

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on April 29, 2013. The meeting was rescheduled from the regular meeting date of April 22, 2013. 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 6:30 p.m.

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

Senter presided for Council Members Delp, Culp, Ecker, Smith and Grobe. Clerk-Treasurer Hutchings, City Engineer Gaul and City Attorney Surrisi were also present.

Councilmen Delp and Ecker moved and seconded to approve the minutes of the last regular meeting on April 15, 2013 and to dispense with reading them since they have been reviewed and found to be correct. The motion carried.

City Attorney Surrisi reported that about two weeks ago he and Building Commissioner Hammonds had a conference call with a company with whom there were initial discussions last year when the city started to file receivership action on the Park Jefferson Apartments. At that time the owner and his attorney asked to complete remediation work. The request was granted and work was being done until the first of the year, at which time the owner fired his contractor. Surrisi said that he sent a letter to the owner's attorney asking what their plans were, to which there was no response. He said that the company should be getting a proposal to him this week for him to review and present to the courts.

Surrisi presented Ordinance No. 2013-2057R, An Ordinance Establishing Regulations Regarding Private Water Wells, as amended, on third reading.

Councilmen Delp and Grobe moved and seconded to adopt Ordinance No. 2013-2057 Revision Two, on third reading. It passed by roll call vote.

AYES: Delp, Culp, Ecker, Smith and Grobe
NAYS: None

Surrisi presented Resolution No. 2013-557, A Resolution of the Common Council of the City of Plymouth to Approve a Donation to the Community Resource Center of Marshall County, IN, in the amount of \$100,000.

Councilmen Grobe and Culp moved and seconded to adopt Resolution No. 2013-557, A Resolution of the Common Council of the City of Plymouth to Approve a Donation to the Community Resource Center of Marshall County, IN, in the amount of \$100,000.

Councilman Grobe said that he and Councilman Culp met with Clerk-Treasurer Hutchings and City Attorney Surrisi and discussed several different options. He said that he feels that the loan that was originally requested is not within the bounds that the city is able to do. But they do want to see the venture succeed, and thought the best way to assist to that end is to make a donation. Grobe said that they trust that their donation made in good faith will be used to revitalize the area.

The donation is contingent upon the subsequent additional appropriation of the funds, but is not contingent on any terms of compliance of the Community Resource Center.

Councilman Ecker said that he believes the area is truly an eyesore and welcomes improvements to the eye appeal of the area. He feels that the council must be conscious of future requests so as to not impact the taxpayers with increased tax rates.

The motion to adopt Resolution No. 2013-557 passed by roll call vote.

AYES: Delp, Culp, Ecker, Smith and Grobe

NAYS: None

Mayor Senter announced that the Veterans Therapeutic Art Center, which is housed in the upstairs of the old firehouse, would have a ribbon cutting on Saturday at 1:00.

Senter said that the Mayor's Prayer Breakfast will take place Thursday, May 2nd at 6:30 a.m.

City Attorney Surrisi presented the following proposed agreement for the board's consideration:

AGREEMENT FOR TRANSPORTATION SERVICES

This agreement made and entered into by and between the CITY OF PLYMOUTH, a municipal corporation of the State of Indiana acting by and through its duly elected Common Council, hereinafter referred to as "the City," and the MARSHALL COUNTY COUNCIL ON AGING, INC., an Indiana not-for-profit corporation with Federal Identification Number 35-1522711, hereinafter referred to as "Older Adults."

W I T N E S S E T H:

WHEREAS, Older Adults manages a program entitled "Marshall County Public Transportation Program" which in part provides partially subsidized public transportation to citizens of Marshall County, including of course citizens of Plymouth; and,

WHEREAS, for several years the City has contributed to the funding of this public transportation program with a payment from its City Development funds to the Michiana Area Council of Governments (MACOG), which in turn made payment to Older Adults; and,

WHEREAS, the City desires to continue with its contributive subsidy in support of public transportation for the citizens of Plymouth and Older Adults desire to maintain the program into 2013; and,

WHEREAS, it would be far more fiscally efficient and therefore prudent for the City to make direct payment to Older Adults, instead of MACOG.

NOW, THEREFORE, in consideration of the mutual promises and subject to the terms and conditions listed below, the parties mutually agree as follows:

1. **SERVICES TO BE PERFORMED**
Older Adults agrees to maintain the Marshall County Public Transportation Program in its present form which consists of providing public transportation to citizens of Plymouth for a nominal and subsidized fee.
2. **VOLUNTARY AUDIT AT REASONABLE TIMES WITH REASONABLE ADVANCE NOTICE**
Older Adults agrees to allow the City, or the City's designee, to audit all records of Older Adults related to the Marshall County Public Transportation Program at all reasonable times and with reasonable advance notice, to ensure that Plymouth citizens are being adequately served by the program relative to the monetary subsidy provided by City.
3. **NON-AGENCY RELATIONSHIP**
The parties specifically agree that one is not the agent of the other. In other words, Older Adults acknowledges that, in managing and providing services to the citizens of Plymouth, it is neither an agent of the City, nor in any way takes direction from the City in its management of the program, or Older Adults supervision of and relationship with the drivers providing services to citizen riders.
4. **HOLD HARMLESS**
Older Adults agrees to hold the City harmless from any cause of action arising out of Older Adults' management of the Marshall County Public Transportation Program or its supervision of the employees providing services to citizen riders.
5. **SUBSIDY PAYMENT FOR SERVICES**
In exchange for the performance of the obligations of this Agreement by Older Adults, City shall pay to Older Adults the annual sum of \$8,000.00, payable in at least semi-annual increments throughout the calendar year 2013. Older Adults shall prepare and submit to the Office of the Clerk Treasurer a duly executed claim in proper form, with any other documentation requested by the Clerk Treasurer.
6. **BINDING AGREEMENT**
This Agreement shall be binding upon the parties pursuant to its terms and conditions and both parties acknowledge each is duly authorized to enter into, effectuate and carry out this Agreement pursuant to said terms. Neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the party being first had and obtained.

7. TERM OF AGREEMENT

It is agreed the effective date of this Agreement shall be January 1, 2013, and that this Agreement shall be in full force and effect for the entire calendar year of 2013.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 29th day of April, 2013.

Surrisi explained that the contract is similar to that in years past, except the amount has been increased from \$6,000 to \$8,000.

Councilmen Delp and Culp moved and seconded to approve the agreement as presented. The motion carried.

Surrisi presented CF-1 / Real Property and DF-1 / Personal Property Compliance Forms for Hoosier Tire.

Councilmen Culp and Ecker moved and seconded to accept the forms as presented. The motion carried.

Clerk-Treasurer Hutchings asked permission to transfer \$8,000 from the City Development Fund to the Transportation Fund in order to cover the cost of the Agreement for Transportation Services between the City of Plymouth and the Marshall County Council on Aging.

Councilmen Smith and Grobe moved and seconded to approve the transfer. The motion carried.

Senter offered the privilege of the floor to members in the audience. No one accepted.

Councilmen Delp and Grobe moved and seconded to accept the following communications: minutes of the Board of Public Works and Safety meeting of April 15, 2013; minutes of the Plan Commission meeting of April 2, 2013; minutes of the Board of Zoning Appeals meeting of April 2, 2013; minutes of the Urban Forestry and Flower Committee meeting of April 17, 2013, and the minutes of the Downtown Revitalization Committee meeting of April 3, 2013. The motion carried.

There being no further business to discuss, Councilmen Ecker and Grobe moved and seconded to adjourn the meeting. The motion carried; the meeting was declared adjourned at 6:44 p.m.

S/Toni Hutchings, IAMC, CMC, CPFA
Clerk-Treasurer

APPROVED

S/Mark Senter, Mayor