

REGULAR SESSION, COMMON COUNCIL, APRIL 22, 2019

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on April 22, 2019. The meeting was held in the Council Chambers, 124 N. Michigan St., Plymouth, Indiana. Mayor Senter called the meeting 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, Milner, and Walters. City Attorney Surrisi and Clerk-Treasurer Xaver were also present. Councilman Cook was absent.

Council Members Culp and Ecker moved and seconded to approve the minutes of the last regular Common Council meeting on April 8, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on April 12, 2019:

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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, 2nd Floor, 124 N Michigan Street (Garro Street entrance), Plymouth, Indiana immediately following the Board of Works meeting at 6:30 p.m., Monday, April 22, 2019, will consider the following additional appropriations in excess of the budget for the current year.

<u>Fund Name:</u>	Law Enforcement Continuing Education Fund
<u>Major Budget Classification:</u>	Supplies
<u>Amount:</u>	\$ 5,000.00
<u>Major Budget Classification:</u>	Other Services and Charges
<u>Amount:</u>	\$ 3,000.00
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 5,000.00
<u>Fund Name:</u>	City Monetary Gift Fund
<u>Major Budget Classification:</u>	Other Services and Charges
<u>Amount:</u>	\$ 142,655.00
<u>Fund Name:</u>	General Fund – Mayor / Common Council
<u>Major Budget Classification:</u>	Other Services and Charges
<u>Amount:</u>	\$ 360,000.00
<u>Fund Name:</u>	Cumulative Capital Development
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 237,000.00
<u>Fund Name:</u>	Motor Vehicle Highway
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 60,000.00
<u>Fund Name:</u>	General Fund – City Properties & Maintenance
<u>Major Budget Classification:</u>	Other Services and Charges
<u>Amount:</u>	\$ 40,000.00
<u>Fund Name:</u>	City Hall Renovation Project
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 273,000
<u>Fund Name:</u>	Park and Recreation
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 40,000.00

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

April 12, 2019 PH098721 heaxp

Council Members Ecker and Walters moved and seconded to open the public hearing for Proposed Additional Appropriations. The motion carried and the mayor declared the public hearing open.

Clerk-Treasurer Xaver reviewed the following requests:

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Xaver said the police chief has requested \$5,000.00 for ammunition, \$3,000.00 for training, and \$5,000.00 for radar to come from the Law Enforcement Continuing Education Fund. The council at their last meeting approved \$142,655.00 to be used from the City Monetary Gift Fund for the Aquatic Center donation. The council also approved \$300,000.00 for Permanent Supportive Housing, \$50,000.00 for Habitat for Humanity, and \$10,000.00 for Stellar Communities. This money is coming from the Promotion of the City in the General Fund. Xaver noted that if the council wishes to replenish that money from another fund, they need to advise her of that. The airport will be purchasing a truck for \$57,000.00 and the fire department will be remounting an ambulance for \$180,000.00. These funds are coming from the Cumulative Capital Development Fund. The street department purchased a new bucket truck for \$60,000.00. Xaver explained that utilities for city hall are considerably higher for the renovated building than they were before, so additional funds in the amount of \$30,000.00 are needed to get through the year. She also did not originally budget for cleaning services since they were not being used last year, so that total is \$10,000.00. Xaver also received an invoice for release of retainage for the city hall project totaling \$218,000.00 and the last payment for the contract of \$55,000.00. She said the money is already set aside in the fund; it just was not appropriated. Lastly, the park department has asked for \$40,000.00 for the kayak launch.

Xaver referred to the following sheet of cash balances that she gave the members before the meeting, so that they could see how the cash is trending in the larger city funds, including those funded by property tax dollars.

	2014	2015	2016	2017	2018	outstanding	adjusted
	<u>Yr End Cash</u>	<u>Purch Orders</u>	<u>Year End Bal</u>				
General	\$ 4,273,761	\$ 4,904,627	\$ 5,163,203	\$ 4,773,684	\$ 5,368,111	\$ 54,990	\$ 5,313,121
MVH	\$ 939,328	\$ 966,528	\$ 1,150,713	\$ 2,431,814	\$ 1,452,809	\$ 69,147	\$ 1,383,662
LRS	\$ 210,299	\$ 258,145	\$ 305,726	\$ 366,309	\$ 404,172	\$ -	\$ 404,172
Park	\$ 612,683	\$ 489,257	\$ 469,237	\$ 814,404	\$ 733,322	\$ 64,770	\$ 668,552
Cemetery	\$ 261,135	\$ 312,908	\$ 296,375	\$ 472,114	\$ 304,196	\$ 575	\$ 303,621
Aviation	\$ 322,450	\$ 281,485	\$ 280,542	\$ 332,332	\$ 271,772	\$ -	\$ 271,772
CCI	\$ 549,043	\$ 189,406	\$ 25,977	\$ 25,376	\$ 48,830	\$ -	\$ 48,830
CCD	\$ 1,136,802	\$ 806,341	\$ 741,314	\$ 561,517	\$ 721,389	\$ 130,996	\$ 590,393
Riverboat	\$ 174,035	\$ 174,915	\$ 150,531	\$ 203,125	\$ 194,100	\$ -	\$ 194,100
City Dvlpmt	\$ 1,307,741	\$ 1,225,440	\$ 1,373,650	\$ 1,541,545	\$ 1,575,317	\$ -	\$ 1,575,317
Rainy Day	\$ 6,991,614	\$ 7,096,413	\$ 4,666,996	\$ 3,909,212	\$ 3,610,459	\$ -	\$ 3,610,459
	\$ 16,778,891	\$16,705,465	\$ 14,624,264	\$15,431,432	\$ 14,684,477		\$ 14,363,999

Ecker said he feels the council should consider finding some of the funding for the aquatic center from some where other than the City Monetary Gift Fund, as this transfer will leave \$0 from the TechFarm sales to help build-up and complete improvements in that area.

City Attorney Surrisi noted that if not for this project, those funds in the City Monetary Gift fund for the TechFarm would not be there. The bulk of this money was generated through the sale of the land for the United Way/Early Childhood Learning Center. He said although the aquatic center is not in the TechFarm, it is adjacent to it and he feels these funds going towards the capital campaign are in the spirit of what the Board of Works was trying to accomplish with the resolution from 2017 ensuring that proceeds would be used in TIF 3 in the TechFarm and land adjacent to the TechFarm.

Dave Miller, of VanVactor Development, addressed the council:

Our company, Van Vactor Development, is going to support this request, and I'd like to make a couple of comments. I've made many of these comments before, but faces change and it seems some memories are short.

Just as a matter of history, back in 2004 or so, our company offered to donate 20 acres of land (a \$500,000 value) to be used as match for a \$1.1 million grant from the Federal government to install infrastructure enhancements to the area to be used as a tech park.

Our company had already spent over \$2 million dollars of our own money on roads, sewer and water to adjacent land.

Keep in mind this is back when the Redevelopment Commission and City Council didn't do bonds to finance infrastructure ahead of a development. They had the attitude of letting the developer pay for the infrastructure and then they would capture the increment of the new value after the fact... A lot different that what they do now, as evidenced by the housing development in the latest TIF.

So anyway, back to our donation...over the planning period, the project turned into a request for 40 acres instead of 20 and we didn't want to donate 40 but we said we would split the proceeds of the land sales of the 40 acres with an entity that would then reinvest that money back in to the tech park in the form of infrastructure improvements, site development or reduction of the purchase price for buyers of the tech park lots.

By the end of the process, through no fault of our company...since we were not involved in the engineering or construction in any way...the project had cost over runs and the City had to put more money in to the project than they had originally planned. The then City Attorney suggested that instead of the money from the land sales (our donation) going into a separate entity, that it go into the City and it was agreed that it would go into the only budget line item available at the time to receive gifts...the Monetary Gift Fund overseen by the Board of Public Works.

Because of the recession in 2008, there were no land sales in the tech park for many years until 2016 when a buyer bought 10 acres and we presented a check to the board of works for \$111,000.

We thought the money would be held and would be used for the intended use of our donation, but in 2017 MCEDC approached the BOW and requested that \$90,000 of that money be used for a pedestrian bridge downtown to offset the apartment developers costs, and much to our surprise, it was granted.

The ensuing discussion between our company and the BOW resulted In November 2017 the Board of Works passing further definition of how the funds would be handled...“the BOW would use its share of land sales proceeds received under the Agreement for improving the infrastructure and assisting with site work in The techFarm or in real estate adjacent thereto and/or such amounts may be waived as an incentive for techFarm lot purchasers.”

So once again imagine our surprise when the Board of Works approves the use of \$140,000 to go to the capital campaign of the Aquatics Center for “building upgrades such as scoreboards, etc.”

I started this session off saying our company was going to support this request and after hearing all this you may be asking why.

I remember having a discussion with Sean back in 2017 when the City was the intermediary for the purchase of the land from us to be used for the daycare and community foundation. We discussed the fact that it was in the Agreement Area and half the proceeds would be available for site work, etc.

Because of the complexity of the funding of the whole aquatics/daycare project, nothing really happened regarding a decision on the split money. So here we are in 2019 and then project came up short and had to do a capital campaign.

So in our eyes...the money that was available for site work at the beginning wasn't used and is now needed because of cost over runs, some of which relate to infrastructure...so we're ok with it.

What we are not ok with is that this Monetary Gift Fund in the future be used as a fund for any project that needs money. The Monetary Gift Fund was so named for Gifts coming in to the City...not as gifts going out.

And the availability of these funds for the tech park is important...because as a for profit business we have to compete with PIDCO for land sales...ours priced at market rate to cover our sunk costs and overhead...Pidco's priced at half of that because it acts as a not for profit. So being able to offset the price or offer site work money helps us compete. And the City shouldn't care because they get the growth and tax money in either case.

So, I know 5 minutes is a long to say we support the request, but we do. Thanks for your time, and I appreciate you listening.

Houin asked if Mr. Miller feels the biggest need for site work and improvements will be in regards to the drainage issues in the area. Miller said he thinks that is the case for some of the lots in the TechFarm. He discussed the diverse soil types in the area and thinks site work will be needed to make solid ground work for future development or build structures up to get them out of the flood plain.

Houin asked what Miller would like the board to do with future proceeds from the TechFarm land sales and if there are any specific projects that he feels the money should go towards. Miller said he would like those funds to go towards infrastructure, site work, and help offset the cost of a lot to the end user/prospective buyer to help fit their budget.

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Houin clarified that there is no specific project at this point, but rather a situation where the board should wait and see what the needs will be for specific buyers in the future. Miller said, in regards to these funds, yes.

Jerry Chavez, representative from Marshall County Economic Development Corporation, addressed the council and discussed the financing of the project.

There were no additional comments during the public hearing.

Council Members Houin and Ecker moved and seconded to close the public hearing. The motion carried.

Mayor Senter gave a proclamation for Katlyn Carroll, the mayor's intern since August 2018.

City Attorney Surrisi presented Ordinance No. 2019-2148, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Fair Housing, on first reading.

City Attorney Surrisi presented Resolution No. 2019-851, Additional Appropriations Resolution.

Clerk-Treasurer Xaver clarified that the Council may only approve up to the maximum amount of additional appropriations advertised. The members may choose to appropriate less than what was advertised.

Councilmen Ecker and Longanecker moved and seconded to decrease the amount appropriated from the City Monetary Gift Fund from \$142,655 to \$75,000.

Surrisi said that he was taking off his city attorney's hat and putting on his member of the capital campaign committee hat and encouraged the council to support the resolution as originally presented. He introduced other members of the capital campaign committee who were present.

The motion was defeated by roll call vote.

AYES: Ecker, Longanecker
NAYS: Culp, Houin, Milner, Walters
ABSENT: Cook

Council Members Walters and Culp moved and seconded to adopt Resolution No. 2019-851, Additional Appropriations Resolution, as originally presented. It passed by roll call vote.

AYES: Culp, Houin, Milner, Walters
NAYS: Ecker, Longanecker
ABSENT: Cook

The following CF-1's were presented to the council:

- American Containers, Inc.
 - Personal Property (Res 2014-598)
 - Personal Property (Res 2017-765)
 - Real Property (Res. 2014-598)
 - Real Property (Res. 2017-765)

- DAC Enterprise
 - Real Property (Res 2016-694)

Council Members Ecker and Walters moved and seconded to approve all of the CF-1's as presented. The motion carried.

Dan Tanner, of Concierge Medicine of Marshall County, addressed the council regarding services he would like to provide to city employees as an alternative to traditional healthcare. He reviewed his plan with a cost of \$40 per person per month and includes unlimited access to himself and the other providers in his practice. Tanner discussed his services, including wellness screenings, urgent care needs, labs, DOT physicals, and a plan for prescriptions through GoodRx. He said traditional insurance is still needed for more extensive healthcare services, but noted that daily healthcare needs should not have to be run through as insurance claims and these daily healthcare claims are driving up the cost of healthcare nationwide.

Tanner said he has reviewed the health service agreement with Mayor Senter and City Attorney Surrisi and has asked that the business model of that agreement and spreadsheet he provided to the council not be made public. He opened the floor for questions from the council.

Ecker asked him to compare his level of authority as a nurse practitioner versus a family medical doctor. Tanner said he has an unrestricted license with a peer-to-peer audit review of 5% of patient charting with collaborators. He has two collaborators – one in South Bend and one in Knox – that are available to him for questions regarding patient care.

Ecker also asked about finding a better insurance rate plan for city employees. Tanner said he is sure that there are plans out there with better rates, especially if the number of claims filed with our carrier decreases. He clarified that traditional insurance would still need to be available to employees, however his services would help drive down the cost of the premiums for the traditional insurance.

Tanner invited the council members to contact him with any questions regarding his business and the information he has provided to them.

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

- Minutes of the Board of Public Works and Safety meeting of April 8, 2019
- Minutes of the Redevelopment Commission meeting of March 19, 2019
- Minutes of the Redevelopment Commission executive meeting of March 19, 2019
- Minutes of the Board of Aviation Commissioners meeting of March 12, 2019
- Minutes of the Board of Zoning Appeals meeting of March 5, 2019
- Minutes of the Plan Commission meeting of March 5, 2019
- Minutes of the Urban Forest and Flower Committee meeting of March 20, 2019

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- Minutes of the Park Board meeting of March 4, 2019
- Clerk-Treasurer's Financial Reports for March, 2019
- Clerk-Treasurer's Cash Reconciliation for March, 2019
- Minutes of the Technical Review Committee meeting of April 16, 2019

The motion carried.

There being no further business to come before the Council, Council Members Ecker and Milner moved and seconded to adjourn the meeting. The meeting adjourned at 7:20 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor