

REGULAR SESSION, COMMON COUNCIL, DECEMBER 27, 2016

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on December 27, 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 6:30 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 Grobe. City Attorney Surrisi and Clerk-Treasurer Xaver were also present. Councilman Houin was absent.

Councilmembers Delp and Ecker moved and seconded to approve the minutes of the last regular meeting of the Common Council on December 12, 2016 as presented. The motion carried.

City Attorney Surrisi presented Ordinance No. 2016-2109, Ordinance of the City of Plymouth, Indiana, Adopting Uniform Internal Controls Standards, on second reading.

Councilmembers Ecker and Culp moved and seconded to approve Ordinance No. 2016-2109, Ordinance of the City of Plymouth, Indiana, Adopting Uniform Internal Controls Standards, on second reading. It passed by roll call vote.

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

City Attorney Surrisi presented Ordinance No. 2016-2109, Ordinance of the City of Plymouth, Indiana, Adopting Uniform Internal Controls Standards, on third reading.

Councilmembers Delp and Fonseca moved and seconded to approve Ordinance No. 2016-2109, Ordinance of the City of Plymouth, Indiana, Adopting Uniform Internal Controls Standards, on third reading. It passed by roll call vote.

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

Council Member Delp presented his letter of resignation:

December 12, 2016

Mayor Mark Senter
City of Plymouth
124 N. Michigan St.

Plymouth, IN 46563

Resignation from Common Council

Dear Mayor Senter:

Due to my election to the Marshall County Board of Commissioners I will be resigning my position on the Plymouth Common Council, effective at the conclusion of the Council's December 27th meeting. Serving the people of Plymouth these past nine years was a great honor. During that time, the community's effort has led to many accomplishments that I'm proud to have been a part of. It's been a pleasure working with you, Clerk-Treasurer Xaver, the Council, and all of the City's employees. Best wishes to you all, and to Councilman-elect Bill Walters, going forward. For now, I'm excited to continue serving in my new role as County Commissioner.

Sincerely,
S/ Michael A. Delp

Mayor Senter presented Delp with a key to the city and made the following proclamation:

Whereas, Councilman Mike Delp has served the city well for many years in numerous capacities including nine years as a member of the Plymouth Common Council. Mike's own business, Michiana Contracting, Incorporated has been a fixture in the community since 1981. Under Mike's leadership, Michiana Contracting has received unprecedented growth. These years of service have been marked by exemplary dedication to the best interest of the community and in particular his face to face problem-solving using good old Hoosier leadership. His performance in the duties and responsibilities as a member of the city council has been characterized as excellent and constructive contributions to municipal government and our city. Mike has earned the admiration and high regard with those of whom he has come in contact and the affection of fellow public servants who are proud to call him a friend. Now therefore, I, Mark Senter, by the virtue of the authority vested in me as mayor and on behalf of the entire city council and all of our citizens do hereby present the key to the City of Plymouth to Mr. Mike Delp for the many, many years a job well done. And wish Mike the best in all his future endeavors, which includes of course his new position as Marshall County Commissioner. S/ Mayor Mark Senter

Members Cook and Ecker moved and seconded to appoint Billy Ellinger and Mike Miley to the Redevelopment Commission for a one year term ending December 31, 2017. The motion carried.

Members Delp and Ecker moved and seconded to appoint Jim Condon as the Common Council's representative to the Marshall County Economic Development Corporation Board.

Member Cook said that Condon does not even live in Marshall County and he feels there are qualified persons that live within the City of Plymouth and within Marshall County that should be representing the Common Council on the board.

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Delp said he knows Condon does not live in Marshall County, but he does work for the Plymouth School Corporation and he feels Condon has interest in the economic development of this county at heart and stands by his motion.

The motion carried.

Mayor Senter announced the following appointments:

- Dan Tyree to the Redevelopment Commission for a one year term ending 12.31.17
 - Tom Pedavoli to the Redevelopment Commission for a one year term ending 12.31.17
 - Nancy Felde to the Redevelopment Commission for a one year term ending 12.31.17
 - Steve Hupka to the Aviation Commission for a four year term ending 12.31.20
 - Alex Eads to the Park and Recreation Board for a four year term ending 12.31.20
 - Beth Pinkerton to the Plan Commission for a four year term ending 12.31.20
 - Matt Miller to the Plan Commission for a four year term ending 12.31.20
 - Jim Sherwood to the Board of Zoning Appeals for a four year term ending 12.31.20
 - Alan Selge to the Board of Zoning Appeals for a four year term ending 12.31.20
 - Vida Creed to the Alcoholic Beverage Board for a one year term ending 12.31.17
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- Urban Forestry and Flower Committee
 - o Luke Felde (term ending 12/31/2018)
 - o Dan Shuppert (term ending 12/31/2018)
 - o Mike Woolfington (term ending 12/31/2018)

Council Members Ecker and Cook moved and seconded to appoint Steve Listenberger and Mike Delp to the Urban Forestry and Flower Committee as the council's representatives. The motion carried.

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Member Delp asked if he would retain his position with the City of Plymouth Plan Commission or if he must be a sitting Council Member to represent that body. City Attorney Surrisi said that he will check the state statute.

City Attorney Surrisi discussed the US 30 Coalition Project. There have been discussions about making US 30 a freeway, much like US 31 has become between Plymouth and South Bend. This group has been formed to ensure that all communities along the route have a voice in the project. The total requested amount to donate towards the coalition is \$10,000.00.

Member Grobe asked what the donation will fund. Surrisi explained that a consulting group has been hired to coordinate meetings and other miscellaneous tasks for the coalition. The money would go mostly towards their fees.

Grobe asked if the same monetary donation is being asked of the other communities within the coalition. Mayor Senter affirmed that it is.

Members Delp and Grobe moved and seconded to approve the funding for the US 30 Coalition Project of \$10,000.00. The motion carried.

City Attorney Surrisi presented Resolution No. 2016-719, A Resolution Providing for the Transfer of Appropriations in the Park Department Fund of the City of Plymouth, Indiana, As Requested by the Park and Recreation Board and Forwarded to the Common Council for Their Action and Passage Pursuant to IC 6-1.1-18-6.

Members Grobe and Culp moved and seconded to approve Resolution No. 2016-719, A Resolution Providing for the Transfer of Appropriations in the Park Department Fund of the City of Plymouth, Indiana, As Requested by the Park and Recreation Board and Forwarded to the Common Council for Their Action and Passage Pursuant to IC 6-1.1-18-6. It passed by roll call vote.

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

City Attorney Surrisi presented Resolution No. 2016-720, A Resolution Providing for the Transfer of Appropriations in the General Fund of the City of Plymouth, Indiana, for the Mayor and Common Council as Requested by the Mayor and Forwarded to the Common Council for Their Action and Passage Pursuant of IC 6-1.1-18-6.

Members Ecker and Culp moved and seconded to approve Resolution No. 2016-720, A Resolution Providing for the Transfer of Appropriations in the General Fund of the City of Plymouth, Indiana, for the Mayor and Common Council as Requested by the Mayor and Forwarded to the Common Council for Their Action and Passage Pursuant of IC 6-1.1-18-6. It passed by roll call vote.

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

City Attorney Surrisi presented the Agreement for Transportation Services with the Marshall County Council on Aging, Inc.

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 2017; 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 2017. 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, 2017, and that this Agreement shall be in full force and effect for the entire calendar year of 2017.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 27th day of December, 2016.

Members Grobe and Fonseca moved and seconded to approve the Agreement for Transportation Services with the Marshall County Council on Aging, Inc. The motion carried.

Clerk-Treasurer Xaver requested permission to make year end transfers as necessary and include them as part of the minutes.

Members Delp and Grobe moved and seconded to approve the request. The motion carried.

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Clerk-Treasurer Xaver requested permission to forward year end encumbrances as necessary and include as part of the minutes.

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

City Attorney Surrisi presented Ordinance No. 2016-2110, Ordinance Adopting the Fee Schedule for the Department of Parks and Recreation for the City of Plymouth, Indiana, on first reading. Surrisi asked that the rules be suspended and the council consider passing the ordinance on all three readings at this meeting.

Council Members Culp and Delp moved and seconded to suspend the rules and consider Ordinance No. 2016-2110 on all three readings. The motion carried.

Council Members Delp and Culp moved and seconded to approve Ordinance No. 2016-2110, Ordinance Adopting the Fee Schedule for the Department of Parks and Recreation for the City of Plymouth, Indiana, on second reading. It passed by roll call vote.

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

Council Members Ecker and Fonseca moved and seconded to approve Ordinance No. 2016-2110, Ordinance Adopting the Fee Schedule for the Department of Parks and Recreation for the City of Plymouth, Indiana, on third reading. It passed by roll call vote.

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

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

Minutes of the Board of Public Works and Safety meeting of December 12, 2016;
Minutes of the Redevelopment Commission of November 15, 2016;
Clerk-Treasurer Financial Reports and Cash Reconciliation for November, 2016;
IDEM Receipt for Air Permit Application letter dated December 9, 2016;
IDEM Notice for Maax US Corp Permit letter dated December 8, 2016;
D&B Environmental Services, Inc. letter to IDEM dated November 8, 2016

The motion carried.

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There being no further business to discuss, Council Members Delp and Fonseca moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 7:02 p.m.

 Jeanine M. Xaver, IAMC
 Clerk-Treasurer

APPROVED

 Mark Senter, Mayor

The following appropriation transfers are entered here as a matter of record, having been approved during the meeting:

2016 YEAR END APPROPRIATION TRANSFERS

Law Enforcement

TO:	233.000.429.0010	Other Materials	1050.00
FROM:	233.000.439.0902	Instruction / Training	1050.00

The following encumbrances to be carried over from 2016 to 2017 are entered here as a matter of record, having been approved during the meeting:

P.O. #	Vendor Name Project	Department	Tran Date	Amount	Transaction Description
293	MICHIANA CONTRACTING INC* 402.000.444.0004	IMPROVEMENTS	3/22/2016	149,775.00	FURNISH & INSTALL WEATHER STATION
513	DONOHUE & ASSOCIATES INC* 201.000.444.0011	STREET & ALLEY IMPROVEMENTS	6/22/2016	1,192.00	ENG SRV AGRMNT OAKHILL/SOIUCE/MICHIGAN ST
65	THE TROYER GROUP INC* 480.000.442.0013	CIP - ENGINEERING	10/30/2015	1,240.00	CONST DOCUMENTS FOR FREEDOM PARK
661	THE TROYER GROUP INC* 485.000.449.0000	TENNIS COURT EXPENSES	12/22/2016	1,900.00	CONSTRUCTION ADMIN FOR TENNIS COURTS
703	MORTON SALT, INC*		9/19/2016		1,000 TON ROAD SALT

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	201.000.429.0020	STREET MATERIALS	52,626.90	
709	MICHIANA CONTRACTING INC*		9/22/2016	BOTTLE FILLER DRINK FNTNS, PICKLEBALL CT LIN
	485.000.449.0000	TENNIS COURT EXPENSES	2,225.00	
731	PHEND & BROWN*		9/30/2016	2016 STREET & SIDEWALK FALL PROJECT
	201.000.444.0011	STREET & ALLEY IMPROVEMENTS	19,642.81	
737	MICHIANA CONTRACTING INC*		10/6/2016	LED FIXTURE ON PILGRIM LANE
	101.012.431.0000	CONTRACTUAL SERVICES	1,957.00	
747	M C EQUIPMENT DBA: W.A. JONES		10/18/2016	10' MONROE SPREADER MSV-120-84-50
	201.000.445.0000	EQUIPMENT	13,760.00	
767	LANGFELDT EXCAVATING, LLC*		10/27/2016	CLEAR PATH, INSTALL DITCH PIDCO & BROADWAY
	101.001.443.0010	STORM SEWERS	15,370.00	
797	PUBLIC SAFETY MEDICAL SERVICE		11/14/2016	PSYCHOLOGICAL EVAL LEVEL II
	101.010.431.0700	PHYSICALS	1,503.60	
839	DELL MARKETING*		11/30/2016	DELL LAPTOP
	204.000.429.0030	OTHER MATERIALS - PARK	1,970.11	
840	DONOHUE & ASSOCIATES INC*		11/30/2016	OAKHILL/SOICE INTRSTCN SGNL IMPROVEMENTS
	201.000.444.0011	STREET & ALLEY IMPROVEMENTS	3,500.00	
845	CLERK-TREASURER-ESCROW*		12/6/2016	TENNIS COURT PROJECT RETAINAGE
	485.000.449.0000	TENNIS COURT EXPENSES	15,366.51	
846	MICHIANA CONTRACTING INC*		12/6/2016	TENNIS COURT PROJECT
	485.000.449.0000	TENNIS COURT EXPENSES	138,298.50	
848	DIGITAL ALLY*		12/9/2016	CAR VIDEO CAMERA
	242.000.445.0000	EQUIPMENT	8,445.00	
849	WOOLPERT, INC*		12/9/2016	ENGINEERING REBUILD OF T HANGER
	402.000.444.0004	IMPROVEMENTS	15,750.00	
850	WALSH & KELLY*		12/9/2016	REBUILD T-HANGER TAXIWAY
	402.000.444.0004	IMPROVEMENTS	199,915.15	

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851	EMERGENCY RADIO SERVICE INC.* 101.009.445.0000	EQUIPMENT	12/9/2016	802.00	MOTOROLLA REMOTE SPEAKER MICROPHONES
852	LINCOLNWAY AUTO BODY INC* 101.009.436.0500	REPAIRS/LABOR	12/9/2016	3,963.90	BODY REPAIR CAR #87
856	PHEND & BROWN* 258.000.444.0004	IMPROVEMENTS	12/15/2016	126,253.83	COMMUNITY CROSSING GRANT
857	ABONMARCHE CONSULTANSTS INC* 479.000.411.0000	ENGINEERING	12/22/2016	4,857.50	RIGHT OF WAY FOR GREENWAY TRAILS PH II
858	SEH OF INDIANA LLC* 479.000.411.0000	ENGINEERING	12/22/2016	7,168.00	GREENWAY TRAILS PHASE II
859	THE TROYER GROUP INC* 281.000.441.0007	CONSULTANTS/ENGINEERING FEES	12/22/2016	3,580.94	SAFE ROUTES TO SCHOOL PROJECT
860	WOOLPERT, INC* 478.000.443.0005	CONSTRUCTION ENGINEERING	12/22/2016	24,330.78	AIP 17 C65 RUNWAY-TAXIWAY REVISION
861	PHEND & BROWN* 478.000.443.0004	CONSTRUCTION	12/22/2016	16,000.00	RECONSTRUCT RUNWAY 10-28, WUDEN
862	MICHIANA CONTRACTING INC* 478.000.443.0004	CONSTRUCTION	12/22/2016	5,507.75	RELOCATE RUNWAY 10-28 LIGHTING SYS
863	U.S. 30 COALITION* 101.006.431.0570	PROMOTION OF CITY	12/28/2016	10,000.00	2016 US 30 COALITION ASSESSMENT/ADD'L
864	LANGFELDT EXCAVATING, LLC* 101.011.444.0004	IMPROVEMENTS	12/28/2016	<u>33,720.00</u>	POLICE STATION SOUTH PARKING LOT PROJECT
				880,622.28	