

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on April 9, 2018. The meeting was held in the meeting room of the Plymouth Fire Department, 111 N. Center St., Plymouth, IN. The meeting was called to order at 6:30 p.m.

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

Mayor Senter presided for Councilmembers Culp, Ecker, Houin, Longanecker, and Walters. Councilmembers Cook and Milner were absent.

Council Members Ecker and Walters moved and seconded to approve the minutes of the last regular Common Council meeting on March 26, 2018, as presented. The motion carried.

The following legal notice was advertised on March 30, 2018:

<p>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 property and personal property improvements by Oasis Lifestyle, LLC, lo-</p>	<p>116 Legals cated at 1400 Pidco Dr. 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 March 26, 2018. A description of the affected area is available and can be inspected in the County Assessor's Office.</p>	<p>Said hearing will be held on Monday, April 9, 2018, in the meeting room of the Fire Station, 111 N. Center St., (south 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 March, 2018. Jeanine M. Xaver Clerk-Treasurer City of Plymouth, Indiana March 30, 2018 - P March 30, 2018 PN281234 hspaxlp</p>
--	---	--

Council Members Culp and Ecker moved and seconded to open the public hearing for Oasis Lifestyles Tax Abatement Request. The motion carried and the mayor declared the public hearing open.

Jerry Chavez, President and CEO of Marshall County Economic Development Corporation, addressed the council. He said the resolution that will go before the council later in this meeting is the final step in the tax abatement for Oasis. He explained that resolution defines the percentage of payment which is a phase-in approach and will provide 50% relief to Oasis over the course of seven years. Chavez asked the council to support this tax abatement request.

Mayor Senter opened the floor to the public. There were no comments from the Council nor the public.

There being no further comments, Council Members Houin and Culp moved and seconded to close the public hearing. The motion carried.

Mayor Senter said the fee schedule subcommittee will have a meeting on April 12th from 11:30 a.m. until 1:00 p.m. at the Plymouth Municipal Airport board room.

Mayor Senter introduced the Mayor's Youth Council. Several members of the council gave their State of the Youth Council Address and discussed their continued vision for the future.

City Attorney Surrisi said he has not had a chance to review the terms of service with Midwest Dial Tone and asked that this be put on hold until the next council meeting.

City Attorney Surrisi presented Resolution No. 2018-795, Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate Within the City of Plymouth 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. (Oasis Lifestyle, LLC).

Council Members Ecker and Longanecker moved and seconded to approve Resolution No. 2018-795, Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate Within the City of Plymouth 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. (Oasis Lifestyle, LLC). It passed by roll call vote.

AYES: Culp, Ecker, Houin, Longanecker, Walters
NAYS: None
ABSENT: Cook, Milner

The following CF-1 was presented to the council:

- DAC Enterprise Inc. (Real Property 2016-694)

Surrisi said Dennis Cripe with DAC Enterprise, as well as Mindy Relos-Penrose from the Marshall County Assessor's Office, have contacted him about submitting a waiver of non-compliance for the 2017 payable 2018 submission last year. He explained that there is a 322RE form that the tax abatement recipient is to file with the county by May 10th, however that did not get filed in time last year.

Councilman Ecker said there are some scribbles and scratching out of information on the CF-1 document. He asked Surrisi if he believes the form is still in compliance. Surrisi said yes. Ecker asked if there are any issues with the accuracy of this form. Surrisi said no, he does not see any.

Councilmembers Houin and Ecker moved and seconded to approve the CF-1 and approve the waiver of non-compliance for the 322RE. The motion carried.

It was determined after the meeting concluded, that the waiver of non-compliance will need to be addressed at a public hearing

Surrisi also presented the following CF-1:

- Weir Enterprises (Real Property, Res 2018-788)

Council Members Culp and Ecker moved and seconded to approved this CF-1 as presented. The motion carried.

Surrisi discussed the non-exclusive sublease and terms of use agreement for the Aquatic Center. He explained that the sublease will be between the newly formed nonprofit corporation, Marshall County Health and Wellness Inc. as the Landlord and the City of Plymouth as one of the three tenants. Marshall County Health and Wellness Inc. will lease the aquatics facility from the owner, Marshall County Life Center, Inc. – a subsidiary of the Marshall County Economic Development Corporation. Surrisi said the term is 25 years and the city will pay \$12,000 per month for non-exclusive use of the facility. The sublease states that the first payment of \$36,000 on July 1, 2018 will cover rent for May, June, and July 2018. Monthly installments of \$12,000 will commence thereafter. Surrisi said there is also a \$24,000 security deposit that will be refundable after the term of the lease has ended and the Landlord has determined that there were not any liabilities, costs or damages suffered by the Landlord. He said that is essentially the bulk of the sublease, which also includes clauses for insurance and indemnity provisions.

Surrisi then discussed the terms of use agreement, which outlines what the city will be getting for the lease payments. He said this agreement is between Marshall County Health and Wellness, Inc. and the other parties involved: The City of Plymouth, Plymouth Community School Corporation, Ancilla Domini College, and Marshall County Economic Development Corporation. He explained that the term is also 25 years and the city will have access to the pool 40 hours per week, which will be operated by Dr. Susan Bardwell Aquatics Center, LLC. Surrisi said hours of use and charges for residents will be negotiated over the next year or so and a separate agreement will be put into place with the operator. He noted that non-city users will be charged at least 150% more than city residents.

Surrisi reviewed the following clause on page 6, subset vi:

“Proceeds from the User Fees or the City will be responsible for any incremental operating or capital costs associated with the proposed Supported Public Access, and Landlord may charge a flat fee based upon its estimate costs or invoice the City for its exact costs.”

Surrisi said this section is designed to show that the city will work out whatever the user fees are in a separate agreement. He said ideally, the city will decide to assign those fees collected from users during the city’s open swim to the operating company to offset any additional costs that they have, but the provision is in the agreement to keep all parties engaged and not just a one-way street.

Surrisi said he is requesting approval of these documents, subject to minor revisions, including those addressed by the Clerk-Treasurer, striking out a reference to the warm-up pool at LifePlex, adding Clerk-Treasurer Xaver as someone who receives notices in addition to the mayor’s office, and adding the legal description to the document after the property is subdivided. Surrisi said this will take place over the next month.

City resident Wilson Gerrard said he is against this proposed agreement.

Surrisi said the bulk of the funding for this lease, and the leases with the school corporation and college, goes towards the debt service for the construction for the Series B bonds. He said the amortization schedule on the repayment of those bonds over 25 years are setup so that over the first 7 years the debt service payments are significantly less. That allows for around \$40,000 per year to go into a capital improvement account. By the time the seven-year period is up, which is the New Market Tax Credit period, there will be several hundred thousand dollars built up for any replacements of equipment or other necessities.

Surrisi said the agreement states that the city will have non-exclusive lease to the land from the time the agreement goes into effect until when the construction is complete. This is subject to MCEDC's right to an obligation to be there to build the facility.

Councilman Walters asked about the city's obligation for 2018 since the \$12,000 per month plus the \$24,000 security deposit are not part of this year's budget. Surrisi said the city's obligation will be \$120,000 this year that will need to have an additional appropriation.

Councilman Ecker asked about having a provision for adjustments in annual payments for all three sublessees in order to reevaluate costs in the next 15 to 20 years. Surrisi said that all three entities invested in this project are in for the long haul and all three would have to come back and reevaluate together down the road. He said it is unknown whether or not this particular agreement will make sense and work for all three entities in 10 years.

Councilman Longanecker asked how often these fees will be reviewed. Surrisi said that will have to be worked into the agreement with operating company but there will probably have to be some experimentation with the rates in the beginning to test what works and what does not.

Council Members Culp and Ecker moved and seconded to approve the Non-Exclusive Sublease and Terms of Use Agreement, subject to minor, future revisions. It passed by roll call vote.

AYES: Culp, Ecker, Houin, Longanecker, Walters
NAYS: None
ABSENT: Cook, Milner

Mayor Senter offered the privilege of the floor. There were no comments.

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

Minutes of the Redevelopment Commission meeting of February 20, 2018;
Minutes of the Urban Forest and Flower Committee meeting of March 21, 2018;
Minutes of the Board of Public Works and Safety meeting of March 26, 2018;
Financial Management Report from Umbaugh for Municipal Wastewater Facility,
Calendar Year Ended 12.31.18 (to be distributed at meeting);
Financial Management Report from Umbaugh for Municipal Water Facility, Calendar
Year Ended 12.31.18 (to be distributed at meeting)

The motion carried.

There being no further business to discuss, Council Members Houin and Culp moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:00 p.m.

Jeanine M. Xaver, IAMC / CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor