

<u>Size</u> <u>5/8" - 3/4"</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate</u> <u>City Boundaries</u>	<u>Outside Corporate</u> <u>City Boundaries</u>
5/8" - 3/4"	\$3.66	\$4.21
1"	9.17	10.54
1 1/4"	14.66	16.84
1 1/2"	18.32	21.05
2"	29.32	33.69
3"	54.97	63.16
4"	91.61	105.26
6"	183.23	210.53

## (E) Fire Protection Services - Sprinkler Connections

<u>Size</u> <u>1"</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate</u> <u>City Boundaries</u>	<u>Outside Corporate</u> <u>City Boundaries</u>
1"	\$19.28	\$22.15
1 1/2"	56.45	64.86
2"	119.45	137.25
3"	347.00	398.70
4"	738.86	848.95
6"	2,146.03	2,465.79
8"	4,572.29	5,253.56
10"	8,223.01	9,448.24
12"	13,282.29	15,261.35

**Phase II - Effective September 1, 2023 (August Consumption)**

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

## (A) Quantity of Water Used

<u>Gallons Per Month</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Inside Corporate</u> <u>City Boundaries</u>	<u>Outside Corporate</u> <u>City Boundaries</u>
First 3,000	\$5.16	\$5.93
Next 7,000	4.66	5.35
Next 20,000	3.88	4.46
Next 70,000	3.13	3.60
Next 200,000	2.37	2.72
Over 300,000	2.02	2.32

## (B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Size of Meter</u> <u>(Inches)</u> <u>5/8" - 3/4"</u>	<u>Monthly Minimum</u>	
	<u>Inside Corporate</u> <u>City Boundaries</u>	<u>Outside Corporate</u> <u>City Boundaries</u>
5/8" - 3/4"	3,005	\$15.50
1"	7,953	38.56
1 1/4"	11,467	53.79
1 1/2"	17,430	76.93
2"	27,303	115.24
3"	51,172	191.97
4"	116,237	383.28
6"	277,655	765.84

## (C) Fire Hydrants

<u>Private fire hydrants, per hydrant</u>	<u>Per Month</u>	<u>Per Annum</u>
Flushing hydrants	\$41.67	\$500.04
	No Charge	No Charge

## (D) Public fire hydrants, per meter, per month

<u>Size</u> <u>5/8" - 3/4"</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate</u> <u>City Boundaries</u>	<u>Outside Corporate</u> <u>City Boundaries</u>
5/8" - 3/4"	\$3.81	\$4.38
1"	9.54	10.96
1 1/4"	15.25	17.52
1 1/2"	19.05	21.89
2"	30.49	35.03
3"	57.17	65.69
4"	95.27	109.47
6"	190.56	218.95



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

## (E) Fire Protection Services – Sprinkler Connections

<u>Size</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	\$20.05	\$23.04
1 1/2"	58.71	67.46
2"	124.23	142.74
3"	360.88	414.65
4"	768.41	882.90
6"	2,231.87	2,564.42
8"	4,755.18	5,463.70
10"	8,551.93	9,826.17
12"	13,813.58	15,871.80

**Phase III – Effective September 1, 2024 (August Consumption)**

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

## (A) Quantity of Water Used

<u>Gallons Per Month</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Inside Corporation</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
First 3,000	\$5.37	\$6.17
Next 7,000	4.85	5.57
Next 20,000	4.04	4.64
Next 70,000	3.26	3.75
Next 200,000	2.46	2.83
Over 300,000	2.10	2.41

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Size of Meter (Inches) 5/8" – 3/4"</u>	<u>Monthly Minimum</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
3/8"	\$16.13	\$18.54
1"	7,953	40.13
1 1/4"	11,467	55.99
1 1/2"	17,430	80.08
2"	27,303	119.96
3"	51,172	199.88
4"	116,237	399.00
6"	277,655	796.09

## (C) Fire Hydrants

	<u>Per Month</u>	<u>Per Annum</u>
Private fire hydrants, per hydrant	\$43.34	\$520.08
Flushing hydrants	No Charge	No Charge

## (D) Public fire hydrants, per meter, per month

<u>Size</u> <u>5/8" – 3/4"</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	\$3.96	\$4.55
1 1/4"	9.92	11.40
1 1/2"	15.86	18.22
2"	19.81	22.76
3"	31.71	36.43
4"	59.46	68.32
6"	99.08	113.84
	198.18	227.71

## (E) Fire Protection Services – Sprinkler Connections

<u>Size</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	\$20.85	\$23.96
1 1/2"	61.06	70.16
2"	129.20	148.45
3"	375.32	431.24
4"	799.15	918.22
6"	2,321.14	2,666.99
8"	4,945.39	5,682.25
10"	8,894.01	10,219.22
12"	14,366.12	16,506.67



(F) Temporary Users. Water furnished to temporary users, such as contractors, shall be charged on the basis of the metered rates set forth above, as estimated and established by the Waterworks Superintendent.

(G) Charges for Partial Month Service. When a Utility customer either connects to or disconnects from the Utility at a time of the month other than the first day of the month (i.e., service for a partial month), then that customer shall be charged as follows:

(1) For flat rate connection charges (i.e., sprinkler connections and hydrant service), the customer shall be charged for one-half (1/2) of the monthly rate if the services were connected for one (1) to and including fifteen (15) days of the calendar month. If the customer was connected for sixteen (16) through thirty-one (31) days of the calendar month, the customer shall be charged for the entire monthly rate.

(2) Metered connections shall be billed for one-half (1/2) of the minimum rate, or actual consumption, whichever is greater, for service that has been provided for only one (1) through fifteen (15) days of the calendar month. Service provided for metered connections for sixteen (16) through thirty-one (31) days of the calendar month shall be charged the entire minimum monthly rate, or the actual consumption rate, whichever is greater.

(H) After hours service charge (non-emergency only):

(1) After hours and Saturdays – \$70.00 minimum for first two hours.

After two hours an additional \$35.00 per hour per employee.

Sundays and Holidays – \$90.00 minimum for first two hours.

After two hours an additional \$45.00 per hour per employee.

Section 3. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.42 entitled Tapping Fees, is repealed and replaced by the following:

#### **51.42 TAPPING FEES.**

A tap charge shall be collected from each customer prior to connection to the water system. The minimum size for water service line for new construction is one (1) inch. The charge for any connection shall be an amount sufficient to reimburse the water department for labor, material, and overhead necessary for tapping the main, installation of service from the main to the property line (including curb stop), and the cost of furnishing and installing a suitable water meter. In no event shall the charge for such connection be less than One Thousand Dollars (\$1,000.00).

Section 4. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.43 entitled Deferred Payment Charge, Section 51.44, entitled Billing, and Section 51.45 Reconnection Fee, of the City Code, are all repealed and replaced by the following:

#### **51.43 BILLING FOR WATER SERVICE; AND PAYMENT.**

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

(A) For the purpose of billing and collecting the rates and charges for water use, water meters shall be read monthly and the users shall be billed monthly; provided, however, that the City shall have the option of reading meters on a quarterly basis and billing the customer estimated bills in the first 2 months of each quarter with the final bill based upon meter reading until such time as the replacement meters and remote reading devices have been installed.

(B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(C) All rates and charges for active accounts are billed on or before the 20<sup>th</sup> day of the month and are due on the 4<sup>th</sup> day of the following month (in months where the 4<sup>th</sup> day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to make payment). Bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of two percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15<sup>th</sup> day of any given month (in months where the 15<sup>th</sup> day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If



delinquent bills are not paid in the time allowed, the customer's account shall be placed on the delinquency list and assessed an administrative process fee in the sum of Thirty Dollars (\$30.00). Any water service to the property for such accounts shall be scheduled for disconnection. All accounts placed on the delinquency list are assessed the administrative fee regardless of whether the bill is paid in full prior to the time the water service is physically disconnected.

- (D) When a customer requests that water service be disconnected at a property a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10<sup>th</sup> day following the billing date (In months where the 10<sup>th</sup> day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to make payment). Final bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period.

- (E) Water service to a customer shall be disconnected for any of, but not limited to, the following reasons:

- (1) A result of the nonpayment of any water account in the customer's name, in accordance with the rules, regulations and ordinances previously establishing the policy for delinquent charges.
- (2) Any check issued to the City in payment of charges or fees that is returned to the City and dishonored because of nonsufficient funds in the issuer's bank account or because of a closed account, the water service shall be disconnected immediately.
- (3) Service shall be disconnected immediately in the event that the mailed utility bill is returned to the City as undeliverable by the United States Postal Service.
- (F) A customer must become current on their outstanding water service bill and all associated fees before reconnection of service will be scheduled.
- (G) Notwithstanding, any other policy for review of utility charges, if a customer disputes the rates and charges reflected on a monthly bill, he may request a hearing before the Plymouth Board of Public Works and Safety prior to any disconnection of water service. Such request must be filed in writing with the Clerk-Treasurer by the 4<sup>th</sup> day of the month (In months where the 4<sup>th</sup> day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to file the request). The hearing will be scheduled during the first regularly scheduled meeting of the Plymouth Board of Public Works and Safety held during the month in which the request is filed. Any late request, filed after the time allowed, will not delay disconnection of water service. After hearing all evidence presented at a hearing, the Board is empowered to order any relief it deems appropriate under the circumstance, including, but not limited to, directing the Clerk-Treasurer to waive delinquency processing fees or other fees or charges assessed.

**Section 5.** Invalidity – The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which shall be given effect without such invalid part of parts.

**Section 5.** Repeals of Conflicting Ordinances – All ordinances or parts of ordinances in conflict herewith are hereby repealed, including specifically, Ordinance Numbers 1079, 1088, 1229, 90-1512, 91-1518, 93-1582, 93-1590, 94-1613, 94-1641, 96-1663, 97-1670, 98-1715, 98-1718, 2000-1784, 2002-1826, 2009-1993, 2012-2035, 2015-2091, 2017-2115, 2017-2129, and 2020-2173, in their entirety. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

**Section 17.** Effective Date - The rates and charges as herein set forth shall become effective on the dates noted for each phase after adoption of this Ordinance.



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

This Ordinance shall take full force and effect after its passage and due attestation and due publication as required by law.

Passed and adopted by the Common Council of the City of Plymouth, Indiana, on the 27<sup>th</sup> day of June, 2022.

ATTEST:

Mark Senter, Presiding Officer

Lynn Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana, this 27<sup>th</sup> day of June, 2022.

Lynn Gorski, Clerk-Treasurer

Approved and signed by me this 27<sup>th</sup> day of June, 2022.

Mark Senter, Mayor

City Attorney Surrisi states that the Discussion of IT Services was brought up at the last meeting. He states that they sent the proposals to the IT Committee and they had met last week. He states that coming out of that meeting the recommendation of the committee was the basic plan from PC Source. He states the idea was to have some continuity with the services that are already provided to police and fire. He states that there would be a \$4,300/month fee which is based upon a \$50 per computer and \$200 per server fee. He adds that he has spoken with the PC Source committee to make sure there was a level of confidence that they got the numbers right for devices. He states that they felt they had the amount correct and part of the motivations from the committee was to make sure they have a true comparison of whether that price was going to move and be closer to the all-inclusive price or if it was pretty safely going to be at the \$4,300/month plan. He restates that PC Source has confidence in their number.

Houin asks if they provided an itemized list of where those devices came from.

Surrisi responds by stating that they did not provide an itemized list but for police and fire it was based off their past experience. He states that the rest was based off the facility audit walkthrough that the city had done with them.

Houin asks if they explained the discrepancy between what they listed in the proposal and the total number that they came up with. He states that if he remembers right that what they listed in that proposal he counted up 49 PCs and their pricing proposal was based upon 60 PCs. He states that he does not know where the extra PCs came from.

Surrisi responds by stating that he thinks it was in the listed 20+ PCs between police and fire.

He states that he thinks that is what they put together in their initial proposal when they were doing



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

the blanket all-inclusive proposal. He states that they were focused on honing in on the specific number of PCs but when they were too asked to come up with one that was tied to devices for a basic proposal that is what they came up with. He states that they had just not replaced the table as it was recycled from the first round of things.

Houin asks if they also confirmed the pricing would specifically be per device rather than the flat amount.

Surrisi agrees that it is per device.

Houin asks if they are preparing a new service agreement.

Surrisi responds by agreeing and stating that he told them that he anticipated asking for approval of this tonight and for them to get to work on a new service agreement with the intent that if it is approved to get working with them as soon as possible. He states as soon as the first of the month or the middle of next month.

Houin states that he is not going to speak for the other committee members but he thinks that it is fair to say coming out that meeting that if those questions have been answered and they can provide a new service agreement that is per device pricing then they are close to making a recommendation. He states that they just need to see that service agreement.

Compton asks for clarification.

Houin responds by stating that they need to see that final agreement to verify that it is what they understand it to be.

Compton asks if there can be conditional approval based upon receiving the revised service agreement.

Surrisi states that he will circulate that to the IT Committee and if they can sign off on it then they can have the mayor execute it. He asks if that would be sufficient so they can try to get this moving as soon as possible.

Clerk-Treasurer Gorski states that she would also need a list of the itemized of devices so that they may split it between the departments.

Houin asks Surrisi if he can get that information forwarded to the committee members before the next meeting and as long as it is what it is supposed to be then they can just have it on the agenda at the next meeting to approve.

Surrisi responds by stating they are trying to get as far ahead as they can given that the insurance has to implement this programming since the cybersecurity insurance gave them the renewal through the end of August.



Houin states that what he understood from that is that as long as they make a decision by the end of July that is time to get it implemented before the end of August.

Surrisi explains that they would like to have as much time as possible to be able to show progress. He states in talking with the people at PC Source they talked about the several recommendations that Beazley, their cybersecurity insurance, listed in their conditional extension of our policy of three months. He states that one of them was having multi-factor authentication on the remote access to email. He states that he was talking with PC Source about all the things that they provide in this package already which didn't include the multi-factor authentication but they thought about addressing the concerns of Beazley. He states that he would like to have as much time as possible to get ahead of the August deadline. He states that it wouldn't be the end of the world to have to wait another two weeks but if they could get a conditional approval until they have the committee's approval in the interval.

Ecker asks why they can't just make a motion to authorize him to proceed in securing the final proposal Houin and Compton have talked about and not approve the agreement. He states that his understanding is to pursue the proposal that has been discussed and put it in writing. He states that he is hesitant at this point to approve something for the sake of the insurance coverage which is critical. He believes that if they are stating the steps that they are taking that it is okay to be methodical.

Surrisi responds by stating in all fairness as long as the contractor knows that the city will be moving forward with them that they will be comfortable with getting started on making any preparations they need so they are ready to go whenever the document does get approved.

Ecker asks if there needs to be an action.

Houin responds by stating that he thinks they do not need to take an action tonight.

Surrisi states that he will get in contact with them and bring back it back at the next meeting.

Ecker states that a lot of work was put into this so he wants it to be as tight as possible.

Daniel Palladino has recently returned from Kansas to present Ordinance No. 2022-2198, An Ordinance Redistricting the City of Plymouth on first reading.



**ORDINANCE NO. 2022-2198****Statement of Intent and Purpose**

The 2020 Census determined the population of the City of Plymouth to be 10,214. This is an increase of 181 people since the 2010 Census. In 2012, the City adopted Ordinance No. 2012-2031, which divided the City into 4 districts for city election purposes. The 4 districts were divided based on the 2010 Census tracts and blocks, with respect to that year's population data. With the most recent Census, there are changes in population require a review of the councilmanic districts.

State law and state and federal constitutional provisions require the districts to be as equal in population as practical. To divide the City into four, exactly equal council districts, each district would have 2553.5 persons. Of course, that exact result is impossible.

IC 36-4-6-4 requires the districts the Council draws to be: 1) composed of contiguous territory; 2) reasonably compact; 3) not cross precinct boundaries unless an exception is met; and 4) contain, as nearly as possible, equal population.

This ordinance brings forth a minor change in 2 of the 4 councilmanic districts to maintain a legally acceptable level of variation between the smallest and largest districts in the City. These new districts do, however, cross existing precinct lines. IC 36-4-6-4(d) allows for the crossing of precinct lines "if the districts would not otherwise contain, as nearly as possible, equal population." To distribute the population as equal as possible, it was necessary to cross precinct lines, which is permitted by the statute, but the Clerk-Treasurer is required to send a written notice to the Marshall Circuit Court Clerk pursuant to IC 36-4-6-4(f), which was done in excess of ten (10) days before the final adoption of this ordinance.

Exhibit A attached to this ordinance shows the proposed block group change, where Block 1039 (currently belonging in District 2) is moved to District 1; within Exhibit A is also a map of the entire City with the new district lines. Exhibit B is the list of 2020 Census tracts and blocks within the First District with a total population of 2629; Exhibit C is a list of 2020 Census tracts and blocks within the Second District with a total population of 2533; Exhibit D is a list of 2020 Census tracts and blocks within the Third District with a total population of

2531; Exhibit E is a list of 2020 Census tracts and blocks within the Fourth District with a total population of 2521. This presents a variation of 4.2%.

The intent and purpose of this ordinance is to establish and implement for the next municipal elections, both primary and general, and all subsequent elections, the revised councilmanic districts from which one qualified resident shall be elected to serve on the Common Council for the City of Plymouth, while meeting the sufficient level of variation.

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

**Section 1.** Section 31.02 of Chapter 31 of the Code of Ordinances for the City of Plymouth is hereby repealed, and in its place the following shall be inserted and held controlling:



**§ 31.02 COUNCILMANIC DISTRICTS**

(A) Effective the municipal elections to be held in 2023, and all subsequent

elections, the City is hereby divided for city election purposes into four

(4) districts, each district to contain the following 2020 Census tracts and blocks:

(1) *First District.* The first councilmanic district shall contain the census tracts and blocks as listed in Exhibit B attached to Ordinance No. 2022-2198.

(2) *Second District.* The second councilmanic district shall contain the census tracts and blocks as listed in Exhibit C attached to Ordinance No. 2022-2198.

(3) *Third District.* The third councilmanic district shall contain the census tracts and blocks as listed in Exhibit D attached to Ordinance No. 2022-2198.

(4) *Fourth District.* The fourth councilmanic district shall contain the census tracts and blocks as listed in Exhibit E attached to Ordinance No. 2022-2198.

(B) The boundaries for the four (4) districts described by census tracts and blocks in Section (A) are described in ordinary terms as follows:

\* (1) *First District.* The first councilmanic district shall commence at the extreme northwest corner of the corporate boundaries of the City; thence south along the corporate boundaries of the City; thence southeast along the corporate boundaries of the City; thence north along the corporate boundaries of the City; thence east along the corporate boundaries of the City to the intersection of Pioneer Drive and Jim Neu Drive; thence south along the corporate boundaries of the City, a distance of 1,300 feet, more or less; thence east along the corporate boundaries of the City,

\* (2) *Second District.* The second councilmanic district shall commence at the intersection of Center Street and Harrison Street;

\* (3) *Third District.* The third councilmanic district shall commence at the intersection of Lake Avenue and Plum Street;

\* (4) *Fourth District.* The fourth councilmanic district shall commence at the intersection of



EXHIBIT A

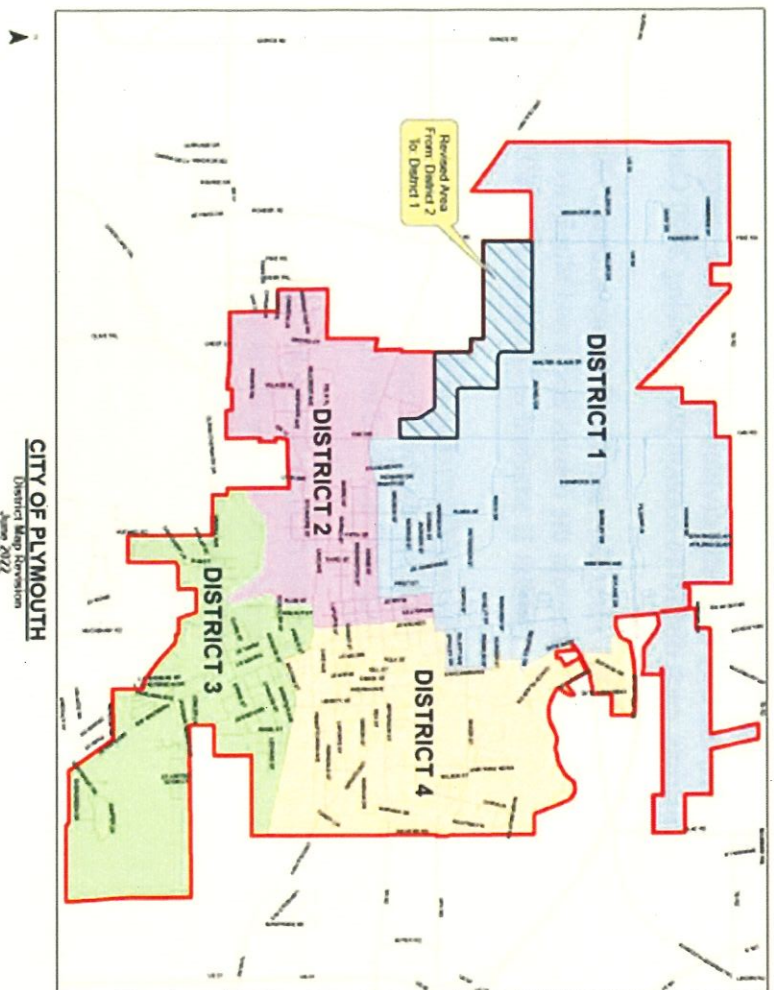


EXHIBIT B

Census Block #	District 1 Population	1032	9	2004	0
1002	50	1032	0	2005	0
1003	19	1033	45	2006	19
1006	8	1033	0	3000	0
1007	17	1034	11	3001	18
1008	95	1034	0	3002	22
1009	12	1035	9	3003	21
1009	21	1035	0	3004	39
1010	0	1036	19	3005	49
1012	0	1036	0	3006	25
1013	14	1036	0	3007	24
1014	0	1037	0	3008	33
1015	0	1037	6	3009	34
1016	0	1038	0	3010	46
1017	72	1038	0	3011	20
1018	0	1039	44	3012	5
1018	12	1039	198	Total	2629
1019	10	1040	31		
1019	5	1041	68		
1020	99	1042	20		
1021	43	1043	27		
1021	0	1043	33		
1022	22	1044	36		
1023	0	1055	169		
1024	0	1056	47		
1025	0	1057	14		
1026	257	1058	0		
1027	30	1059	36		
1027	46	1060	64		
1028	0	1061	79		
1028	24	1062	80		
1029	33	1063	69		
1030	31	1064	0		
1031	68	1066	19		
1031	59	1087	0		
		1088	0		
		1089	0		
		1090	0		
		1093	0		
		2003	60		



EXHIBIT C

Census Block #	District 2 Population	3018	44	4033	63
1047	65	3019	32	4034	0
1048	27	3020	34	4035	17
1049	3	3021	26	4037	2
1053	144	3022	41	4038	39
1054	31			4039	18
1065	3	3026	0	4040	22
1067	6	3027	21	4042	0
2001	28	4000	4	4043	0
2002	36	4001	3	Total	2533
2007	28	4002	58		
2008	23	4003	19		
2009	35	4004	32		
2012	3	4005	30		
2013	0	4006	97		
2015	29	4007	51		
2016	24	4008	31		
2017	29	4009	57		
2018	74	4010	30		
2019	8	4011	44		
2020	0	4012	22		
2021	15	4013	27		
2022	25	4014	9		
2023	43	4015	19		
2024	20	4016	30		
2025	8	4017	62		
2026	45	4018	86		
2027	13	4019	24		
2028	9	4020	87		
3003	0	4021	19		
3007	54	4022	38		
3013	4	4023	139		
3014	65	4024	0		
3015	44	4025	0		
3016	51	4026	0		
3017	31	4027	65		
		4028	9		

EXHIBIT D

Census Block #	District 3 Population	3008	22
1000	10	3009	42
1001	36	3010	59
1002	0	3011	78
1003	11	3012	115
1004	106	3013	10
1005	52	3014	25
1006	26	3015	19
1007	0	3016	76
2001	120	3017	39
2002	54	3018	28
2003	25	3019	17
2004	25	3020	20
2007	29	3021	39
2008	63	3022	17
2009	74	3023	106
2010	84	Total	2531
2011	29		
2012	629		
2013	51		
2014	25		
2015	32		
2016	11		
2017	27		
2018	43		
2019	23		
2020	25		
2021	20		
2022	33		
2023	32		
3000	39		
3001	0		
3002	41		
3004	0		
3005	27		
3006	17		



EXHIBIT E

Census Block #	District 4 Population	2019	21	
1015	0	2020	48	
1020	0	2021	20	
1022	0	2022	40	
1024	0	2023	45	
1025	0	2024	65	
1026	41	2025	9	
1029	44	2026	10	
1040	64	2027	19	
1041	55	2028	30	
1042	24	2029	35	
2000	27	2030	37	
2001	42	2031	28	
2002	13	2032	25	
2003	20	2033	20	
2004	18	2034	64	
2005	0	2037	0	
2006	20	2038	0	
2007	54	2039	13	
2008	24	2040	16	
2009	39	2041	0	
2010	11	2042	38	
2011	26	2043	51	
2012	33	3002	0	
2013	20	3004	339	
2014	24	3005	20	
2015	6	3006	13	
2016	0	3007	0	
2017	28	3008	19	
2018	16	3009	40	
	16	3010	0	
	4	3011	0	
	0	3012	0	
	0	3013	82	
	0	3014	13	
	0	3015	27	
	0	3016	0	
	174	3017	11	
	33	3018	43	
		3019	66	
		3020	33	
		3021	23	
		3022	68	
		3023	14	
		3024	49	
		3025	6	
		3026	112	
		3030	33	
		3031	0	
		3032	0	
		Total	2521	

**Section 2.** This ordinance shall take effect after passage, due attestation, and publication if required by law.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mark Senter, Presiding Officer

ATTEST:

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

Presented by me to the Mayor of the City of Plymouth, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock \_\_\_\_m.

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

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mark Senter, Mayor

Mayor Senter asks how Kansas was.

Palladino states that it was nice and Listenberger was on his way back.

Mayor Senter asks if he just drove faster.



## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

Palladino states that Listenberger actually had to work more than them. He states

Listenberger has been working from 3:30 am to 8 pm.

Palladino states that with every census every 10 years they have to look at the councilmanic districts. He states that they have to determine the variance and has to have a baseline lower than 10% based upon Indiana and Federal Law. He states that District Two was the biggest district and District One was the smallest district in population. He states that the variance had exceeded 10% at 13%. He states that what they propose to do is to take a census block which is mainly composed of the jail and move that to District One. Palladino states that there are 20 eligible voters in that block.

Surrisi states that the proposed maps are depicted with the shaded crosshatch area as the area that will move from District Two to District One.

Culp asks how many people that would involve.

Palladino responds with 198.

Ecker states that the proposed population will be as follows: District 1: 2599; District 2: 2533; District 3; 2531; District 4: 2551. He adds that it shows a 2.7% variance.

Palladino states that the updated memo that Surrisi should have sent out should be 4.2%.

Surrisi states that he was going to resend that email to the Council.

Houin asks if they are on a time crunch on this.

Surrisi states that this has to be approved by the end of the year. He explains that you need to have a verbal description of the boundaries of the districts and that was something a couple of them were already done from the past but a couple of them need work. He states that he will work on that but they wanted to get this out there so the idea is out in the public so if anyone would like to give input how it should be done differently that they have time to do so. He restates that they have plenty of time to get this done but he wanted to get this introduced while Palladino was here in the Summer since he had done all this work on it to get the opportunity to introduce it.

Houin asks if they have reached out to the residents that this will be directly affecting by changing districts to make sure that they are aware and if they have any comments.

Surrisi responds by stating that they have not and that he will let Councilmen Culp do that.

Culp states that he will go visit them this week.

Mayor Senter thanks Mr. Palladino for all his work on this and that he has got a lot done in the short time that he has been here so far.

Ecker thinks that Palladino has done a lot of great stuff here and adapted well to it.

## REGULAR SESSION, COMMON COUNCIL, June 27, 2022

City Attorney Surrisi states that for Stellar Communities the construction at River Park

Square has been making good progress on the sidewalks that have been installed.

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

communications:

- Minutes of the Board of Public Works and Safety meeting of June 13, 2022
- June 27, 2022 Check Register
- June 14, 2022 Technical Review Committee Minutes
- May 2022 Clerk-Treasurer Financial Reports
- MEMO for 2022-2198

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 7:23

p.m.

  
Lynn M. Gorski  
Clerk-Treasurer

APPROVED

  
Mark Senter, Mayor