

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on February 13, 2017. 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 6:32 p.m.

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

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

Councilmembers Houin and Culp moved and seconded to approve the minutes of the last regular meeting on January 23, 2017 as presented. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on February 2, 2017:

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Legals

**NOTICE TO TAXPAYERS OF PROPOSED
ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of the City of Plymouth, Marshall County, Indiana that the proper legal officers of the Common Council at their regular meeting place of the Council Chambers of the City Building, 124 North Michigan Street (Garro Street entrance), Plymouth, Indiana immediately following the Board of Works meeting at 6:30 p.m., Monday, February 13, 2017, will consider the following additional appropriations in excess of the budget for the current year.

Fund Name:	Police Dept. Federal Equitable Sharing Fund
Major Budget Classification:	Supplies
Amount:	\$1,422.00
Fund Name:	Unsale Building Fund
Major Budget Classification:	Other Services and Charges
Amount:	\$37,053.00
Fund Name:	Brownfields EPA Grant Fund
Major Budget Classification:	Other Services and Charges
Amount:	\$50,000.00
Fund Name:	Deferral and Diversion Fund
Major Budget Classification:	Supplies
Amount:	\$8,899.00
Fund Name:	Safe Routes to School
Major Budget Classification:	Capital Outlay
Amount:	\$167,846.00
Fund Name:	Plymouth Greenway Trail Project Fund
Major Budget Classification:	Capital Outlay
Amount:	\$475,632.00
Fund Name:	Freedom Park Grant Fund
Major Budget Classification:	Capital Outlay
Amount:	\$6,301.00
Fund Name:	Tennis Court Project Fund
Major Budget Classification:	Capital Outlay
Amount:	\$39,801.00
Fund Name:	Local Road and Bridge Matching Grant Fund
Major Budget Classification:	Capital Outlay
Amount:	\$1,312,440.00
Fund Name:	Drug Free Community Fund
Major Budget Classification:	Supplies
Amount:	\$361.00
Fund Name:	Lake and River Enhancement (LARE) Grant Fund
Major Budget Classification:	Capital Outlay
Amount:	\$62,500.00

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken. Handicapped citizens needing special accommodations for the meeting, please call the ADA Coordinator, 574-936-2948.
Jeanine Xaver, Clerk-Treasurer February 2, 2017 -P

February 2, 2017 PV9233 hssxp

Council Members Culp and Ecker moved and seconded to open the public hearing. The motion carried.

Clerk-Treasurer Xaver said that the city's annual budget is only for the tax supported funds and those with known, consistent income such as the Law Enforcement Continuing Education Fund and the Aviation Rotary Fund. Therefore, it is necessary to have a public hearing to set appropriations for the other funds. The funds have the cash balance available, or will have, for the grant funds.

Mayor Senter opened the discussion up to the Council Members. There were no comments.

Mayor Senter opened the floor to the public for comment. There were none.

Council Members Grobe and Fonseca moved and seconded to close the public hearing. The motion carried.

In new business, Member Cook referred to the following letter from Clerk-Treasurer Xaver:

February 9, 2017

Honorable Councilman Gary Cook
Honorable Councilman Duane Culp
Honorable Councilman Don Ecker
Honorable Councilwoman Shiloh Fonseca
Honorable Councilman Shawn Grobe
Honorable Councilman Jeff Houin
Honorable Councilman Bill Walters
Honorable Mayor Mark Senter

Gentlemen and Lady,

I am asking your approval to increase my full-time staff from five employees to six, as required by Indiana Code:

IC 36-4-10-7

Third class cities; clerk's deputies and employees

Sec. 7. (a) This section applies to third class cities.

(b) The clerk shall appoint the number of deputies and employees needed for the effective operation of the office, with the approval of the city legislative body. The clerk's deputies and employees serve at the clerk's pleasure.

(c) If a city owns a utility and the clerk is directly responsible for the billing and collection of that utility's rates and charges, the clerk shall appoint those employees who are also responsible for that billing and collection. These employees serve at the clerk's pleasure.

(d) Whenever the city court judge does not serve as clerk of the city court or appoint a clerk to serve as clerk of the city court under IC 33-35-3-1, the clerk shall serve as clerk of the city court.

As added by P.L.189-1988, SEC.4. Amended by P.L.33-1998, SEC.10; P.L.98-2004, SEC.161.

The size of the staff has remained the same since before I was hired in 1987. While we have had high school or college students work from time to time, the time that they can work is limited by their schedules. There are sufficient appropriations in place for another full time employee.

Over the last fifteen years, the number of claims processed by the accounts payable clerk has increased by 30%, from 6739 to 8763.

Our EMS billing company collects approximately 70-80% of what they bill; they charge 8% of what they collect; they will make three collection attempts per bill. After those attempts, they release the bills to us to collect. If we turn those bills over to a collection company, they charge 50% of what they collect, and their collection rate is not great. In a little over two years (from January 2014 – February 2016) my former EMS clerk collected only \$5,300; my current EMS clerk collected over \$12,000 in eight months last year.

While my staff works for me and at my pleasure, they do an immense amount of work for the department heads and city as a whole. There is not a day that goes by that a department head is not standing at one of my employee's desks talking about an issue. My employees send letters to collect parking tickets and outstanding ambulance bills. My staff provides assistance to residents applying for a variance of development standards, rezoning or any other case that goes before the plan commission or board of zoning appeals. My staff attends the plan commission, BZA and Board of Aviation Commission meetings, types the minutes from those meetings and prepares the packets for the members. My staff pays all of the bills for all of the departments and processes receipts for all of the departments; we issue dog tags and cemetery deeds; we take requests for tree trimming; we file claims with our insurance provider for liability claims. We process over 3800 payments per month.

My office processes all of the payroll, all of the new hires, all of the benefits, all of the workers' compensation claims, all of the questions about insurances and problems resolving insurance benefits, compliance with the EEOC, ADA, FMLA, FCRA and all other state and federal laws regarding payroll and human resources. This year due to the mandatory change in insurance vendors, the workload has greatly increased for our human resource functions. It has been a difficult transition and has required much contact with the employees and the insurance vendors to try to resolve problems. Additionally the national average number of human resource/payroll employees is 3.4 per 50-250 FTEs (full time equivalents) per the Society for Human Resource Professionals Workplace Analytics Report. We staff with one individual who also must contribute to completing regular clerk duties with the other staff.

There is some office work that must be done every day by state law. Funds received by the city have to be deposited the next business day; so processing payments is something that obviously has to be done every day. Due to the continued increase in duties as required, many of the other duties needed to run an effective and efficient office are not getting completed. While the staff can and does work overtime, to make this the rule rather than the exception is not fiscally responsible, nor is it the best use of the staff. It is difficult to maintain a heavy work load for any length of time, and I would not expect any of my staff to give up time with their family to that extent.

The state has mandated additional reporting by my office, including the Annual Operations Report for Highways and Local Roads and streets; additional TIF Management Reporting; uploading of contracts; reporting of payments for any advertised bids; Indiana New Hire reporting; Nepotism reporting, E-Verify reporting, 1095 forms and additional background check requirements. Included in this must be the time it takes to keep abreast of the legal changes and interpretations to ascertain that we keep in compliance with the regulations.

Please do not misconstrue this as a complaint. There are many things that I enjoy about my job and I love having the opportunity to serve our community as an elected official. There is a great deal of satisfaction gained from balancing to the penny every month and providing you with reports that are accurate and timely; I appreciate the opportunity to work with the department heads and am privileged to be a small part of our local government.

I was raised by Depression-era parents – I understand that you get by with what you have for as long as you can. But I believe that we could provide better services to our community, to our taxpayers and our departments if we have the additional staff. Hiring another full-time employee will be beneficial to the city as a whole because all jobs will be done more thoroughly, completely and thereby save time in the long run. My staff will be able to spend more time working the outstanding EMS bills in order to help offset the increasing financial needs at the fire department. That cannot be done with the number of employees that I currently have.

Please feel free to contact me if you need additional information. Thank you for your consideration.

Jeanine M. Xaver
Clerk-Treasurer, IAMC

Cook asked that the council address Xaver's request for an additional full-time clerk in her office. He supports the additional staff following a discussion with Xaver regarding job duties, additional responsibilities, and that this salary can be paid with the current budget.

Councilman Cook and Walters moved and seconded to approve Clerk-Treasurer Xaver's request to hire an additional full-time clerk. Councilman Ecker asked if there was a job description available. City Attorney Surrisi noted that this is not a new position and fits within the current salary ordinance.

Xaver explained that additional support is needed in taking utility payments, managing ordinance violation payments and letters, EMS collections, and balancing, among other smaller tasks. Councilman Grobe asked what the job classification will be and where budgetary funding will come from. Xaver said the position is Clerk and there is currently funding available between the Financial Board, Water, and Wastewater funds, which is how several other positions within her office are split.

Audience Member Wilson Gerrard asked what the new employee is going to cost each retired citizen that lives within the City of Plymouth. Xaver explained that the funding is split between the three departments and only one-third of the cost will come from tax payers dollars, which is the Financial Board portion. Councilman Houin noted that this will not change the current budget, therefore tax payers will not incur any additional taxes due to this employee.

Houin asked if there has been any progress in conducting a city-wide investigation into salaries and job descriptions. Surrisi said that there have been recent discussions about the need for this, however no concrete plans have been put in place.

Houin, Ecker, and Culp all stated that strongly feel this investigation needs to move forward for all city positions.

The motion to add a sixth full time staff position within the Clerk-Treasurer's Office passed by roll call vote.

AYES: Cook, Culp, Ecker, Fonseca, Grobe, Houin, and Walters
NAYS: None
ABSTAIN: None

City Attorney Surrisi presented an updated Umbaugh Agreement for the Council's consideration. The current agreement is from 2006.

It was decided to table the discussion.

City Attorney Surrisi presented an Agreement with Rooney and Co. LLC for the Council's consideration. (The original agreement had a typographical error and stated it was for calendar years ending December, 2014 and December, 2016. Ms. Rooney apologized and sent the following correct agreement for the calendar year ending December, 2016.)

January 5, 2017

Jeanine M. Xaver
Clerk-Treasurer
City of Plymouth
124 N. Michigan Street
Plymouth, IN 46563

Dear Jeanine,

The purpose of this letter is to confirm the cost report services we will perform, and the scope of the engagement. This engagement is by and between Rooney and Co, LLC, an Indiana limited liability company (“**Rooney and Co**”) and The Plymouth Fire Department (“**PFD**”). Our engagement will include the preparation of the following cost report from the information you supply us:

➤ Indiana Medicaid Freestanding Governmental Ambulance Provider Cost Report for the year ending December 31, 2016 .

Rooney and Co is responsible for preparing the cost report listed above in compliance with the cost allocation principles found in OMB Circular A-87 and CMS Pub. 15-1 and based on the instructions outlined in the Indiana Health Coverage Program June 4, 2013 Medicaid Bulletin BT201316. The purpose is to determine the Medicaid program ambulance costs for potential additional Medicaid reimbursement. Rooney and Co will provide PFD a planning guide to assist in compiling the necessary data required for completion of the above report. All statements, records, schedules, working papers, or memoranda prepared by Rooney and Co during our engagement shall remain the exclusive property of Rooney and Co.

This engagement is limited solely to cost report preparation. Rooney and Co will not audit or otherwise verify the data you submit (the “**Data**”). However, the Office of Medicaid Policy and Planning requires that you have adequate documentation to support the cost reports filed, and we may require clarification with regards to the Data you provide. Regardless of whether or not separate, several, joint or concurrent liability may be imposed upon Rooney and Co, PFD shall indemnify and hold harmless Rooney and Co from and against all damages, claims, and liability arising from or connected with the Data provided. If Rooney and Co shall become a party to litigation or required to respond to an audit of PFD based upon the Data submitted or the failure of the cost report to be timely submitted due to the suspension or termination of our work due to non-payment or failure to provide the Data or other necessary info on a timely basis, then PFD shall hold Rooney and Co harmless and indemnify Rooney and Co with respect to all associated costs, including without limit to: attorneys’ fees, accountants’ fees, court costs, interests, and penalties.

Our fees for the cost report preparation will be \$4,000 per year or you may choose a 25% contingency due upon the receipt of the 2016 ambulance supplemental payment. We would agree to limit our fees under the contingency arrangement to \$10,000 per year.

If you choose the fixed fee amount of \$4,000, you will be invoiced upon completion of the cost report. Our invoices are due and payable within 30 days. If the contingency option is chosen, the payment to Rooney and Co is due within 30 days of receipt of your payment. Interest will accrue at a rate of 3% per month on any unpaid balances

We believe the foregoing correctly sets forth our understanding, but if you have any questions, please let us know. If you find the arrangements acceptable, please acknowledge your agreement to the understanding by signing and returning the letter to us.

We look forward to working with you as a client. Should you have questions please contact Lisa Rooney at 317.840.8280 or by email, Lisa.Rooney@Rooneyandco.com.

Sincerely,
Rooney and Co, LLC,
/s/ Lisa Rooney
Lisa Rooney, Manager

Please have the authorized agent or other authorized representative select the fee schedule desired, and then execute and date below.

_____ Flat Fee \$4,000
_____ Contingency Fee of 25% of Payment (Limited to \$10,000)

I have read and understand the above Agreement, selected the desired fee schedule, received a copy, and accept all of its terms.

City of Plymouth

By: _____ Date: _____

Printed: _____ Title: _____

City Attorney Surrisi noted that with the last agreement, our reimbursement was in excess of \$63,000 for calendar years 2014 and 2015, so the city was well-ahead by paying the flat fee of \$4,000.

Councilmen Ecker and Houin moved and seconded to approve the agreement. The motion carried.

Surrisi reported on Councilman Houin's request at the last meeting that he look into the city's responsibility to contact people who have not cashed the checks we have issued to them before cancelling them.

According to IC 5-11-10.5, by March 1 of each year, the clerk-treasurer shall prepare a list of checks outstanding and unpaid for 2 or more years as of December 31, which shall be declared cancelled; one copy of the list is filed with the city council, the other is kept in the clerk-treasurer's office. The funds from the cancelled checks are receipted back into the operating balance of the fund from which it was drawn. This requires no action by the council.

Clerk-Treasurer Xaver referred to the Annual Operational Report for Local Roads and Streets for 2015, which had been included in the members' packets. She asked for their approval of the report.

Members Grobe and Fonseca moved and seconded to approve the report. The motion carried.

Airport Manager Dave Lattimer presented the Board of Aviation Commissioners revised 5-year plan for 2017-2021 and discussed recent and current projects that are happening at the Plymouth Municipal Airport.

City Attorney Surrisi presented Resolution No. 2017-723, Additional Appropriations Resolution.

Members Ecker and Culp moved and seconded to approve Resolution No. 2017-723, Additional Appropriations Resolution. It passed by roll call.

AYES: Cook, Culp, Ecker, Fonseca, Grobe, Houin, Walters
NAYS: None
ABSTAIN: None

Council Members Grobe and Fonseca moved and seconded to accept two \$500.00 donations from Michiana Behavioral Health Center, one to the police department and one to the fire department. The funds will be receipted into the Monetary Gift Fund. The motion carried.

Mayor Senter opened the privilege of the floor. No one accepted.

Members Ecker and Grobe moved and seconded to accept the following communications:

Minutes of the Board of Public Works and Safety meeting of January 23, 2017;
Minutes of the Plan Commission meeting of January 3, 2017;
Minutes of the Board of Zoning Appeals meeting of January 3, 2017;
Minutes of the Board of Zoning Appeals special session meeting of January 18, 2017;
Minutes of the Marshall County Council on Aging meeting of January 17, 2017;
Minutes of the Technical Review Committee of February 7, 2017;
IDEM Notice of Public Comment Letter dated January 11, 2017;
Clerk-Treasurer Financial Reports and Cash Reconciliation for December, 2016;
Rooney & Co, LLC Letter dated January 5, 2017;

REGULAR SESSION, COMMON COUNCIL, FEBRUARY 13, 2017

DNR Certificate of Approval for Greenway Trails letter dated January 12, 2017;
Letter from Clerk-Treasurer Xaver dated February 9, 2017

The motion carried.

There being no further business to discuss, Council Members Grobe and Fonseca moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:07 p.m.

Jeanine M. Xaver, IAMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor