

REGULAR SESSION, COMMON COUNCIL, January 27, 2025

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on January 27, 2025. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana, and was called to order at 6:34 p.m.

Councilman Ecker offered prayer, and Mayor Listenberger led the Pledge of Allegiance.

Mayor Listenberger presided over Council members Duane Culp, Don Ecker Jr., Kayla Krathwohl, Randy Longanecker, Shiloh Carothers Milner, Dave Morrow, and Linda Starr, who were physically present. City Attorney Jeff Houin and Clerk-Treasurer Lynn Gorski were also present. The public was able to see and hear the meeting through Microsoft Teams.

Council members Starr and Culp moved and seconded to approve the minutes of the regular session of the Common Council on January 13, 2025, as presented. The motion carried.

Council members Ecker and Krathwohl moved and seconded to take Resolution No. 2025-1139, City of Plymouth Internal Controls Policy off the table. The motion carried.

Houin stated that this resolution was presented at the last meeting, and he asked them for time to review it. He explained that he met the Clerk-Treasurer, and they revised the language under Payroll Procedures #11, and he believed everyone was on the same page with that now. He stated all the other changes are identical to what was presented previously.

Council members Ecker and Morrow moved and seconded to approve Resolution No. 2025-1139, City of Plymouth Internal Controls Policy as presented. The motion passed by a roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

City Attorney Houin introduced Resolution No. 2025-1140, A Resolution to Transfer Monies from the General Fund to the Rainy Day Fund.

Houin explained that the city had been fortunate to be in a position to do this every year and the Clerk-Treasurer had worked hard to determine an amount that could be transferred from the unencumbered reserves in the general fund to the Rainy Day Fund.

Ecker wished to thank the department heads, along with the Clerk-Treasurer and her department, for all the work they do. He stated that this achievement was not easy as there are reappropriations of funds and surprises that need to be addressed. He thanked the department heads and the Clerk-Treasurer for making it work.

Council members Ecker and Longanecker moved and seconded to approve Resolution No. 2025-1140, A Resolution to Transfer Monies from the General Fund to the Rainy Day Fund as presented. The motion passed by a roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

RESOLUTION 2025-1140

A RESOLUTION TO TRANSFER MONIES
FROM THE GENERAL FUND TO THE
RAINY DAY FUND

Statement of Intent and Purpose

Indiana Code § 36-1-8-5(b) requires that "[w]hen the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred . . . (2) to the general fund or rainy day fund of the municipality. . . ."

The City of Plymouth is currently in the enviable position of having an "unused and unencumbered balance" within the General Fund from fiscal year 2024. The statute quoted above allows for these funds to remain in the General Fund. But the concern is that the Department of Local Government Finance would take into consideration the General Fund balance when it determines the appropriate and permissible levy to fund the City's varied operations. The only other option is to transfer these monies to the City's Rainy Day Fund. If so, Indiana Code § 36-1-8-5.1(f) provides "[t]he department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund for the political subdivision."

Prudent fiscal management dictates the City should request substantial funds in the event unforeseen circumstances limit or interrupt future revenues to the point of jeopardizing essential operations. In short, the Council should make use of the Rainy Day Fund, the creation and purpose of which is found in §§ 34.360 et. seq. of the City's Code of Ordinances.

Upon the recommendation of Clerk-Treasurer Gorski, the intent and purpose of this Resolution is to authorize the transfer of Nine Hundred Thousand Dollars (\$900,000) from the City's General Fund to the City's Rainy Day Fund.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Plymouth, Indiana, the Clerk-Treasurer is hereby authorized to transfer Nine Hundred Thousand Dollars (\$900,000) from the General Fund to the Rainy Day Fund for the purposes specified in § 34.361 of the Code of Ordinances, unless otherwise stipulated by law.

Passed and adopted by the Common Council on the 27th day of January, 2025.


Robert Listebelger, Mayor

Attest:


Jay M. Gorski
Clerk-Treasurer

City Attorney Houin introduced Resolution No. 2025-1141, A Resolution to Transfer Interest in Certain Real Property from the City of Plymouth to the Plymouth Redevelopment Commission.

Houin stated this was a step in a process that would take a few more steps to achieve. He explained where the Water Street Townhomes were being built, the city owned the parking lot, and Culver Sandhill Farms purchased the two houses to the north of that. He stated all of that was replatted in late 2023 which resulted in two parcels, one eastern and one western each jointly owned by the two parties listed above. He stated the project was through an agreement with the Redevelopment Commission (RDC) who was providing funding and monitoring the project. He stated the goal would be for Culver Sandhill Farms to own the eastern parcel where the townhomes are being built, and the city would own the western parcel which would be the parking lot. He stated the next step would be for the city to transfer the city's interest to the RDC so they could enter into further agreements with Culver Sandhill Farms. He stated the request would be to transfer the city's one-half interest in the property to the RDC, which would be a separate body that would title it differently so they could finalize the agreements with Culver Sandhill Farms and make that swap.

Morrow asked if Culver Sandhill Farms would retain their 50% ownership.

Houin replied that currently this would not change their ownership at all as this would only transfer the city's interest to the RDC so they could be the joint owner of both parcels with Culver Sandhill Farms.

Morrow asked if that would continue throughout the construction process.

Houin replied that they would be able to go ahead, because construction had already started to do an exchange where Culver Sandhill Farms would transfer their half of the western parcel to the RDC and the RDC would transfer their half of the eastern parcel to Culver Sandhill Farms. He explained that each party owns one-half interest and they each transfer half to get a whole interest on two separate parcels.

Council Members Krathwohl and Starr moved and seconded to approve Resolution No. 2025-1141, A Resolution to Transfer Interest in Certain Real Property from the City of Plymouth to the Plymouth Redevelopment Commission as presented. The motion passed by a roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

Resolution No. 2025-1141

A RESOLUTION TO TRANSFER INTEREST IN CERTAIN REAL PROPERTY FROM THE CITY OF PLYMOUTH TO THE PLYMOUTH REDEVELOPMENT COMMISSION

The City of Plymouth and Culver Sandhill Farm LLC are joint owners of two (2) parcels of real property located in Plymouth, Marshall County, Indiana known as Lot 155 A and Lot 156 A on the Re-Plat of South 1/2 of Lot 154 and Lots 155 & 156 of The Original Plat of Plymouth, and more particularly described on the attached Exhibit A.

Culver Sandhill Farm LLC has entered into certain agreements with the Plymouth Redevelopment Commission for the Water Street Townhome Project ("Project"). The Project includes construction of townhomes, apartments, and commercial space along with appropriate parking facilities and utilities to support the development.

To facilitate construction of the Project, it is in the best interest of all parties, and of benefit to the public health, safety, morals, and welfare for the City of Plymouth to transfer its interest in the real property to the Plymouth Redevelopment Commission.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Plymouth as follows:

Section 1. Pursuant to IC § 36-1-11-8, the City of Plymouth shall transfer all interest in Lot 155 A and Lot 156 A on the Re-Plat of South 1/2 of Lot 154 and Lots 155 & 156 of the Original Plat of Plymouth to the Plymouth Redevelopment Commission.

Section 2. The Mayor shall be authorized to execute quitclaim deeds and all other documents necessary to effect the transfer of the City of Plymouth's interest in the real property.

PASSED AND ADOPTED this 27th day of January, 2025.


Robert Listebelger, Mayor

ATTEST:


Lynn M. Gorski, Clerk-Treasurer

EXHIBIT A
Legal Description

LOT 155 A

A PARCEL OF LAND LOCATED IN MICHIGAN ROAD LANDS 13, TOWNSHIP 33 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, MARSHALL COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 156 OF THE ORIGINAL PLAT OF PLYMOUTH AS RECORDED IN PLAT BOOK 1, PAGE 1 - 3 AS EVIDENCED BY A MAG SPIKE. THENCE NORTH 05°15'29" WEST, (BASIS OF BEARINGS) ON THE EAST LINE OF A PLATTED 12 FOOT WIDE ALLEY, A DISTANCE OF 220.61 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF LOT 154, THENCE NORTH 84°50'59" EAST, ON THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 80.50 FEET, THENCE SOUTH 05°15'29" EAST, PARALLEL TO SAID EAST LINE, A DISTANCE OF 187.51 FEET, THENCE SOUTH 54°40'26" WEST, A DISTANCE OF 21.95 FEET, THENCE SOUTH 05°15'29" EAST, PARALLEL TO SAID EAST LINE, A DISTANCE OF 22.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GARRO STREET, THENCE SOUTH 85°10'24" WEST, ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 61.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.40 ACRES MORE OR LESS.

LOT 156 A

A PARCEL OF LAND LOCATED IN MICHIGAN ROAD LANDS 13, TOWNSHIP 33 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, MARSHALL COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 156 OF THE ORIGINAL PLAT OF PLYMOUTH AS RECORDED IN PLAT BOOK 1, PAGE 1 - 3 AS EVIDENCED BY A MAGNAIL; THENCE SOUTH 85°10'24" WEST, (BASIS OF BEARINGS) ON THE NORTHERLY RIGHT-OF-WAY LINE OF GARRO STREET, A DISTANCE OF 64.50 FEET, THENCE NORTH 05°15'29" WEST, PARALLEL TO THE EAST LINE OF A PLATTED 12 FOOT WIDE ALLEY, A DISTANCE OF 22.42 FEET, THENCE NORTH 84°40'26" EAST, A DISTANCE OF 21.95 FEET, THENCE NORTH 05°15'29" WEST, PARALLEL TO SAID EAST LINE, A DISTANCE OF 187.51 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 154, THENCE NORTH 84°50'59" EAST, ON SAID NORTH LINE, A DISTANCE OF 45.50 FEET TO THE WEST RIGHT-OF-WAY LINE OF WATER STREET, THENCE SOUTH 05°15'27" EAST, ON SAID WEST LINE, A DISTANCE OF 221.32 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.24 ACRES MORE OR LESS.

Houin updated the board on ONE Marshall County. He said they were at the point of starting their strategic planning last year at this time but a lot of it was sidetracked because of the READI 2.0 grant process. He stated they were pressed with short timelines, so everyone involved was focused primarily on that which delayed a lot of their activities, so they are back at the point of developing that strategic plan which comes from the five main subcommittees. He stated the subcommittees are updating the full board and listed some of the highlights.

- Quality of Life Subcommittee working with Marshall County Hope.
- Workforce Education Committee updated on the Lifelong Learning Network (LLN) about the Marshall County Career Innovation Center (MCCIC) that was under construction. Culinary/ Early Childhood rooms are finished. Emphasized that LLN is a "Lifelong" Learning Network that does serve students from nine separate school systems

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but because it is “Lifelong,” it also services Plymouth’s adult workforce education. LLN works closely with employers and industries in the area to identify workforce needs and how to develop more opportunities for businesses to grow in Marshall County for residents to have good quality employment opportunities.

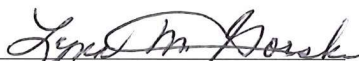
Houin updated the board on the Comprehensive Plan Committees. He said this was taken over by Plan Director Ty Adley and he has been a help to the committee. He stated the big focus now was review of the priorities after a year of this committee working through these subcommittees so they can identify some things that had been achieved from the plan’s goals so they could look at other things that could be focused on. He stated in discussion with Adley today, he found that the zoning subcommittee had eight different items, and they are looking at potential revisions for the zoning ordinance. He stated some of it would just be cleaning up what should have been fixed a while ago to make it operate more smoothly, while others identify the number of variances granted in certain areas, that it does not make sense to have a zoning ordinance that they are constantly granted variances from. He stated they are wanting to update the zoning ordinance for what they are allowing and what the Comprehensive Plan would be looking for in future development for the city.

Council members Ecker and Starr moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of January 13, 2025
- January 27, 2025 Check Register
- December 2024 Clerk-Treasurer Financial Reports
- October 16, 2024 Urban Forest & Flower Committee Minutes
- December 10, 2024 Board of Aviation Commissioners Minutes
- December 17, 2024 Redevelopment Commission Minutes

The motion carried.

There being no further business to come before the Council, Council members Longanecker and Krathwohl moved and seconded to adjourn. Mayor Listenberger declared the meeting adjourned at 6:52 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED

Robert Listenberger, Mayor