

REGULAR MEETING – MARION COMMON COUNCIL – DECEMBER 1, 2020 – 7:00 P.M., ZOOM MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 1st day of December, 2020 at the hour of 7:00 p.m. by virtual means through Zoom Meetings.

On the call of the roll the following members were shown to be absent or present as follows:

Present: Luzadder, Cowgill, Fouce, Cain, Fordyce and Cline.

Absent: Batchelor, Henderson and Brunner.

Council President Deb Cain said they have two meeting minutes that they need to get approval for. November 4th, she'll take a motion. Motion was made by Councilman Mike Cline to approve the minutes as presented. Motion was seconded by Councilman Gary Fordyce and carried by a unanimous vote. Cain said, thank you, now they have November 17th, 2020. Motion was made by Councilman Brian Cowgill, 2nd by Councilman Brad Luzadder to approve the minutes as presented and the motion carried by a unanimous vote.

COMMITTEE REPORTS: Councilman Brad Luzadder said, Madam President, prior to this meeting, they had the Ordinance Committee met and going on to the agenda, with her approval, with a favorable recommendation will be the Marion Utilities. Their extended control plan that was started years ago and they're moving into another phase and they are looking at a maximum of \$12,400,000. They have been extremely good stewards of the funds and they're looking to bond out for that. The committee unanimously voted for moving it to the Common Council with a favorable recommendation and so they asked to be placed onto the next agenda which he believes is the 15th. And then there were five other ordinances that were discussed to be moved to the Council but there was no discussion of when those would be added to an agenda but all five of them were moved to the Common Council with a favorable recommendation. So, that's all he has for her, President Cain, Luzadder said.

Council President Cain told the Council Mr. Foustnight has requested to meet with the Compliance Committee regarding (inaudible) new ordinance for parking in the city. That will be held on December 10th at 3:00 p.m. Outside of the committee members, if they wish to attend, please let her know and she'll set them up with a Zoom Meeting invitation. Councilman Brad Luzadder said, President Cain, the Police Department should be involved in that. Cain told Luzadder, very good thought, she will get in touch with them. Luzadder said, and he would also say the Traffic Commission should also come into account on that as well. They're the ones that have the information first, before they would ever draft an ordinance or amend an ordinance. That would be his recommendation. They don't have to but that would..... Cain replied, no, those are good suggestions, thank you.

COUNCIL APPOINTMENT: Marion Public Library Board of Trustees – Council President Cain told the Council they have a Council appointment for the Marion Public Library Board of Trustees. She knows in their packet they received a note from the board, the Marion Public Library Board, Ruthann Sumpter, the President, and she knows Mary Eckerle is on tonight but she also received an email from Mr. Case who is the one that submitted an application for re-appointment and it reads, "Dear Deb Cain of the Marion City Council, I have served on the Marion Public Library Board for the past 12 years and I would very much like to continue serving. I am eligible for one more term. The library provides important resources for education, economic development, as well as improving the quality of life for the community's citizens. The library is a vital part of the downtown and the city. The library has participated in early literacy programs and has consistently worked with local schools and colleges. This year's curbside service demonstrates the library's commitment to serving Marion, even during a pandemic. The Genealogy Department helps many connect their family in the past to their family in the present. The exhibits in the museum, such as the (inaudible) and the Weaver Settlement, tell important stories of our community. My children have greatly benefited from the Marion Public Library and I hope to maintain its quality service. I recognize the challenges of the library continually working in a tightened budget and other constraints while balancing the needs and wants of the community. Previously, I served as Board Chair with a goal of being fiscally responsible. I am requesting that the Marion City Council appoint me for another term on the board of the Marion Public Library." Cain said she will take a motion. Councilwoman Robin Fouce asked, what was his name? Cain said it's Jeremy Case, C-a-s-e. Councilman Mike Cline said he needs to abstain on the vote since he's a member of the board but Jeremy, Dr. Case was talking about the

COUNCIL APPOINTMENT Continued

library's commitment to the city. Let him say something nice about him, since he doesn't see him on here and he can talk behind his back. He is committed to the library. They've been on the board together for those 12 years. He does more than show up at meetings. He shows up at programs, his kids are there, he uses the library, he is committed and (inaudible). He is thoughtful and, for what it's worth, he is a good member of the Library Board and he thinks he ought to be, he can't vote for him but he thinks he ought to be re-appointed, Cline said. Councilman Brad Luzadder said he would also like to say he is a neighbor of his, he lives four houses down. He sees him and his wife a lot and he highly admires him, his dedication and his work. Dr. Case is an awesome member of our community. He has stepped forward and helped educationally with the beginning of the Faulkner School and his track record is wonderful. So, he would join Councilman Cline in giving kudos to Dr. Case and he will be supporting him as their appointment. Cain said, seeing no further comments, she will entertain a motion to accept the appointment of Jeremy Case. Luzadder said it would be his honor to recommend Dr. Jeremy Case for another term on the Marion Public Library Board of Trustees. Motion was seconded by Councilman Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Fordyce. Nay: None. Abstain: Cline (said he needs to abstain since he is on the board).

NEW BUSINESSAPPROPRIATION ORDINANCE NO. 1-2020 1ST READING

The City Clerk read Appropriation Ordinance No. 1-2020 by title only, Revised Budget for the City of Marion, Indiana for the year 2021 to reflect an increase in the General Fund Levy. Julie Flores, City Controller, told the Council in their packet she believes she shared with them that the DLGF, Ryan Burke, advised that they had the opportunity to increase their levy due to an annexation. She was not aware of that at the time they did the budget so they have the opportunity to raise \$126,197 to the General Fund. She felt like this was the Council's decision to make and not hers so she's bringing that to them today. The DLGF has certified their budget already but, in order to do this, they allowed them to unlock Form 4 and Form 4-B to make those changes, if they so require. They also suggested that they handle this however they handle the adoption of their budget so they will have a first reading tonight and then 2nd reading and hopefully a public hearing and adoption at the December 15th meeting. She will entertain any questions they may have, Flores said. Councilman Mike Cline asked, so, does he understand then from what she said that the only things they're allowed to deal with (inaudible) the adjusting for the new levy and changing the date? Or did he miss something? Mrs. Flores told Cline, correct. The Form 4, she didn't bring all those forms with her today, the Form 4, she believes, is the advertisement and it had an adoption date of 10, when they adopted the budget, she believes it's 10/15. So they'll need to re-sign that, if they decide to do this. They'll need to reflect a new levy on that form and then have a new adoption date of 12/15. She asked Cline if that answered his question. Cline told Flores, he thinks so. He'll let her know if it doesn't. Councilman Brad Luzadder said, the annexation, what was the annexation (inaudible)? Flores told Luzadder, the DLGF did not tell her, she doesn't know that they knew that. She wasn't notified. She kind of asked them what the (inaudible). When she was in Gas City, she was involved, the Clerk-Treasurer is involved with those types of things. She's not sure that would have gotten communicated to her office. She believes though, in talking with the Clerk's Office, that it was one of the CIE annexations. Council President Deb Cain told Flores she noticed in the paperwork, she included the signature page again. Will they have to sign that? Flores told Cain, yes, yes. Cain said, okay, so they'll have to come up with a way to do it. There are ways to do it electronically or they might set up to where they individually come in to the Clerk's Office. Luzadder said, and that would be on adoption. Cain stated, yes. Any further questions, she asked. Mrs. Flores said she'll just comment a little further, if they don't mind. The \$126,000, the additional levy, will just help their cash. They won't be able to spend that, of course, until they come to them and ask for it to be spent. The DLGF also informed her that after, it was in November, that the local income tax, they will be getting \$800,000+ more in the COIT, the General Fund Local Income Tax, and an additional \$171,000 in the EDIT Fund. They sent those numbers out when they did the budget and then mid-November sent out new numbers so that was good news. They'll have an additional \$800,000 in the General Fund. She had discussions with the Mayor today and he would like to propose at some future date here with those funds to give a 5% increase to public safety next year and a 3% raise to the civilians. With this additional money, it will help them there. The total amount of that would be for the civilians, an additional \$101,497.06, additional on what they've already budgeted. And then, for public safety,

APPROPRIATION ORDINANCE NO. 1-2020 Continued

\$361,096.84. So that's what he thought, with those additional funds, they could do so he asked her to share that with them this evening. Councilman Luzadder asked, was that 5%? Is that what she said, Mrs. Flores? Flores told Luzadder, 5% for public safety, police and fire, yes. Luzadder stated, okay, he just wanted to make sure he heard that correctly. Flores said she has other numbers on the budget. They did certify that. Their rate was reduced. They always use 90% of the current levy to figure the next year's budget so when they submitted their budget, she thinks they were at \$2.91 for their rate. As the budget came back, of course the assessed valuation increased by about \$89,000,000. Their rate went from \$2.91, actually the rate now is \$2.58 so that's good news. Councilwoman Robin Fouce said she'd like to ask Controller Flores what is the timeline or proposed timeline? She said 5% public safety increase and who was the 3% for and then what is the timeline or proposed on both of those or have they got to that? Mrs. Flores told Fouce the 3% are for the civilians, everyone but police and fire, and the timeline would be as soon as they can get those ordinances put together and brought to them. She would imagine it'll be the first meeting, maybe, in 2021. Being no further questions from the Council, motion was made by Luzadder to approve Appropriation Ordinance No. 1-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Fordyce and Cline. Nay: None.

GENERAL ORDINANCE NO. 17-2020 1ST READING (CAN BE PASSED IN ONE READING)

The City Clerk read General Ordinance No. 17-2020 by title only, an Ordinance authorizing the City of Marion, Indiana, to make temporary loans to meet current running expenses for the use of the General Fund, the Parks and Recreation Fund, the Aviation/Airport Fund, the Park Bond Fund, Motor Vehicle Highway Fund, and the Cumulative Capital Development Fund of the Issuer, in anticipation of and not in excess of current taxes levied in the year 2020, and collectable in the year 2021; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the Indiana Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon. Julie Flores, City Controller, told the Council as the Council will remember, those who have been here, this is nothing new. They've done this every year since she's been here and at least 10 years prior to her coming here. This is money they need to borrow because their tax draws that they get in December do not carry them through June, which they should do, so they borrow from the Bond Bank. They give them the money in January and they pay that back in December every year. They do cash flow sheets. They actually give the actual numbers for 2020 on the cash flow sheets and do a projection for 2021, based on their 2021 budget and their 2021 property tax collections. So, she submitted the cash flows back in October for the figures all the way through September of this year and projecting out next year. They have sent her back a draft of what they think we need to borrow next year. She has updated her cash flow sheets to reflect October and November so she has tweaked the numbers a little bit and will resubmit those to the Bond Bank but, based on what she submitted to them on the figures through September of this year and all of next year, there are only four funds they need to borrow for. They will not need to borrow for CCD any longer. They will not need to borrow for MVH next year. They project for the General Fund that we will need \$704,745. She was a little taken aback by that because this year we had to borrow \$3,000,000 for the General Fund so she thinks that speaks volumes about how well we're doing financially. She thinks some of that was due to COVID but she was very excited to see that we are not having to borrow as much. We have borrowed less every year since she's been here so, again, the total amount we will be borrowing according to this is \$1,174,963 for the four funds. In 2020, for the six funds that we borrowed it was \$4,500,000 so she was very excited about those numbers. She thinks we'll have to borrow a tad bit more there for the General Fund. In putting in the October and November figures, it looks like it'll just be over \$1,000,000 that we may need to borrow. We don't know the interest rate yet. They won't let them know that until it's all said and done but every year, let's see, in 2020 the interest rate was 1.65% so she's thinking it's going to be similar to that for 2021. So again, she will entertain any questions that they may have, Flores said. Councilman Brian Cowgill said, it's not so much of a question, well he guessed there is a question too. Like, he noticed that, and it's not just her, it's been the Mayor, it's been a lot of people that they, it seems like we contract out a lot of attorneys for other things. He means, why, he means we pay a big amount for our attorneys locally. Why do we go outside of our own attorneys? Flores told Cowgill, that's not her call, she can't answer that. He'll have to talk to the Mayor about that. She doesn't know the answer to that. Cowgill said, alright, well and also the other comment that he has is at the bottom there, he thinks it's

GENERAL ORDINANCE NO. 17-2020 Continued

unprofessional that the Controller mentions to other entities that the Council is a very hard group to work with. Flores said, she's sorry, when did she say that? Cowgill replied, right in here, it says, "Brenda, could someone at Bose McKinney verify that the Advanced Funding Ordinance can be passed in one reading? We have a fairly new Council and a new Council attorney who came on in June. I don't want any pushback when I present this to them. They have not been a very easy bunch to work with. Thanks, Julie". Flores told Cowgill, okay, she didn't say they were hard to work with, she said it hasn't been easy and she thinks he will agree, Brian, it hasn't been easy. She's dealt with City Councils for 20 years and it hasn't always been easy but this, this has been.... Cowgill said, he didn't say the comment wasn't maybe accurate. He just thinks it's unprofessional that she would tell outside entities about it. Kind of like you don't air your own family's laundry, you know, type thing. Flores said, she just said you weren't easy to work with so she would appreciate her explaining that this could be done in one reading. It wasn't meant to be offensive to anyone. Cowgill told Flores, well that's the way he took it. Mrs. Flores said, she's sorry. Council President Deb Cain said she read that too, Mrs. Flores, and you know, we don't always, she means we're in business. We have to work together and there's times that we have to say no, there's times that we have to be a little.... We just can't always agree but it's appropriate that we agree to be professional with other entities. Flores told Cain, well she didn't mean that to be bad. It has not been easy. Her office has been inundated with requests. It hasn't been an easy time and she thinks she will agree with that. She's not saying that's a bad thing, she's just saying it has not been easy. Cain told Flores, well she doesn't think it's a bad thing either but she just felt by the email that was the intention. So, on this, she's taking it out to meet their budget through June? Flores replied, the cash flows, the cash flows that they do for 2020 and project out to 2021, their calculations show that our largest deficit in the six months is the figure that they think we need to borrow to get us through the year. So that's how they calculate it. Cain asked, so this is for the full year then? Flores said this will be for 2021. Mrs. Cain said, okay, when she first heard her say June then she was just wondering. This carries us through the whole year and doesn't carry us through June and they have to look at something again. Flores said June is where we show the deficit that we're having to borrow. On the worksheets that went through the September figures, our largest deficit was in June and it was the \$704,000. Councilman Brad Luzadder said he should point out as the senior member of the Council that this is nothing unusual. With the Seybold Administration, this body has voted in favor of the tax draw for at least 10 of the 12 years with Mayor Seybold and the last three years of the Seybold Administration, they did only do half of the year and so they did that in a dual set with two separate votes being done and then for the first four years with Jess, Mayor Alumbaugh, they have always done this. But he would say that it is extremely encouraging to hear that we are not having to borrow as, from the former Administration, somewhere around \$13,000,000 at a time and at some points even larger than that. And so that is extremely encouraging, listening and being a part of this. So, there is a precedence set by this body in the past, and again, of 10 of the 12 years he can tell them for sure and then his experience, as always, try to work with the Administration through a cash flow. So, that's just a little history, Luzadder said. Councilman Mike Cline said, and he'll go along with Councilman Luzadder from years of covering City Hall, he remembers Councils doing this. This is simply giving the opportunity to do it as necessary. Like Councilman Luzadder said, we don't have to do it but it's a decent fallback. And as a side note, Mrs. Flores, check your emails before you send them. Councilwoman Robin Fouce said she would like to ask Councilman Luzadder, so in this case, he indicated that previously there was a situation that they did a six month and then they came back and did a second six month. So in this case, would it be warranted that we do a six month and then revisit it again for the second six months? Luzadder told Fouce, in his opinion, if she's asking him, he would think no because of the amount in which is being borrowed is not anything extravagant. The former Administration, the reason in which we took it back into the six month period was because of the excessive amount that was asked for at the time and under the former Administration, things had gotten soured with the Council. So, he would say not. He would look at approving for the entire year because, in excess, you're able to only borrow what your tax draw is, you cannot go over that. So, that is a fail-safe that is put in place for the Council to look at but, in light of the small amount that's being looked at, he hates to say small amount but in the amount that's being asked for to move forward, he doesn't see any reason in which to have to revisit it on a six month basis for such a small amount, to do all the paperwork again (inaudible) Bond Bank. So one time he thinks would be sufficient, Luzadder said. Mrs. Flores asked Councilman Luzadder, she believes they were borrowing from Star Bank back then, is that correct? She doesn't believe they started borrowing from the Bond Bank until maybe when Controller Hicks was here and she doesn't believe that six month

GENERAL ORDINANCE NO. 17-2020 Continued

option is available with the Bond Bank. Council President Cain said, and she thinks she's right, if she remembers from Mayor Seybold's, that it was from Star, which would, you're right, that would make a difference. Mr. Luzadder added, and the Bond Bank does normally give a better rate than what we've done in the past. Cain commented, that's true. And just a question, Mrs. Flores. So, help her understand, are the payments back to the bond, she tries to make those ahead of the payment so we can (inaudible) interest? Flores told Cain, they give you the mature dates so there's a couple of funds that we have to pay a part of the money back in June, that'd be for the airport and for the Park Bond. All the rest of them are due in December. Being no further comments or questions from the Council, motion was made by Councilman Brian Cowgill to accept General Ordinance No. 17-2020. Motion was seconded by Councilman Gary Fordyce. City Clerk Kathleen Kiley asked, was that Fouce? Mrs. Cain said Mr. Cowgill made the motion, Mr. Fordyce seconded it but she needs to clarify the motion. Mr. Cowgill, is this to suspend the rules? Cowgill said, yes it is, he's sorry. Cain said this is to suspend the rules and the motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Fordyce and Cline. Nay: None. Cowgill said, now he'll make a motion to pass. Do they need to do that since they suspended the rules? Cain said, yes, they need to pass it to 2nd reading. Cowgill said he would make a motion that they pass General Ordinance No. 17-2020 on to 2nd reading. Deputy Clerk Debbie Goodman said, well wait, they just suspended the rules. Cain said, she means passing it. Cowgill said they need to vote on.... After they suspend, they've got to vote to pass it, right? Goodman told Cowgill, but he said to 2nd reading. Cowgill told Goodman, he was just kidding, vote to pass. Sorry, that's his fault. Mrs. Cain said the motion is to pass the ordinance. Motion was seconded by Councilman Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Fordyce and Cline. Nay: None.

Council President Deb Cain asked the Council, do we have anything else that they want to discuss before she takes a motion to dismiss? Councilwoman Robin Fouce said, last minute thought. Do we have anything to share about the city, its closure, where we are with COVID-19? Do we have like any information among us to share? Mrs. Cain asked, do we have anything? She doesn't, she doesn't see the Mayor or Mr. Flynn on. Mrs. Flores is coming back to the podium, just one second. Give her a chance to walk up, Cain said. City Controller Julie Flores told the Council she doesn't have any information only to say that both the Mayor and Mike have been exposed and are quarantining so that's why they aren't here. She doesn't know if anyone sent them the Zoom link. Cain said, yeah, she did. But she didn't know that so hopefully it's just exposure. Mayor Alumbaugh said we are closed to the public at this time at City Hall. Fouce asked, okay, he said we are closed to the public? Alumbaugh replied, at this point, it's the public (inaudible) at City Hall. We will await the Governor tomorrow when he talks to the (inaudible). Fouce asked, and who did Julie say was quarantined? Cain said, Mr. Flynn and the Mayor. Alumbaugh said he's been quarantined because he's been exposed to two different people, one being one of his daughters. Fouce said, well stay safe Mayor, they hope the best for him. Alumbaugh said, he appreciates that, Robin. Thank you. Mr. Luzadder said he would say that they should be praying for the Mayor and Mike, as well as Don (Batchelor) and his daughter and their family as well through this time. Mr. Cowgill added, and Kathi (Kiley) as well. Cain said, yes, Mrs. Kiley. Luzadder said, yes, Mrs. Kiley. Fouce told Kiley, yes Kathi, we appreciate you. Cain said, and then Mr. Henderson sent her a text and said he had the flu, his wife had it yesterday. They don't think it's COVID but he didn't want to come just in case. So a lot of prayers need to go up for the city, for a lot of people we know, for our nation as a whole. Luzadder said, be safe and make sure you wash your hands and wear your masks, every time you can.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Cowgill, the meeting adjourned. Time being 7:45 p.m.