

REGULAR SESSION, COMMON COUNCIL, November 13, 2023

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on November 13, 2023. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

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

Mayor Senter presided for Council Members Don Ecker Jr., Jeff Houin, Robert Listenberger, Randy Longanecker and Shiloh Carothers Milner. Council Members Greg Compton and Duane Culp were absent. Clerk-Treasurer Gorski and City Attorney Surrisi were present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Ecker and Listenberger moved and seconded to approve the minutes of the regular session of the Common Council on October 23, 2023 as presented. The motion carried.

City Attorney Surrisi introduces Ordinance No. 2023-2221, An Ordinance Amending the Fee Schedule for the Department of Aviation for the City of Plymouth on second reading.

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

2221, An Ordinance Amending the Fee Schedule for the Department of Aviation for the City of Plymouth on second reading. The motion passed by roll call vote.

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

Councilman Opposed: None

Councilman Absent: Compton and Culp

City Attorney Surrisi introduces Ordinance No. 2023-2221, An Ordinance Amending the Fee Schedule for the Department of Aviation for the City of Plymouth on third reading.

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

2023-2221, An Ordinance Amending the Fee Schedule for the Department of Aviation for the City of Plymouth on third reading. The motion passed by roll call vote.

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

Councilman Opposed: None

Councilman Absent: Compton and Culp

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ORDINANCE NO. 2023-2221

AN ORDINANCE AMENDING THE FEE SCHEDULE FOR THE
DEPARTMENT OF AVIATION FOR THE
CITY OF PLYMOUTHStatement of Purpose and Intent

The Plymouth Common Council must approve in ordinance form all fees and charges imposed by the City of Plymouth through its various departments for the myriad of services it provides to individuals. This is true even if the specific department has its own oversight board. The Plymouth Municipal Airport's fee schedule has been previously approved by the Council on the recommendation of the Plymouth Board of Aviation Commissioners. At the October 10, 2023, meeting of the Board of Aviation Commissioners, the board recommended the creation of several new fees at the airport. The purpose and intent of this ordinance is to approve an amendment to the fee schedule for the Department of Aviation.

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

Section 1. The Plymouth Board of Aviation Commissioners recommends amendments to its existing fee schedule, by adding the following fees for the "M" Hangar:

Monthly Rent for the entire hangar \$500.00, with the rate effective for rent due in January of 2024;

Turbo Prop (i.e., TBM, Pilatus, King Air) \$100.00 per day/night, with the rate effective immediately upon the adoption of this ordinance; and

All Jets (i.e., all CJ's, Lear, Beech Jet, Phenom 100) \$200.00 per day/night, with the rate effective immediately upon the adoption of this ordinance.

Section 2. The fees listed in Section 1 are hereby approved. Accordingly, the Department of Aviation for the City of Plymouth is authorized to charge and collect said fees.

Section 3. 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.

PASSED AND ADOPTED this 13th day of November, 2023.

Mark Senter
Mark Senter, Presiding Officer

ATTEST:

Kynn M. Gorski
Kynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 13th day of November, 2023, at 6:50 o'clock a m.

Kynn M. Gorski
Kynn M. Gorski, Clerk-Treasurer
Approved and signed by me this 13th day of November, 2023.
Mark Senter
Mark Senter, Mayor

Clerk-Treasurer Gorski introduces an Intergovernmental Agreement between Marshall County and the City of Plymouth for Building Inspection Services. She explains the County Building Inspector is out on medical leave and our Building Commissioner has been doing the building inspections for the county. She states they will be reimbursing us for his salary hours worked, along with mileage.

Mayor Senter asks if he is keeping up with city work as well.
Building Commissioner Manuwal responds by stating he is keeping up with inspections but code enforcement has been on the backburner.

Ecker states he has some concerns. He understands you want to work within your interlocal government as best you can but he is concerned about the workload that has been put on Manuwal. He explains he had already taken on additional responsibility when he took this position and he is aware that his plate has been full ever since but it will get even fuller working with the county. He

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states unfortunately we do not know the return date of the Building Commissioner for the county. He states he understands that the priority will be on the city first and as time permits, he will address county needs as well. He expresses the concern about being overworked and overstressed. He states he wants him to understand that is a huge concern for him. He explains fatigue lends to mistakes and that is not fair to him. He states he is willing to accept this agreement with the understanding that they put an end date into this agreement and then evaluate it at the end of the time period. He explains he would propose that they approve this in their agreement with the expiration date of January 31, 2024 and then they can reevaluate it at that point.

Mayor Senter asks if there is any timeframe on the County Building Commissioner's return.

Manuwal responds by stating he has not heard anything yet.

Ecker adds that is the concern he has.

Listenberger asks if that expiration time sounds good.

Manuwal responds in agreeance and states the county does have someone who does the electrical inspections so that weight is taken off of him. He states with the warm weather, everyone is trying to put their foundations in so that is the reason for the increased workload. He states driving from one end of the county to one end of the county and then back to the city to do foundations gets to be a long day.

Mayor Senter asks if he is still using the city vehicle.

Manuwal responds by stating he is now.

Board Members Ecker and Houin moved and seconded to approve the Interlocal Agreement between Marshall County and the City of Plymouth for Building Inspection Services with the amendment that an end date is put into the agreement of January 31, 2024. The motion was later revised.

Gorski clarifies in the agreement under item 8 it reads, "either party to this Agreement may terminate this Agreement, with or without cause, by giving the other party ten (10) days written notice that the party wished to terminate this Agreement."

Houin states in paragraph 7, it says, "this Agreement shall be in full force and effect until terminated by either party." He believes that needs to be amended that it will be in full force and effect until January 31, 2024 unless terminated by either party.

Listenberger asks Surrisi if he drafted this.

Surrisi responds by stating Jim Cleveneger did and he made some suggestions. He recommends approval of this as it has been approved by the Marshall County Commissioners as is

and they notify them that as of now we will be limiting this until January 31, 2024. He explains that would be us providing well more than ten days' notice. He explains this way it would not put the agreement back into the Commissioners court to pass an amended version at their next meeting.

Houin asks Surrisi if he would draft a notice to them pursuant to paragraph 8 that they hereby notify them that the city will terminate this agreement on January 31, 2024. Surrisi agrees. Houin states that still allows for a termination date of January 31st and then that provides a deadline to force everyone to reevaluate or we can extend it if we need to.

Ecker states he is okay with that as he does not want this to linger on.

Mayor Senter asks Manuwal to keep them posted if he needs assistance. Manuwal agrees.
Board Members Ecker and Houin moved and seconded to approve the Interlocal Agreement between Marshall County and the City of Plymouth for Building Inspection Services as presented.

The motion carried.

INTERGOVERNMENTAL AGREEMENT BETWEEN
MARSHALL COUNTY AND THE CITY OF PLYMOUTH FOR
BUILDING INSPECTION SERVICES

THIS AGREEMENT is made and entered into this 1st day of November, 2023, by and between Marshall County, Indiana, hereinafter referred to as "County," acting by and through its Board of Commissioners, and the City of Plymouth, Indiana, hereinafter referred to as "Plymouth," acting by and through its Mayor.

WITNESSETH:

WHEREAS, the County has established a building department led by the County Building Inspector, a full-time employee who handles the day-to-day building inspection work of the County and who advises and assists the County building department in addressing all matters of construction inspection and building code matters that come before it; and

WHEREAS, Plymouth has established its own Building Department and has a Building Inspector for day-to-day inspection work; and

WHEREAS, due to the temporary absence of the County Building Inspector, Plymouth agrees that the City Building Inspector shall provide inspection services for the County; and

WHEREAS, the County and Plymouth intend this Agreement as an interlocal cooperative agreement for services, pursuant to Indiana Code§ 36-1-7-2(b) and Indiana Code§ 36-1-7-12, which does not require administration of the Agreement by a separate legal entity or joint board, nor does it require the approval of the Indiana Attorney General.

NOW, THEREFORE, the County and Plymouth mutually agree to the following terms and conditions:

1. Plymouth agrees to provide temporary building inspection services for the County. The building inspection services are those building inspection services that would have been performed by the County Building Inspector except for his temporary absence. The Plymouth Building Inspector, Dennis Manuwal, Jr., shall provide said services requested by the County and shall be compensated by the City of Plymouth at his established compensation rate.

2. Plymouth's Building Inspector shall perform building inspections for the County through the use of the City's building inspection vehicle, or through Dennis Manuwal, Jr.'s personal vehicle, or through the county building inspector vehicle.

3. The County and Plymouth agree that the services set forth in paragraph 1 are to be performed solely by the City Building Commissioner. The parties do not contemplate the use of other Plymouth personnel in the performance of such services. However, the County has an agreement for electric inspections with a third party.

4. The County agrees to reimburse Plymouth on a semi-weekly basis for the time expended by Plymouth's Building Inspector for traveling to and from county building inspection sites and for conducting and making inspection reports on county building inspections. County shall pay to Plymouth at the same wage rate as Plymouth pays Manuwal.

The County further agrees to reimburse Plymouth for mileage in the event the Plymouth Building Inspector uses a city owned vehicle for travel to and from county building inspection sites based on the

standard State of Indiana mileage rate. If Plymouth's Building Inspector utilizes his personal vehicle, the County will reimburse the City for the Plymouth Building Inspector's reimbursement of mileage based upon the State rate payable to the City of Plymouth to be transferred to Dennis Manuwal, Jr. under the compensation terms that Dennis Manual, Jr. has with the City of Plymouth concerning use of his personal vehicle.

5. It is understood and agreed that Dennis Manuwal, Jr. shall maintain records of his time expended on county building inspections and his mileage for county building inspections and that such records shall be provided both to the Marshall County Auditor as well as to the City of Plymouth Clerk-Treasurer in a timely manner.

6. This Agreement shall be binding upon the parties hereto pursuant to its terms and conditions and both parties are duly authorized to enter into, effectuate and carry out the Agreement pursuant to its terms. Neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the other party being first had and obtained.


7. It is understood and agreed that the effective date of this Agreement shall be October 4, 2023 and that this Agreement shall be in full force and effect until terminated by either party. However, the parties acknowledge that similar work as contemplated this Agreement has been provided by Dennis Manuwal, Jr. prior to the Agreement's execution, since October 4, 2023. Upon submission of records of such work to both the Marshall County Auditor as well as the City of Plymouth Clerk-Treasurer, it shall also be compensable under the same terms of this Agreement.

8. Notwithstanding, the paragraphs above, either party to this Agreement may terminate this Agreement, with or without cause, by giving the other party ten (10) days written notice that the party wishes to terminate this Agreement.

IN WITNESS WHEREOF, the parties now execute this Intergovernmental Agreement between Marshall County and the City of Plymouth for Building Inspection Services.

COUNTY by its Board of Commissioners:

Plymouth by its Mayor:


Sam Kilar
Mayor
Michael D. Burroughs
Kevin Overmyer


Mark Senter

Clerk-Treasurer Gorski explains she provided the board with a copy of this customer utility history report for this one individual customer who on September 6, 2022 came in the office at 2:14 p.m. after the penalties were applied at 11:00 a.m. She explains he refused to pay the penalty and has refused to pay the penalty ever since in which it has accumulated to \$22.42. She states on November 3rd of this month he came into the office to make his payment minus his penalty amount and at the end of the day our cash drawer was over by \$10. She states she reviewed the camera and determined that \$10 belonged to him, so he provided an extra \$10 when he was attempted to short the penalty amount. She states on November 6th that \$10 was applied to his account so that leaves his unpaid penalties at \$12.42. She explains the original penalty in September of 2022 was \$6.14. She asks

either for the board to forgive the penalty of \$12.42 or tell her to shut his water off when all the rest of the customers who have not paid their bills are shut off at 9:00 a.m.

Houin asks if all of these penalties are accrued from that \$6.14. Gorski agrees. Houin asks if he was in on the correct day just after the time. Gorski agrees. Houin clarifies that is the discussion they had about the revised policy.

Gorski states this history only goes back to 2015. She states he has had 5 penalties beyond these 15 that have not been applied. She states the 5 penalties prior were paid since 2015.

Ecker asks if there was a reason provided as to why he isn't paying now.

Gorski responds by stating he does not like the government and we are out for him apparently.

Mayor Senter asks if this is a rental. Gorski agrees. Senter asks if he is a landlord or a tenant. Gorski responds with tenant.

Houin states not liking the government is not really a valid argument but he feels he could have made a valid argument under the previous ordinance that at that time it was questionable to have the payment and the penalty added. He states because of that he will motion to waive the penalty in the amount of \$12.42.

Listenberger asks for clarification that he was in to pay it on the next day after the 4th. Gorski agrees.

Houin states to expand on his reasoning, if he would have arrived before 11:00 a.m. on that same day that he would not have been penalized. Gorski agrees. Houin states our city ordinance at the time never mentioned a time deadline but if the due date falls on a weekend or holiday that the payment is due on the next business day. He states he came in on the next business day and paid it.

Gorski states in June of 2022, because there was confusion in her office about when penalties needed to be applied and when they shouldn't be applied that she created a standard operating procedure that stated the 11:00 A.M. and now they have revised the ordinance to reflect that as well.

Houin states going forward there should be no confusion or question on this. Gorski agrees. Houin states at the time this happened there was an open question as to whether this was a legitimate question on if this was a penalty according to the ordinance. Gorski agrees.

Surrisi states due to the overpayment from the \$10 cash payment that more was collected compared to what the original penalty would have been.

Mayor Senter asks what the reason was why he did that.

Gorski responds by stating he felt he didn't have to pay a penalty because it was in on the 6th.

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Mayor Senter clarifies why he paid the extra \$10.

Gorski responds by stating he didn't realize it.

Board Members Houin and Milner moved and seconded to waive the penalty in the amount of \$12.42 as presented. The motion passed by roll call vote.

Councilman in Favor: Houin, Listenberger, Longanecker and Milner

Councilman Opposed: Ecker

Councilman Absent: Compton and Culp

City Attorney Surrisi introduces Ordinance No. 2023-2222, An Ordinance Amending the City Code Provisions Regarding the Plymouth Community Ambulance Service on first reading.

City Attorney Surrisi introduces Resolution No. 2023-1079, A Resolution of the Common

Council of the City of Plymouth Authorizing the Investment of Public Funds Pursuant to IC 5-13-9-

5.

Gorski states this is an annual resolution that she requests be approved.

Surrisi adds this provides the Clerk-Treasurer with the full options of all the statutory permissible investments.

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

2023-1079, A Resolution of the Common Council of the City of Plymouth Authorizing the

Investment of Public Funds Pursuant to IC 5-13-9-5. The motion passed by roll call vote.

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

Councilman Opposed: None

Councilman Absent: Compton and Culp

RESOLUTION NO. 2023-1079

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PLYMOUTH
AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS
PURSUANT TO IC 5-13-9-5

WHEREAS, the City of Plymouth (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

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


Section 1. Pursuant to IC 5-13-9-5, the Common Council of the City of Plymouth hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9-5.

Section 2. This authorization expires one (1) year after the adoption date.

Passed and adopted by the Common Council of the City of Plymouth this 13th day of November, 2023.

ATTEST:


Mark Senter, Presiding Officer


Lynn M. Gorski
Clerk-Treasurer

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Surrisi states for Stellar Communities that there are no updates on the Greenways Trail Phase Three as things are moving on schedule. He states three weeks ago they had their quarterly meeting with OCRA and the state agencies and they were very pleased with all the progress all the communities in the county made to complete most of the projects. He states some are still underway in some of the other communities but they are going well.

Surrisi states for the Comprehensive Plan Update he encourages people to visit www.plymouthforward.com to view the draft Comprehensive Plan there. He adds there is a public comment submission form for people to post comments and that will be coming before the Plan Commission at their December meeting with the intent that it receives their recommendation before coming to the Common Council following that.

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

- Minutes of the Board of Public Works and Safety meeting of October 23, 2023
- November 13, 2023 Check Register
- October 24, 2023 Technical Review Committee Minutes
- EMS Fee Increase Recommendation

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Houin moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 6:49 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor