

REGULAR SESSION, COMMON COUNCIL, OCTOBER 24, 2016

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on October 24, 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 6:39 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 October 10, 2016, with corrections. There was discussion at the last meeting regarding the backflow prevention ordinance that Councilman Houin felt he expressed and not Councilman Ecker. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on October 13, 2016:

<p><b>Notice of Hearing</b> <b>City of Plymouth,</b> <b>Indiana</b> <b>Vacation of Allen</b> <b>Street</b></p> <p>The Plymouth Common Council has received a petition from Milten Properties, LLC requesting the vacation of Allen Street. Pursuant to Indiana Code § 36-7-3-12, a hearing on the petition is now scheduled for the Common Council's regularly scheduled meeting on Monday, October 24, 2016, at 6:30 p.m., 124 N. Michigan St. (Garro St. Entrance), Plymouth, IN 46563. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by Indiana Code § 36-7-3-13. After the hearing, the Common Council may, by ordinance, vacate the public street.</p>	<p><b>116</b> <b>Legals</b></p> <p>Plymouth Common Council Jeanine M. Xaver, Clerk-Treasurer October 13, 2016 PN3347 hspaxlr</p>
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Councilmembers Culp and Ecker moved and seconded to open the public hearing. The motion carried.

Tod Stillson addressed the council. He said Milten Properties, LLC is interested in having the city vacate Allen Street which runs from Jefferson Street behind what used to be the Madison Center, which is currently his office. He and co-owner of Milten Properties, James Stone, have been maintaining the street including resurfacing and snow removal. He asked that the council consider vacating that property so they can continue to maintain it as they have been.

Mr. Robert Gross, 19043 13 B Road, Culver (owner of 213 E. Jefferson St.), asked if the intent was to close the street. Stillson said that the intention is not to close the street, but maintain it as usual. Stone said that he and Stillson have been putting money into maintaining the street and stated that he would like to own that as well if they are going to invest money in the upkeep.

Mrs. Vargas, speaking on behalf of Mila's Mini Market, 213 E. Jefferson Street, said that she had no problem with it as long as they are not going to close the street.

Brian Montgomery, on behalf of The Coffee Lodge, said he has concerns regarding the parking spaces on the west side of his building and the long-term consequences of this becoming private property. Houin asked if the intent was to vacate the property all the way to Jefferson Street or just from the Milten Properties' property line. Stillson said the original proposal was to vacate the entire street, but he is willing to amend that if it makes more sense to be where his property lines starts right behind Mila's and go back behind his building. The city would then be responsible for maintaining the remaining portion of the road.

Marquardt said he has no concerns from a street department perspective and would request a permanent easement to allow plow trucks access to turn around. There was additional conversations regarding the easements for Mila's and The Coffee Lodge for access to parking. Superintendent Davidson said there has been discussion regarding permanent easement for sanitary sewer access.

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City Attorney Surrisi suggested that no action be taken this evening and that the survey of the land move forward which will give him time to draw up a contract regarding easements and determine the best course of action.

Councilmember Houin asked Surrisi if we needed to have the property appraised and go through a public process. Surrisi said it depends on the value of the parcels of land. If they are less than \$10,000.00 in value, then we could just agree to exchange for the easement.

City Engineer Gaul said that this proposal has gone before the Technical Review Committee, which reviewed the easement necessity for multiple city-operated departments including utilities and fire. Gaul explained that historically when the city has vacated a street or alley, the vacated property was divided down the center and split equally between adjoining property owners.

Chief Miller said that he believes there is enough space behind Dr. Stillson's office for fire apparatuses to turn around and have access to the mobile homes in that area. Councilmember Delp said in reviewing the TRC minutes that there was discussion and the possibility of Milten Properties closing down the vacated street. Delp asked the Milten Properties representatives to clarify that they do not intend on doing this. It was confirmed by Stillson and Stone that there is no intention on blocking this area.

Delp said he would be inclined to vacate the street pending the survey and agreement between the business owners in the area. Montgomery said he is fine with vacating everything except what is adjacent to the Coffee Lodge.

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

Mayor Senter said that there is no formal resolution for this request, so Milten Properties will work with City Attorney Surrisi on the next step in the process.

City Attorney Surrisi presented Ordinance 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 second reading.

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Councilmembers Houin and Delp moved and seconded to approve Ordinance 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 second reading.

Councilman Cook said that he would not support the changes to the salaries for the accounts payable clerk, EMS clerk, and human resources clerk because it is more than a \$1,000 increase that was previously decided for all full-time employees across the board. Cook said he did speak with Clerk-Treasurer Xaver and he does support increasing the number of employees in this department to supplement the increased responsibilities within the office.

Cook also stated that he does not support the salary change for the Promotion of the City Coordinator as it is more than a \$1,000 raise. He said that if the mayor's budget for 2017 had been adjusted so that the \$6,364.80 that is being request was decreased in other areas of the budget, he would be comfortable with the change. However, this money is in addition to the budget already set for 2017.

Cook said he also does not support the \$3,515.20 increase in the salary of the multi-task employee for the police department. Again, this is because the original proposal of a \$1,000 pay raise for all employees is the fairest to all city employees.

Councilman Houin said he has had conversations with constituents and department heads which have been enlightening to learn about many positions within the city and their job responsibilities and duties. He believes this has brought to light the need for a comprehensive review of the positions within the entire city, not just individual departments. Houin felt it may be worthwhile to see if MACOG and/or IACT can help with reassessing our pay rates and job descriptions. He said that in the meantime, he agrees with Councilman Cook's view on the positions within the Clerk-Treasurer's office as well as the police department. Houin said he does differ with Cook's opinion on the Promotion of the City Coordinator because he feels this is an entirely new position that the mayor's secretary is qualified to hold.

Councilman Cook requested the council's permission to agree and support adding additional staff to the Clerk-Treasurer's office after the first of the year. He said he is willing to work with Clerk-Treasurer

Xaver to find funding with the money that the city has available to help accommodate the needs of that office.

Councilman Delp asked to hear Clerk-Treasurer Xaver's opinion on the need for additional staff as this is the first time he has heard this proposal. Xaver said she has considering asking the council's permission for additional staff. She said the same number of employees have worked for this office since before she started in 1987 and duties and responsibilities have become more complicated over this time period. She said that state statute requires the council approve the number of staff members in the Clerk-Treasurer's office.

Councilmembers Houin and Ecker moved and seconded to amend the motion to approve Ordinance 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 second reading by striking the positions of Accounts Payable Specialist, EMS Billing Coordinator, and Human Resources Director and those positions will continue to be in the position of Clerk with a rate of \$16.77, as well as strike the hourly rate of \$17.98 for the multi-task employee for the police department and replace it with an hourly rate of \$16.77 and strike the hourly rate of the probationary position of the same title from \$16.19 per hour to \$15.15 per hour.

Councilman Houin clarified that this motion does not include a change to the Promotion of the City Coordinator position.

Police Chief Bacon said that there used to be two clerical positions that no longer exist at this time. He feels the multi-task employee's responsibilities are greater than that of a clerical position and include a wide variety of tasks.

Councilman Delp stated that he has personally had conversations with Chief Bacon, Clerk-Treasurer Xaver and employees that are in the positions in question. He does feel that some of these positions, especially in the Clerk-Treasurer's office, have responsibilities that are greater and they should be compensated for that. After talking with the Clerk-Treasurer, he feels he cannot support it at this time,

but thinks phasing it in would be a more appropriate approach. Delp said he does support the change in the mayor's secretary position and the increase for the multi-task employee at the police department.

The amendment to Ordinance 2016-2107 passed by roll call vote.

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

Amended Ordinance 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 second reading passed by roll call vote.

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

Council Members Ecker and Fonseca moved and seconded to pass the amended version of Ordinance 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 third reading. It passed by roll call vote.

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

Councilman Houin reiterated the need to embark on an analysis of all the city employees.

City Attorney Surrisi presented Resolution No. 2016-717, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Eugene (Rocky) Talcott for a Commercial Revitalization Rebate Program Grant.

Surrisi explained that this is a program that will provide up to a 20% rebate for any exterior treatments done to a commercial property within the city. Generally the process is that the owner submits an application, two quotes are received for the project which are presented before the council, and this can be approved by the council for a rebate of up to 20% to be paid after the work is completed and receipts are in order.

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Rocky Talcott addressed the council. He said last year the council approved phase I of this project which was work to the front of his building. This proposal is for phase II for a new roof and gutters. In an emergency situation, Talcott had to have the roof fixed so this portion of the project has already been completed. It was done for \$8,000.

Talcott received two quotes for the gutter project. The first quote from The Gutter Guys is for \$2,577.16. The second quote is from Advanced Roofing and they will complete the same job for \$937.00. Talcott would like to award the project to Advanced Roofing as they have met expectations and it is the more affordable option.

Council Members Ecker and Fonseca moved and seconded to approve Resolution No. 2016-717, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Eugene (Rocky) Talcott for a Commercial Revitalization Rebate Program Grant, with eligible expenses totaling \$8,947.00. The rebate shall not exceed \$1,789.40, pending actual costs and itemized invoices.

Councilman Delp reiterated that there is a need for two quotes for all projects because this is a perfect example of a \$1,500.00 difference in work for the same job. Councilman Houin said that the requirement for obtaining two quotes is extremely important, however he thinks it is just as concerning that the request is for reimbursement after the job has been performed. He stated that the only reason this request is being considered is because this was an emergency situation.

Ecker said he respects the two quote standard, but feels Talcott has kept the council informed on the situation and did communicate the emergency situation at the time it happened. He feels this is all in good faith.

It passed by roll call vote.

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

Stephen Carter of Carter, Dillion, Umbaugh, a representative for the Pretty Lake Conservancy District, presented his request before the council.

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Late fee for Pretty Lake CD – waiver request – governmental entity S/ Stephen M. Carter,  
574-936-9910

Carter said that his firm was retained by Pretty Lake Conservancy about five months ago to assist with bookkeeping, accounting and reporting work. As part of that process, he has helped them adjust some procedures to fall in line with internal controls. In this particular instance, the bill was received by Carter, sent for approval to the board president, and then sent back to the treasurer to sign and cut the check. This procedure took longer than the required timeframe for the city so the 10% penalty was added to the bill.

Carter said that he is planning on proposing to the conservancy a more contemporary method for paying this utility bill in the future such as ACH. This is to ensure an error like this does not happen again in the future.

Council Member Ecker asked if this was more than one time that they have requested this waiver. He recalls this happening in 2015. Carter was unaware of occurrences before his firm took over the accounting for Pretty Lake Conservancy. Council Member Delp recalls residents coming in and asking for the same waiver and the council not granting it to them. He feels this could open the door for additional requests.

Carter said that because this is a governmental entity, penalties cannot be paid so the treasurer will be responsible for paying that back. He asked the council to consider that this is not a residential wholesale contract with a wholesale service provider. It is not uncommon for arrangements with this type of entity to have a different payment terms and different contracts.

Council Member Houin feels that this situation should be treated differently because they are a governmental entity that functions in a different way from residential customers, including subjection to audits. He does not want a volunteer treasurer to be responsible for paying this penalty but feels the process needs to be looked at so it does not occur again.

Council Members Delp and Cook both feel that governmental entities have the same responsibilities as residential or commercial entities and should not be treated any differently.

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Council Members Houin and Culp moved and seconded to waive the fee in this one instance for the Pretty Lake Conservancy District. The motion was defeated by roll call vote.

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

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

Minutes of the Board of Public Works and Safety meeting of October 10, 2016;  
Minutes of the Technical Review Committee meeting of October 18, 2016;  
Minutes of the Urban Forest and Flower Committee of September 21, 2016;  
Minutes of the Marshall County Council on Aging of September 20, 2016;  
IDEM Notice of Public Comment Letter Dated October 12, 2016  
Clerk-Treasurer's Depository Statement and Cash Reconciliation September 2016  
Clerk-Treasurer's September 2016 Trial Balance Cash-Investment Account  
Clerk-Treasurer's September 2016 Revenue Report – All Funds  
Clerk-Treasurer's September 2016 Expense Report – All Funds  
Umbaugh Financial Management Report Municipal Wastewater Facility for the Eight Months Ended August 31, 2016  
Umbaugh Financial Management Report Municipal Water Utility for the Eight Months Ended August 31, 2016

The motion carried.

There being no further business to discuss, Councilmembers Ecker and Houin moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:46 p.m.

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Jeanine M. Xaver, IAMC  
Clerk-Treasurer

APPROVED

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Mark Senter, Mayor