

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on October 10, 2016. The meeting was held in the Council Chambers of the City Building, 124 N. Michigan Street, Plymouth, Indiana. The meeting was called to order at 6:35 p.m.

Mayor Senter led the Pledge of Allegiance and Council Member Delp offered prayer.

Mayor Senter presided for Councilmembers Cook, Culp, Delp, Ecker, Fonseca and Houin. City Attorney Surrisi and Clerk-Treasurer Xaver were also present. Councilman Grobe was absent.

Councilmembers Ecker and Fonseca moved and seconded to approve the minutes of the last regular meeting of the Common Council on September 26, 2016, as presented. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on September 30, 2016:

NOTICE OF
PUBLIC HEARING
Notice is hereby given to the citizens of Plymouth, Marshall County, Indiana, that a public hearing will be conducted by the Common Council of the City of Plymouth on a request for tax abatement on real and personal property improvements by Viking Paper Corporation, located at 1001 Pidco Drive, Plymouth, IN. A statement of benefits is on file in the Clerk-Treasurer's office, 124 N. Michigan St., Plymouth, IN. The real estate has been designated within an Economic Revitalization Area pursuant to IC 6-1.1-12.1-1 on September 26, 2016. A description of the affected area is available and can be inspected in the County Assessor's Office. Said hearing will be held on Monday, October 10, 2016, in the Council Chambers of the City Building, 124 N. Michigan St., (Garro Street entrance), Plymouth, IN at the Common Council meeting at 6:30 p.m. Persons appearing at such public hearing shall have the right to be heard on the proposed project. Disabled persons needing special accommodations, please contact the ADA Coordinator at 574-936-2948. Dated this 27th day of September, 2016.
Jeanine M. Xaver
Clerk-Treasurer
City of Plymouth,
Indiana
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Councilmembers Ecker and Fonseca moved and seconded to open the public hearing. The motion carried.

Marshall County Economic Development Corporation CEO Jerry Chavez began by introducing the representative from Viking Paper Corp., Justin Mooter. Mr. Mooter stated the Viking Paper Corp. is interested in investing \$2.1 million in a building expansion and \$1.5 million in capital equipment. It was noted that they would like to install a rail spur that would allow three rail cars inside the building at one

time. Councilman Ecker asked if the railroad maintenance would be Viking Paper Corp.'s responsibility to or the railroad. Chavez said that is private property owned by PIDCO, so they are the responsible party.

Councilmembers Delp and Houin moved and seconded to close the public hearing. The motion carried.

Councilmember Ecker thanked the parties involved that worked to get the railroad tracks on Jefferson Street fixed. He appreciates their efforts and the tracks are much smoother now.

Mayor Senter announced that after speaking with the committee president, Dave Morrow, the Downtown Revitalization Committee has been disbanded and turned over to Discover Plymouth which is the Main Street organization. The committee began in early 2010 and has served its purpose as a think-tank for the downtown area. Projects that they have spearheaded include River Park Square.

City Attorney Surrisi presented Ordinance 2016-2105, An Ordinance to Amend the Code of Ordinances of the City of Plymouth to Add Backflow Prevention Standards for the Protection of the Public Works System, on second reading.

Utility Superintendent Davidson explained that this protects the city's drinking water from external sources based on IDEM's recommendations. He said that there are cases in the past where contaminants could have been pulled back into the water supply had water pressure dropped.

Councilmembers Delp and Culp moved and seconded to approve Ordinance 2016-2105, An Ordinance to Amend the Code of Ordinances of the City of Plymouth to Add Backflow Prevention Standards for the Protection of the Public Works System, on second reading.

Councilman Ecker stated that he has concerns regarding due process because section 51.55a states "...in the judgement of the utility superintendent an approved backflow prevention is necessary..." He said he has no doubts that the IDEM standards will be followed but questioned the arbitrary judgement and due process for future utility superintendents.

Surrisi said he believes that the ordinance lays out the process for the utility superintendent including what should be classified and dangerous and what is not but noted that modifications could be made to the document.

Houin suggested amending the verbiage to state "...in the judgement of the utility superintendent based on IDEM guidelines..."

Councilmembers Delp and Fonseca moved and seconded to amend the motion and approve Ordinance 2016-2105, An Ordinance to Amend the Code of Ordinances of the City of Plymouth to Add Backflow Prevention Standards for the Protection of the Public Works System, on second reading with the modified verbiage of section 51.55a to include the utility superintendent's requirement to follow IDEM guidelines.

Utility Superintendent Davidson noted that Water Department employee Mike Vollrath has been assigned the responsibility of coordinating the program and conducting the inspections. Davidson noted that the City of Plymouth has three employees that are certified backflow prevention technicians. It passed by roll call vote.

AYES: Cook, Culp, Delp, Ecker, Fonseca, Houin
NAYS: None
ABSENT: Grobe

Councilmembers Ecker and Houin moved and seconded to approve Ordinance 2016-2105, An Ordinance to Amend the Code of Ordinances of the City of Plymouth to Add Backflow Prevention Standards for the Protection of the Public Works System, as amended, on third reading. It passed by roll call vote.

AYES: Cook, Culp, Delp, Ecker, Fonseca, Houin
NAYS: None
ABSENT: Grobe

City Attorney Surrisi presented Ordinance 2016-2106, An Ordinance for Appropriations and Tax Rates for 2017, on second reading.

Councilmembers Delp and Houin moved and seconded to approve Ordinance 2016-2106, An Ordinance for Appropriations and Tax Rates for 2017, on second reading. It passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Houin
NAYS: Cook
ABSENT: Grobe

Councilmembers Houin and Culp moved and seconded to approve Ordinance 2016-2106, An Ordinance for Appropriations and Tax Rates for 2017, on third reading. It passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Houin
NAYS: Cook
ABSENT: Grobe

Councilman Cook clarified his stance on voting no for this ordinance. He said that Clerk-Treasurer Xavier stated that cuts in the budget needed to be made. Mayor Senter and Clerk-Treasurer Xavier did make cuts, however he feels it is inappropriate to make the cuts that were made to the public safety departments. Cook would have preferred that each department be required to make a certain percentage of cuts to make up the total budget reduction.

Surrisi explained that cuts were not made to the fire and police departments, but rather additions to those departments were cut and included additional vehicles for the police department and turnout gear for the fire department.

In other business, Councilman Ecker asked that the council readdress the Jefferson Street property where the Clark gas station was previously located. He said that it appears a window was knocked out and is now boarded up.

Surrisi said that the parking lot is past due to be paved. He said that Building Commissioner Hammonds sent correspondence to the property owner stating that it needed to be done with two weeks or they would receive a \$250 fine would be enforced. Following the two week period, each day that it is not paved would be an additional \$250 per day. Surrisi said that he has not received any follow up correspondence from the property owner, just the certified mail receipt stating the mail was delivered.

City Attorney Surrisi presented Ordinance No. 2016-2107, An Ordinance Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 2017, on first reading.

City Attorney Surrisi presented Resolution No. 2016-715, A Resolution of the City of Plymouth to Create a Fund Entitled "TIF 4 Fund".

Councilmembers Houin and Culp moved and seconded to approve Resolution No. 2016-715, A Resolution of the City of Plymouth to Create a Fund Entitled "TIF 4 Fund". It passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Houin
NAYS: Cook
ABSENT: Grobe

City Attorney Surrisi presented Resolution No. 2016-716, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate to be Within an "Economic Revitalization Area" for Purposes of Real Property and Personal Property Tax Abatement Pursuant to IC 6-1.1-12.1 et seq. (Viking Paper).

Councilmembers Ecker and Delp moved and seconded to approve Resolution No. 2016-716, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate to be Within an "Economic Revitalization Area" for Purposes of Real Property and Personal Property Tax Abatement Pursuant to IC 6-1.1-12.1 et seq. (Viking Paper Corp.).

The Indiana Youth Club submitted an application for exemption from the licensing requirements of Ordinance #1309. No representatives of this organization were present to discuss their request. Chief Bacon believes their intent it to sell magazine subscriptions but has concerns after checking the addresses provided on the request. The South Bend office is a virtual office and the Elkhart office is an apartment complex. No action taken regarding this request.

Fire Chief Miller asked for the acceptance of the donation for the National Fire Safety Council into the City Monetary Gift Fund from the Pilot News for \$62.50.

Councilmembers Delp and Ecker moved and seconded to accept the donation for the National Fire Safety Council into the City Monetary Gift Fund from the Pilot News for \$62.50. The motion carried.

Marshall County Economic Development Corporation CEO Jerry Chavez presented the MCEDC annual report for 2015. He discussed the developments around Commerce and Pioneer Drive, the tax abatement approved by the town of Argos for a dairy farm, Pretzels, Inc. purchasing the Commerce

building, and the award of the Regional Cities grant that will benefit all the communities in Marshall County including Plymouth's proposal for the South Gateway apartments.

Councilman Cook stated that he voted against the housing project at the South Gateway. He originally supported the project but was subsequently contacted by constituents who are against it. Chavez encouraged Cook to speak with local employers. There was discussion and concern regarding the monthly rates for the tenants. Chavez explained that the plans for the South Gateway are preliminary and adjustments can be made to the plans.

Members Delp and Fonseca moved and seconded to accept the following communications:

Minutes of the Board of Public Works and Safety meeting of September 26, 2016;
Minutes of the Board of Zoning Appeals meeting of September 6, 2016;
Minutes of the Technical Review Committee meeting of October 4, 2016;
Minutes of the Board of Aviation Commissioners meeting of September 13 2016;
Minutes of the Board of Aviation Commissioners Special Session meeting of September 27, 2016;
Minutes of the Urban Forest and Flower Committee of September 21, 2016

The motion carried.

There being no further business to discuss, Councilmembers Culp and Fonseca moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:16 p.m.

Jeanine M. Xaver, IAMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor