

REGULAR MEETING – MARION COMMON COUNCIL – DECEMBER 15, 2020 – 7:00 P.M., ZOOM MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 15th day of December, 2020 at the hour of 7:00 p.m. by virtual means through Zoom Meetings.

Before the prayer and Pledge of Allegiance, Council President Deb Cain told Councilman Steve Henderson she knows he has gone through a lot this week. He said that his brother lost his wife on Saturday so their condolences to him and their prayers go out to him. She knows that he has had a rough year with the loss of family and cousins so their prayers are going out to him.

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

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

Absent: Batchelor and Brunner (NOTE: Councilman Brunner entered the meeting at 7:18 p.m. during the discussion on General Ordinance No. 18-2020).

COMMITTEE REPORTS: There were no committee reports given at tonight's meeting.

UNFINISHED BUSINESS

APPROPRIATION ORDINANCE NO. 1-2020 2ND READING AND PUBLIC HEARING

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 as they'll recall, they were informed by the DLGF that, because of an annexation of CIE, that we were able to adopt a levy of about \$126,000 for the General Fund. So, she will entertain any questions they may again on that. Council President Deb Cain asked, anybody in the chamber? No. Anybody on video? Okay, they have no additional questions, she will take a motion, Cain said. Motion was made by Councilman Gary Fordyce to approve (Appropriation) Ordinance No. 1-2020 in final reading and pass. City Clerk Kathleen Kiley said, question. To suspend? Fordyce told Kiley, yes, motion to suspend. Motion was seconded by Councilman Brad Luzadder. Councilman Mike Cline asked, do they need to pass the motion before they suspend the rules? Mrs. Kiley told Cline, no, they suspend the rules and then they approve. Motion to suspend the rules then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Motion was then made by Fordyce to suspend the rules and pass. Cain told Fordyce he already suspended the rules. Now he's making a motion to pass it? Fordyce replied, yes ma'am. Motion was seconded by Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None.

NEW BUSINESS

GENERAL ORDINANCE NO. 18-2020 1ST READING

The City Clerk read General Ordinance No. 18-2020 by title only, an ordinance concerning the construction of additions and improvements to the sewage works of the City of Marion, Indiana, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said sewage works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith. Chuck Binkerd, Executive Director of Marion Utilities, thanked the Council for giving them an opportunity to speak to them on this matter. He knows they have been talking about long term control plan issues over a number of years and they most recently met with the Rules Committee and talked about this and certainly their board has been discussing it. They've had discussions over the last several years throughout various groups in the community so he thinks most everyone should be at least familiar with the term long term control plan but he'll just kind of very briefly and quickly go over what it really is before they get into the actual discussion on the bond ordinance itself. So the long term control plan was a document that was put together in the early 2000's that they began working on that. It's a document that describes projects and means for eliminating combined sewer overflows into the Mississinewa River and Boots Creek. As they know, our sewer system was originally designed, even back in the late 1800's, to (inaudible) both wastewater from

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homes and businesses and storm water from throughout the community through the state pipes and so obviously when it rains hard, sometimes not so hard, but when we get a rain event, flow from the system can then find its way into the river and that's the way it was designed to operate but it's certainly not the way that we know that it should operate in our time now. So a plan was put together to eliminate those overflows and those events and so that plan was approved in 2002. Then in 2007, the state, prompted by the federal government, essentially took all combined sewer in communities to court to kind of just solidify the fact that, hey, there's some teeth in this and we want to make sure that everyone is in keeping with (inaudible) and that everyone's in compliance with the federal requirements. And so in 2007, the community entered into a State Judicial Agreement. That essentially just says that we will comply and that we will follow our plan and that we will implement our plan and that we will fund that plan as a community. So after 2007, we continued to work on the plan, to develop the projects and to make sure that we knew that we had projects that would accomplish the goal that were as cost effective as we possibly could. So, we went back to the state in 2010, actually to the Council as well at that time. We updated the plan with some we thought and felt better projects and some better knowledge of what it would take to accomplish those goals so that plan was updated in 2010. About that same time, we came before the Council to ask for funding for the plan which was made up of several projects that we agreed with the state to spend up to \$32,000,000 towards those projects and so we came to the Council seeking.... Council President Cain said, ope, she froze up. Just a minute. Okay, try it again, Chuck. Mr. Binkerd asked, is everybody on board? Cain said, yeah, she doesn't know, she lost internet. Go ahead. Binkerd continued and said, okay, so we were just talking about the fact they came to the Council in 2010 and the Council approved a rate that would support the long term control plan efforts. Kind of a long term rate, about a 15 year graduated increase. Initially it was about a 40% or so, in that ballpark, increase. So going into 2011, we received those funds then each year thereafter, it's been a couple percent, he thinks 2%, 3%, he thinks when we looked at the numbers. As a matter of fact, he was just looking at the numbers a little bit earlier. It averages for most folks, for folks on the lower end, if you have a minimum bill, it averages just a little over \$1.00, maybe \$1.50 a month when those annual increases come. For folks who are maybe a smaller family using 7,500 gallons of water or so a month, which would be pretty typical, you would see maybe a \$2.00, \$2.50 increase. So for just about everyone, less than \$3.00 is what it looks like per month on these annual increases. So we're in that mode and we have been since 2010 and we've been spending that money towards these projects. Back in 2015, we came to the Council and asked for our first bond issue to tackle some of these larger projects and so prior to that, we had been accomplishing projects. We had been paying for those with cash on hand and with accumulated funds and that was working pretty well but obviously at some point it gets to the point where the projects are just a little too big so we bonded about \$8,700,000 back in 2015 and so we've been working on those funds and we have completed the projects that were associated with those funds and we have developed a next phase of projects. So, we're ready to move forward with that. As he mentioned, this has been a long term thing and he just wanted to, for the record, kind of put these numbers out there very quickly. When the Utility Board first looked at mitigating some of these issues, way before it was federally mandated, back in 1974, the flow study indicated that about 1.2 billion gallons of flow was flowing into the river during these rain events. We looked at the numbers after decades of projects and literally tens of millions of dollars being spent. In 2009, we looked at the flow study. We'd eliminated six structures at that point and we were down to about 182,000,000 gallons of water being discharged in a year. So obviously they can see that it's a huge positive impact there with the money that had been spent. We continued doing projects, again we borrowed that money in 2015, accomplished those projects. So in 2020, early this year, we did another flow study to see where are we. We're currently at about 55,000,000 gallons so you see the continued increase in the productivity with our projects. And so we've eliminated huge amounts of flow into the river, in Boots Creek so great benefits to our community and the environment here. But we still have a ways to go so we have a threshold of eight CSO events. If we can get down to that eight or less CSO events in a year, our projected flow, annual flow would be about 200,000 or so gallons. So, well under 1,000,000 and we feel like that's going to have huge impacts for our community. So that's where we're headed. We've done projects all over the community, as they all know. We're currently ready to go out to bid on the most recent round of projects that we've put together so that'll include some work at the plant to accommodate flows as they come, essentially disinfection is what we're tackling now so that whatever we discharge into the river, we can ensure that it's properly disinfected and that we remove the disinfectant before it hits the river and so that we keep everything safe. That will be a part of it. The other part, the

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really the bigger part, we'll be adding some storage in the system, located really right here at the plant adjacent to the plant site. We'll install some large tanks, a large pumping station that would capture those large volumes of flow and store them into this tank until such a point as the high flow levels subside and we can pump those volumes of water back into the system and treat it. So that keeps everything from flowing into the river and overflowing. So, that's our next phase. It looks like that's going to be around \$12,000,000 to \$12,500,000 or so. We feel like that's probably a pretty good number, hoping obviously that it comes in a little bit less than that. So the document that they have in front of them is the ordinance that would allow them to go out for sale of the bonds and so their board at its last meeting passed a resolution recommending the Council to entertain this ordinance and essentially, he knows they've had the document for a little while, essentially it just lays out and stipulates all the parameters and all of the guidance for issuance of those bonds. It talks about the fact that the actual bond issue would not exceed \$11,000,000. It also mentions the fact that the utility has up to \$1,400,000 to spend in cash towards the projects so that we try to minimize the amount that we have to borrow. It talks about the terms so this would be no greater than 22 years. The interest rate, if we have to do Bond Anticipation Notes prior to the bonds, that interest rate was capped at 5%. The interest rate for the bonds themselves will be capped at 6%. We think that we'll be well, well under that. The (inaudible) right now look very good. As a matter of fact, he was looking today, just to kind of see where the municipal bonds, what they were bringing and just under 2% it looks like. So, of course we're a few weeks out from the actual sale so it depends on what the markets do as to where it would be but we feel like certainly between 2% and 3%, he's guessing, and hopefully closer to the 2%. We know that the State Revolving Fund is at about 2% right now. He thinks they are at 2% actually. We chose not to go in that direction. We felt like the bond market was strong and we could save some of the consulting fees and some of the other hoops that we have to jump through to borrow the money through the state and so that's kind of where we're at. They've got the document there and he'd be glad to entertain any questions or add any information that they might be interested in. Councilman Brad Luzadder said it should also be noted that this came out of the Rules Committee and Ordinance Committee with a favorable recommendation, unanimous favorable recommendation. They have been good stewards of their money. They have been a great department and participant and teammate and so he supported them before and he will continue to support the Utility Board. And as their liaison, their board is wonderful to work with so they're very blessed in which to have them and he gives them his full support. Councilwoman Robin Fouce said, Madam President, to both Chuck and Brad, she'd like to just have a conversation with them, if they pass this first reading, to get just a full understanding aside from what she is reading on this paper, if she could, if they would be willing to set aside some time for her to just really break it down for her. She's in full support of his success, Chuck, but she represents District 4 and she certainly wants to have a full explanation for the way that she votes. So if he would honor her with that, she would appreciate it, at his convenience, Fouce said. Mr. Binkerd told Fouce, absolutely, love to meet with anyone who would have more questions. He's always available so he'll reach out, Robin, and they'll set up a time where they can meet, or anyone else, by the way. He's more than glad to meet with anyone and talk about this in more detail. Ms. Fouce told Binkerd, she appreciates it. Cain asked, anybody else? There was no response from the Council. Cain told Mrs. Kiley that Mr. Brunner has just come in. She then told the Council she will consider a motion. Motion was made by Councilman Brian Cowgill to pass General Ordinance No. 18-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None. Mr. Binkerd told the Council, thank you all so much. He appreciates the support and will, again, look forward to speaking with them and please contact him if they would like to have further discussion. Councilman Gary Fordyce said, thanks Chuck, they appreciate his great work.

GENERAL ORDINANCE NO. 19-2020

The City Clerk read General Ordinance No. 19-2020 by title only, an Ordinance amending maximum salaries of Appointed Officers and Employees; and annual payment of Flex Dollars (\$250.00) to non-contractual full time employees of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council she would like to mention real quick, on the other issue that they passed, because we've changed the budget, that Form 4 needs to be signed again so the people that are here tonight can sign. If the rest of them could come to City Hall and sign that, she can let them in the building. If they have any questions about that, if they'll let her know, she can try to make other

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arrangements for them. Councilman Mike Cline asked, so what, we need to make an appointment to stop by then? Flores told Cline, or just call. She's been in the office every day so she will be there. But if they want to schedule a time, that'd be great. Council President Deb Cain told Mrs. Flores, she does have a question. The Board of Aviation's budget got cut. Is that going to reflect in the budget? Flores told Cain, the budget that we put in, the (inaudible) notice, it was reduced so the appropriations that they will put in for next year's budget will reflect the certified budget. It will not reflect (inaudible). This was the General Fund levy. Aviation is outside of this. Councilwoman Robin Fouce said, excuse her, she doesn't have good audible on her. She doesn't know if it's the mask or the volume but she's not hearing her clearly. Mrs. Flores said, okay Robin, what's your, does she have a question? Fouce said, no, she just wants to hear what she's saying. Flores stated, okay, the Aviation budget got cut so President Cain wanted to know how that would be handled. They will put those appropriations in as they came back. They've already talked to the airport about which line item they wanted to reduce so that's all been approved. So, the levy that they increased was for the General Fund. It did not affect Aviation. Does that answer her question, Flores asked Cain. Mrs. Cain replied, yeah, she thinks she understands it. If she doesn't, she'll send her an email. Okay, thank you very much, Cain said. Mrs. Flores told the Council, okay, so this is amending the salary ordinance for the Civil City. They are giving a 3% increase to the civilians. The only exception to that would be her Deputy Controller. They increased her wages a little bit with the last increase because she was making less than some of the secretaries and she felt like she needed to be at least compensated for what our HR person was making. She was informed by our Accounts Payable Clerk, who is going part-time next year, that she is retiring on Friday so she's asked for an additional increase above the 3% for her Deputy Controller to 5%. She will have to pick up some of these extra duties until they can get a part-time person hired. With the beginning of the year where they have to do annual reports and a lot of year end clean up, she's going to be very busy. Her duties, day to day duties, are much more critical than her HR Coordinator and they currently are making the same wage. So, that's the only thing outside of everyone getting a 3% increase, Flores said. Council President Cain said, Mr. Cowgill? Turn your mike on please. Councilman Brian Cowgill said, he noticed that the Mayor put a note in their packet that the 3%, that's not the Controller, you, and the Chief of Staff then. Flores told Cowgill, correct, the Mayor will speak to that later. Cowgill said, well he's just, if his math's right, that would be a 25% raise. Flores said, he will speak to that. She's speaking other than the Chief of Staff and herself. The Mayor will speak to those. Everyone else is 3% except for the Deputy Controller who will be 5%, if they approve that. Mrs. Cain said, so she has a couple of questions. In the Controller's Office, there's Accounts Payable and Accounts Payable Part-Time but she doesn't see Accounts Payable in the budget as a personnel. She sees City Controller, Deputy Controller, Human Resources and Part-Time AP Clerk. Is that the Part-Time AP Clerk? Flores said, Accounts Payable Clerk, yes. Cain asked Flores, and then she'll have an additional Accounts Payable Part-Time? Flores replied, no, they left the full-time salary in there in case they found out that the part-time was not going to work. She took her Accounts Payable Clerk to part-time, felt like it was part-time. She left the full-time in there, not in the budget but in the salary ordinance, in case they needed to go ahead and make that position full-time. They would have to come to them for an additional appropriation if they chose to do that. Councilwoman Robin Fouce said, Madam President, if she could say a few words just based on what Julie has given them as explanation. She just has a plethora of questions. One is it seems like we're overloading the Deputy Controller who we all know we could not do without what she does and her vast knowledge. We're kind of throwing extra duties on her to give her what she should have in the first place, a 5% raise, when the raises for the Controller and the, and she knows the different disciplines but certainly what would the Controller be without the Deputy? And then it seems like we're giving an exorbitant amount to the Controller, and Mayor chime in if he would, and also Mike, the Chief of Staff. Why would it warrant such an exorbitant amount for them and then we pile on additional duties to a person that you could just hire and fill that position? Mrs. Flores said, Mayor, Mayor, Mayor, she'll go first, if that's okay. Mayor of Marion Jess Alumbaugh said there are two important positions after you get elected Mayor. He thinks most people would agree with that. The first position would be Chief of Staff, second position the Controller. Those are the two most important positions in local government. Right now, we have a Chief of Staff who has four department heads making more money than the Chief of Staff, yet they report directly to the Chief of Staff. The Controller's position is financially the most important position to a city government so they should be compensated accordingly. Other communities (inaudible) doing this. We just haven't been in the place where we can accommodate that financially and now we're there. And the Deputy Controller, that position is the

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next most important in the Controller's Office. We think it should make more than the HR person. These things have been askew for a while. We're trying to correct these moving forward. Forget who's there now. When one of you is Mayor and you have a Chief of Staff, let's say, and you have a Controller which you know you're going to have then these positions should reflect the importance of the positions. Councilwoman Fouce said, well, she thinks if we look at our other salaries, like what the department heads and their assistants make, there's not that broad span of salary difference. When you look at what the Controller and the Deputy Controller make, because he just said she has the most, third most important position, heaven forbid that she would leave because we're putting all this extra work on her when you could hire another person and we're minimizing, in her personal opinion, minimizing her financial reward for that. And, you know, she doesn't agree and not long ago, Mayor, not to bring up old stuff but she guesses she is, we talked about the salary when we were proposing to have a Deputy Mayor and one of his continued assurances was we're not going to, Mike won't get a raise, we're not going to give him a raise. Now, a few months later, here we are, wanting to give him a disproportionate raise. Hey, if we're going to do what other cities do then we would have paid our fire and our police hazard pay. So, is it hazard pay what's afforded us this opportunity because all along he said we don't have money, we don't have money. She's for the civilians getting a raise, she's for whoever else is getting a raise but a proportionate fair raise based on their responsibilities. Mayor Alumbaugh asked Fouce, does she think it's fair that somebody who reports to a superior makes more than the superior? As a business person, he can't imagine that. Fouce told Alumbaugh, well as a business person, she thinks a lot of things aren't fair, Mayor, and she doesn't think it's fair that Julie and Mike get a disproportionate raise and we have a person like Lynda, we'll give her a raise but we're just going to give her 5%. And if Lynda walked out today, where would you be? Alumbaugh said, well first of all, Lynda is the only remaining what he would call Assistant Director/Deputy position left. He channeled that towards a Chief of Staff through attrition. We have no more Assistant Directors so the net savings to taxpayers is significant in the fact that we don't have any more Assistant Directors answering to the Directors. The Directors answer directly to the Chief of Staff, Mike Flynn. Let's put the names aside and think about the future by positions. We should be rewarding people based on responsibilities and duties they have (inaudible). Ms. Fouce told Alumbaugh, she will concur with him on that, Mayor, but what she would say, if we look at Julie's increases, she has got an increase. She got a \$4,000 increase, she has gotten a progression of increases when, correct her if she's wrong, others didn't. Alumbaugh said, you'd still pay (inaudible) four other department heads. Fouce said, beg your pardon? Alumbaugh said, (inaudible) Controller, her position as Controller should be seen, he believes. He thinks we've seen that in the past, the lack of a Controller who was on top of their game, along with a Deputy Controller, is what put us in this position to begin with and he thinks they need to be compensated accordingly. He thinks, when you look at city government structure, Deputy Mayors or Chief of Staffs are your second in command. Your Controller is probably the third most important person, other than the Mayor and the Chief of Staff or Deputy Mayor, and that is because of the financial responsibilities they have to deal with on a daily basis. And Julie brought this to him, the Deputy Controller, and said she really thinks she should be compensated accordingly to make more than some of the other people in their area. So we're just trying right the ship. Responsibilities and duties should be compensated accordingly, not based on what they were before. It should be (inaudible) now while we have the financial wherewithal to make these changes and sustain them and get it right now moving forward so when one of you is Mayor and you have a Chief of Staff, if you choose to, or the Controller, which he knows they'll keep, that they're compensated accordingly. They should be some of your highest paid employees, not fifth, sixth, seventh in the protocol pay for city employees. That's just not, that's not acceptable, Alumbaugh said. Council President Cain said, well her concern is the significant increase. 25% is a lot. That's huge. No company ever throws that kind of percentage when you have someone underpaid. You do it in increments and she's thinking of this as a pandemic year. There are so many companies right now, restaurants, companies, that are going out of business because they can't afford to stay in business. And then you have the CARES Act where you could have done hazard pay and you're throwing.... She would like to see increments. She thinks he should do increments to get up like this but not a pay like this. Alumbaugh asked Cain, so she's okay with people who report directly to the Chief of Staff making more money than the Chief of Staff? That's not an issue to her? Cain asked, but why did this not come up when he was doing the budget? Alumbaugh said, Julie, do you want to speak on that about what the DLGF told us and that give you more comfort? Because he was waiting on you to feel comfortable with being able to sustain these kind of pay raises, not just for civilians and Public Safety but for the two of you and the

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Deputy Controller as well. Mrs. Flores said, okay, first she would just like to say we are going to hire a part-time Accounts Payable Clerk. It's just going to take them a while so Lynda will pick up those duties, as well as she. She also entered claims when Lynda was off last year for six weeks. She helped with claim input and payroll and when their Accounts Payable Clerk was out for six weeks with knee surgery, she also helped there. So she does help in those areas. And they will be hiring someone, it's just in the next couple of months, Lynda's going to have to pick up a little bit more than what she's doing right now. And Mayor, it's really not the DLGF. If they will remember, last Council meeting she told them that we will have an increased Local Income Tax in the General Fund of about \$800,000. So, at that time, when she informed the Mayor of that, that's when we felt like we had the funds to do the increases, the salaries. So that's why it didn't come up before. We did not find that out until November. The DLGF informed us during the budget process in November so that's how we can justify that. The other thing she'll say is she doesn't know if they looked at their Fund Reports this month but we are doing very well, whether it's the pandemic or she would like to say it's because we're being fiscally responsible. Last year at this time, the General Fund had \$409,000 was the balance and today, the General Fund balance at the end of November was \$2,100,000. So, we feel like in addition to the \$800,000 addition that we will get in COIT, our cash balances are much better. And you'll remember, we're not borrowing as much from the Bond Bank because our cash flows are better. This year in 2020, we borrowed about \$4,000,000 and next year, it looks like it's about \$1,700,000. So, we're doing much better. We're not there yet. They suggest that we have 10% to 15%, she's sorry, 12% to 15% of cash reserves, 12% to 15% of our expenditures. We're at about 10% right now so we're getting there. We're not there yet because we're borrowing from the Bond Bank but we are doing much better. Did that answer everyone's questions, Flores asked. Councilman Gary Fordyce said he'd like to make a comment. Council President Cain said, yes, go ahead Gary. Fordyce said he thinks that we need to take into consideration that the situation and the status that our financial situation is in, because of these Controllers and this Administration, when they came in, they had a bunch to deal with and we were so bad off, it wasn't even funny. He thinks it's admirable that this Administration and this Controller's Office and these department heads have been so fiscally responsible that we have the ability to give the police and fire a raise at 5% and 3%. We couldn't have done that under the Seybold Administration and we couldn't have done it under the first year of the Alumbaugh Administration and he thinks it's very commendable, he thinks it's fiscally responsible and he appreciates the job they are doing and how far they have brought us in this Administration. Mayor Alumbaugh said, when you break this down to per pay, assuming 26 pays per year, you're talking \$477 roughly for the Chief of Staff position, per pay, and \$465 per pay for the Controller's Office. In a \$20,000,000-plus budget, that's not as significant a number. He's not going to make light of it because he knows where we started and where we're at now but it is sustainable and he thinks it just rights the ship for the future Controllers and Chief of Staffs to put them in a place where they should be compensated compared to the people who report to them and who work with them in positions with less responsibility. Councilman Mike Cline said, yeah, he's thinking off the top of his head and that's dangerous. When he's thinking of Police and Fire Departments, you know, if we have a Lieutenant, Police Lieutenant, who's making more than the Chief, that would not sit well with us he hopes. If we have a Chauffeur, an Engineer or someone on the Fire Department making more than the Chief, he doesn't think that would sit well with us and it shouldn't sit well with us. There's a command structure and the people who are at the top who make the command decisions ought to be making more than their subordinates. That's his logic, thank you, Cline said. Councilwoman Fouce said, Deb? Should she say President Cain, she apologizes. A couple things. If we look at our last salary wage (inaudible), clearly you can, between the Controller and the Deputy Controller and so she agrees, at budget time, maybe we go back and fix those things. She doesn't agree that we now hit the bank once we discovered that we have extra money because instead of paying our fire and police hazard pay, and our first responders, we pay the Controller and the Chief of Staff. She thinks in any good business, in addition to the economics of things, there is such a thing as morale. The city workers are not going to tell you, Jess, wholeheartedly, you Julie and the other powers that be, we're miserable and we can't take it any longer. And so, they're just not going to do that and so she doesn't want to speak on their behalf but she will say she knows if she was working as a Deputy Controller that she's about \$15,000 under the Controller and we know support does the work, not to diminishing, Julie, what she does and her expertise in any way, however, that disparity in pay or that difference in pay in the 2020 budget and the 2021 budget, if you look, Julie's got an increase, a couple since 2016, whereas, if you look, it's been very miniscule for the Deputy Controller. She doesn't feel that's right. She doesn't think we should do

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it now. She's for the 3% and the 5%. She thinks you could reconsider what he'll do for the Controller and she really, she doesn't even know why he put such an exorbitant amount. He listed out the three and the five but he never said 28% for the Controller, an exorbitant amount. She's saying 28, that's approximately. It's greater, sounds like from what Steve gave them. Why wasn't that mentioned? Mayor Alumbaugh replied, well, let him answer that, Ms. Fouce. He has no issue if you'd like to give the Deputy Controller a little more money either because it is a very, very tough job, a job with much responsibility. And he would also say this. It sounds like you're okay with people who have others who report to them making less than those who report to them. All he's trying to do is right the ship. Fouce said, well, two things Jess, if she could respond to that. She doesn't need him to summarize what she is saying. She is not okay with it, as she said. We need to reconsider that at the time of budget. We just passed a budget, never was that mentioned. Secondly, if you look at like, she thinks it's the Fire Chief she looked at, the Fire Chief and the Deputy, there's \$100 approximate pay difference. There's a \$15,000 pay difference with, just as you said, an important position as the Deputy Controller. So, she doesn't think that's fair. Is he okay with that, Fouce asked Alumbaugh. Alumbaugh told Fouce, no, he just said you could raise that if you want, that's your call. We're trying to right the ship with the leadership team to where they're compensated so that people who report to them or have much less responsibility are not making more money than those who have the most responsibility in city government. And, as far as hazard pay, again, he said that was off the table based upon counsel. He knows some communities have done it, Robin, and some haven't, many haven't so (inaudible) communities who are doing hazard pay, this has real, the pay raise for Public Safety, the 5% and 3% just a few years ago, that's an 8% raise that will start to have a real impact, not only on their salaries but their (inaudible) much more than a one-time payout. And he thinks most of them that responded to him seemed to be pretty happy with that. Councilwoman Fouce said, okay, she'll ask him one more question, she says one more but we know it won't be one more and she'll let this go. She vehemently disagrees with the disproportionate raises that he wants to give to the Controller and the Chief of Staff. She's not saying she doesn't want them to get anything but she thinks that amount is disproportionate. And she thinks what we've been given is misleading, as it did not outline those in what Julie just described to us and what was given to us. The last thing will be a question. Where is, she spoke with IFA today and they said that we drew down \$600,000-something. So where is that money? Alumbaugh asked, what money? Fouce said, they said we had, Marion took \$600,000 from them. Where is that money? The Mayor asked, from what fund? Fouce said, she's asking, because that means that we got all of the \$900,000-something so where is that...? Alumbaugh stated, (inaudible) hazard pay which you said belongs to the Mayor, not to you. Fouce said, okay but where is that money? As a Councilwoman and as a Council, we have the right to know where is that \$600,000. The public as well. Council President Cain said Mrs. Flores would like to speak to that. Flores said, she's trying to speak to that. So, we submitted the first six claims to IFA. She submitted seven more claims, three of which were for the utilities because the utilities were told they were, and she was told, by IFA that the utilities is part of the city and they could submit those claims so she submitted eight more claims. IFA called and said, listen, we will pay claim number eight for the overtime for Police and Fire. The rest, you draw down for your payroll. Again, they changed the rules on us. Payroll was not acceptable in the beginning. They changed the rules sometime in September or October and said that payroll expenditures were acceptable. So they reimbursed her #8 and the balance of the money they sent to us, that was put back into the General Fund to replace Fire and Police salaries. Fouce asked, so how much was claim #8 for Police and Fire? Flores said claim #8 was for about \$34,000. That was overtime that she turned in for Police and Fire for a period of, she doesn't remember what the period of time was, maybe a month worth of overtime due to COVID. And then the balance, they told us we needed to draw down for our payroll. They wouldn't accept the other seven claims that she submitted. They said she had to draw down for the payroll. We didn't like that but that's what they said. They were only going to approve claim #8 and asked her to submit claim #15 for the balance of funds available. Fouce asked, so, again, how much was that final draw down? Flores told Fouce, she's sorry Robin, she did not come prepared for that. They told her (Fouce) \$690,000 so if she had to guess, she's going to guess that's what it was. She'll be glad to get back to all of them tomorrow morning with that exact figure or tonight after we get finished. Fouce asked, and that was deposited where, Julie? Does she remember that? Flores said, we deposited that, she believes we had to deposit it back into the 264 account. Lynda is on. If she wants to speak to that, she can. She believes we had to deposit that in 264 and then back into the salaries for Police and Fire. She believes that was the instructions that State Board of Accounts gave us. They changed their rules as well. Fouce said, they also

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told her today that, Julie, they let her know that it could be paid for hazard pay for Police and Fire. Does she recall that conversation with them? Flores replied, she has an email from them saying hazard pay across the board was not acceptable, was not allowed. Mayor Alumbaugh said, let him jump in here, Julie. That's the IFA, the Indiana Finance, and we talked about this in front of the Council months ago that yes, Indiana is saying you can use that. The federal government may well say why did you use that and it's their money that we're playing with and Indiana, we know (inaudible) said we don't want this to go back to D.C. Well, that's fine, as long as you know you don't have to reimburse it. There's that possibility that if we paid hazard pay, we would have had to reimburse it. That's from legal counsel. He knows you don't want to hear about legal counsel but that's just the way it was presented to him and he said he'd rather not take that risk and put it on the taxpayers, let's just move forward. Now we're proposing pay raises and he's not sure why.... You know, the disproportionate salaries between others in the city government and the Chief of Staff and City Controller and Deputy Controller isn't acceptable and should be corrected and needs to be corrected now. He's still butting heads with some of the same people and he's not sure why. Mrs. Cain said, okay, she thinks Mr. Cowgill had, he's been raising his hand. Councilman Brian Cowgill said he agrees 100% that, you know, as in Mike's words, the subordinates, you know, he thinks the Controller and the Chief of Staff should be paid at higher wages and all that. He 100% agrees with that. It's just like on the Fire Department that Ms. Fouce brought up. The Fire Chief, the last couple of years, there's been firefighters that have made more than the Fire Chief, whether it's due to overtime or whatever, because of those salaries being so low. He's glad that the Mayor is giving raises. He's 100% for everybody getting raises. He just, this one kind of caught him off guard as well and there seems to be a lot of discussion about a lot of stuff tonight that, he doesn't know, he almost feels like he'd like to make a motion to put this in committee to discuss this to make sure we all have everything right before we go on. And he's all for everybody getting raises, Cowgill said. Council President Cain said she would agree with that statement because she has a couple of other questions. The City Court, they don't have a pay raise at all. According to her calculations, it's at zero. The Planning Department, they actually had a decrease in their pay. So, as President, she's going to move this ordinance to committee. We will call a Budget Committee meeting and invite those that can be there. Mrs. Flores said, she appreciates all of that. The problem is the first payroll is January 1st. We need to, and that payroll will be input the Monday before that so back that up, what, December 26th or 27th, the payroll will need to be entered. The reason we brought this to you now and not next year is these figures need to be put in. If we miscalculated the 3% for the Court, we will go back and fix that. It needs to be put in this year for next year. Mayor Alumbaugh said, can we at least give the 3% for the civilians and the 5% for public safety right away? He doesn't think any of you have an argument with any of those, do you? Flores said, if she could finish real quick, the reason we need that is, if we do one payroll under one and then change it a month or so later, we'd have to go back and recalculate all the taxes and it's just really a headache so that's kind of why we brought it now and not next year. So go ahead Mayor, she's sorry, Flores said. Cain stated, well Mayor, let her say this. He says 3% to the city employees but on this ordinance, he has 25% to the Controller and the Chief of Staff and 5% to the Deputy Controller. So (inaudible) to adjust those down to 3% and then come back to them later and they can discuss those other three. Alumbaugh asked, so do they want that for the Deputy Controller as well, the 3% instead of 5%? Fouce said, she was going to say not if she is going to still be responsible for the additional duties but she is wholeheartedly for a raise for city employees. She's an author, co-author of trying to get our city employees additional funds so she's always in favor of that but it needs to be fair, equitable, and sustainable and sound fiscally. And so, she says we take this to budget. We can meet as soon as possible. She doesn't want to minimize or limit. She wants them to look at the full picture. She doesn't believe they were given the full picture here. Flores said, Mrs. Cain, if she could address the Court.... Mayor Alumbaugh said he would say these are sustainable and necessary. Cain told Alumbaugh, okay, Mrs. Flores is speaking. Flores said the Court are part-time, the bailiff and the part-time secretary. We didn't give raises to the part-time. The Probation Officer is by state statute what he gets paid so that's why there's no increase there. They get an increase every five years she believes, by state statute. Cain said, okay and the Planning Department, according to what she looked at, she means her figures, they actually took a, they took a decrease. Flores said, we went over these pretty thoroughly she thought but if, like she said, if we missed that, we'll certainly put the 3% in for anyone that we missed. Mrs. Cain said, okay and then the Building Department, there's one, two, three, four, five Code Enforcement positions listed but there's only four in the department. Mrs. Flores replied, so the salary ordinance is just.... He may be short a Code Enforcement Officer. We

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may be only budgeted for four. Cain asked Flores, okay, can she double-check that? Flores said, yeah, she doesn't know what all of his people are. During budget, she guessed they didn't talk to him about that. Councilman Brad Luzadder said, in listening to the discussion and listening to the Mayor, the sticking point seems to be the Chief of Staff and the Controller. The 5% for the Deputy and the 3% for the civilians, was that, he means, it seems to him that those two upper positions are the sticking point. Luzadder said the Mayor made a suggestion that we approve the 3% for the civilians and the 5% for the Deputy Controller so we would just have to amend to take those two and (inaudible) increase for the Controller and for Chief of Staff. If that's the only sticking point then maybe we could come to a compromise with that for now and that way it wouldn't throw off the major pay that's happening on the 1st. He's listening to everyone speak and he's trying to find maybe a compromise. The Mayor has suggested that. He doesn't know if that would be okay with the rest of the members that there could be the discussion of those other two positions at a later time. Cain told Luzadder, yeah, that was a suggestion that she thinks the Mayor and she had at the same time is to do the 3%, 5% for the Deputy Controller then they would reevaluate the Controller's and the Chief of Staff. Luzadder said, he's just asking, that was the suggestion he believes the Mayor made and Cain said, right. Ms. Fouce said she would be amenable to a compromise in terms of the 3% and then the 5% for Police and Fire. Her contention and her concern is the Deputy Controller and the Controller and the Chief of Staff and she'd like them to revisit all of those and she thinks they will have the opportunity to do that in Council, she's sorry, in a budget session, with the Budget Committee. She doesn't, this is just her, Lynda may say she wants it and she can do that but she would.... Cain said, ope, did she freeze up? Fouce said, no, she thought something was wrong since Julie turned her back to her. Cain said, no, she was talking to Debbie. Ms. Fouce said, that's okay and so she would want to, again, do the 3% for civilian and the 5% for Police and Fire. She would not be agreeable to the raise for Deputy Controller, Controller and also the Chief of Staff, based on the amounts. She thinks there's a disparity again between the Controller and the Deputy Controller. No way does Julie get 30% approximately, Lynda gets 5%. She doesn't agree with that. And she doesn't agree who gets a twenty-something percent raise, approximate. Cain said, let's take, she'll take a motion. Alumbaugh said, so superiors should be paid less than those who report to them, clear? Is that pretty much, Robin, her take? Cain said, Mr. Luzadder? Luzadder said, the only thing he was pointing out, the Police and Fire are on General Ordinance No. 20, Fire is General Ordinance No. 21 and so the discussion would then be for the civilian workers and the department heads. Councilman Gary Fordyce said that's correct. We're discussing General Ordinance No. 19-2020. Luzadder said, right but it's being brought up with the Police and Fire but that's going to be.... Fordyce said that's different ordinances. Luzadder said, yes and that's what he.... Mrs. Cain said, okay, Mr. Cowgill? Councilman Cowgill said, how about we do this? What if, to make things easier so that... Cain asked, is he making an amendment? Motion to amend? Cowgill said, okay, he's going to make a motion to amend that, to make it easier on the Controller so they're not (inaudible), how about 3% for the city employees, 5%.... Cain told Cowgill, well, we're just doing this. This is the 3%. Cowgill said, yeah but the Deputy Controller's in there, right? Cain replied, oh, yes. Cowgill said, the 3% across for the city workers, 5% for the Deputy Controller and 3% right now for the Controller and the Chief of Staff as well and then we can come back later and amend that and give them more money at that time. But for right now, 3% across the board, except for the Deputy Controller at 5%. Flores added, because we will have to come back to you with this anyway. The Mayor said, can I jump in, Julie? Flores asked, what? Alumbaugh said it's not lost on him that everybody's worried about the discrepancy between the Deputy Controller and the Controller but not about the discrepancy in pay between the Chief of Staff and Controller and those subordinates around them. Council President Cain said, okay, there was a motion made, Mayor, there was a motion made and she thinks they need to move on and be able to.... Alumbaugh said, (inaudible) from home, Deb, sorry. Cain told Alumbaugh that's okay and she thinks we'll just, the motion was made to do the 3% across the board, with the exception of Deputy Controller at 5%. We will come back and reevaluate and reconsider and discuss the Controller and Chief of Staff. Does she have a second? Motion was seconded by Councilwoman Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Brunner. Nay: Cline. City Clerk Kathleen Kiley said the vote was 7-1. It's amended. Now are we going to make a motion to pass as amended? Motion was made by Fouce to pass General Ordinance No. 19-2020 as amended. Motion was seconded by Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Brunner. Nay: Cline. Mrs. Flores told the Council she will have those figures for them tonight before we leave for signature. And we will have to come to you anyway for an

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additional appropriation. This is not appropriated, these additional funds, so we will be back some time in January anyway.

GENERAL ORDINANCE NO. 20-2020

The City Clerk read General Ordinance No. 20-2020 by title only, an Ordinance amending the maximum salaries for Police Officers of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council for the Police Department, they put in a 5% raise for everyone and she will reiterate that this will help them in the long term whereas the hazard pay was very much short term. This does help them long term with their retirement. It's a little bit more than half of what the hazard pay would have been. She'll entertain any questions they may have, Flores said. Being no questions from the Council, motion was made by Fordyce to pass General Ordinance No. 20-2020. Motion was seconded by Cowgill and carried by the following vote. Aye: Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, Cline and Luzadder (Cain had to call Luzadder to get his vote since he was shut down and he's coming back up). Nay: None.

GENERAL ORDINANCE NO. 21-2020

The City Clerk read General Ordinance No. 21-2020 by title only, an Ordinance amending the maximum salaries for Firefighters of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council, again, for the firefighters, the Mayor put in for a 5% increase for them. Being no questions from the Council, motion was made by Cowgill to pass General Ordinance No. 21-2020. Motion was seconded by Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None.

RESOLUTION NO. 16-2020

The City Clerk read Resolution No. 16-2020 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving and adopting transfers of Appropriation for several Departments of the City of Marion, Indiana, for the year 2020, as requested by the Department Heads and forwarded to the Common Council for their approval and passage pursuant to IC 6-1.1-18-6. Julie Flores, City Controller, told the Council, for the new people on the Council, they may or may not be aware, they have four different categories in the budget, the 100 series, 200, 300, 400. On a day to day basis, they are permitted to transfer between appropriations within the different classifications, however, at the end of the year, there are times where they have to transfer out of that from the 100 series maybe down to the 300 series. So that's why they're here tonight, to transfer those unused appropriations in certain classifications and moving them down to the classifications that need a little bit of assistance. So, she'll answer any questions they may have regarding this. They do this every year at the last meeting of the year and this is quite a bit shorter than previous resolutions so she will say that. They're doing a little bit better about appropriating the correct amount, Flores said. Council President Cain commented, it is quite a bit shorter, very good. Being no questions from the Council, motion was made by Cowgill to pass Resolution No. 16-2020. Motion was seconded by Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None. Flores told the Council, she thinks that's it for her this evening. She'd like to wish everyone a Merry Christmas, Happy New Year. Stay safe, Flores said.

GENERAL ORDINANCE NO. 22-2020 1ST READING

The City Clerk read General Ordinance No. 22-2020 by title only, an Ordinance establishing a Cumulative Capital Development Fund (Amends General Ordinance No. 38-1989). Brad Luzadder, Rules Committee Chairman, told the Council these were brought to the committee out of the Budget (Committee) and so he is reading them and presenting them out of the committee. The CCD, 38-1989 was the original and looking to amend. They made amendments on Section III, a, b and c. They updated the years in which to match the ordinance amendment. Then in Section IV, e and k, they added new accounts per IC Code 36-8-14-2. And then in Section V, italics to be more obvious than is to protect the public in an emergency situation. Also (inaudible) statement, the money may be spent under the authority of the section only after the Mayor issues and per the committee request with the approval by the Council. And then under Section VI, added per the request from the Budget Committee, that this has been already approved to create the account

GENERAL ORDINANCE NO. 22-2020 Continued

and this may not need to remain in the ordinance. And so, those are the only changes in which to this account. And this is for first reading so there would be greater discussion, he would assume, later in addition to a public hearing. Council President Cain said, Mr. Luzadder, since they discussed this in budget hearing and it was recommended and the Rules Committee passed it favorably, she would make a motion to pass General Ordinance No. 22-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Brian Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

GENERAL ORDINANCE NO. 23-2020 1ST READING

The City Clerk read General Ordinance No. 23-2020 by title only, an Ordinance establishing a Cumulative Capital Improvement Fund (Amends General Ordinance No. 32-1965). Brad Luzadder, Rules Committee Chairman, told the Council, again, this comes to the committee and then was discussed. According to the information that was received, it says there is no actual ordinance per se. They were given a 32-26, the Cumulative Capital Improvement Fund, but the draft, it would be set and they used IC 6-7-1-31 as the guide in which to write the ordinance. Again, this is set for a first reading and they will definitely, he's sure, be discussing it more as they move forward. Being no questions from the Council, motion was made by Fouce to move General Ordinance No. 23-2020 to 2nd reading and public hearing. Motion was seconded by Cain and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

GENERAL ORDINANCE NO. 24-2020 1ST READING

The City Clerk read General Ordinance No. 24-2020 by title only, an Ordinance establishing regulations regarding spending of the Economic Development Income Tax Fund. Brad Luzadder, Rules Committee Chairman, told the Council, again, this comes to them as written for the ordinance handling the Economic Development Tax funds coming in. This is a first reading on this ordinance, Luzadder said. Council President Deb Cain said, Mr. Luzadder, they have researched significantly the spending of the lawsuit where the spending came out of this fund, which they felt was not something that they had put the tax increase in place to have it spent on that and this is just the appropriate step to take by the City Council to ensure that the EDIT Fund is used for the right reasons and in the right manner. That is also the conversation from the Budget Committee when they reviewed that in the discussion and also in the Rules Committee. Councilman Gary Fordyce said, Madam President, may he make a comment? Cain told Fordyce he may. Fordyce said, so the sole purpose and intent of these new six ordinances is to stop the spending for the lawsuit if the Supreme Court favors in our favor and we can't finance it? Cain replied, no it is not just for that. It is, in her opinion as a Councilman, it is to help protect the accounts and the spending and to insure that the money is spent for what that fund was put in place for originally. Fordyce asked, don't we already have those ordinances in place to address these issues on fund disbursement and what they can be used for? Cain said, no we do not. Fordyce asked, there are no ordinances in place to take care of these six accounts? Cain responded, the Economic Development Income Tax was not, there was not an original ordinance. The first two that they just heard were amended. The Economic Development Income Tax is a new ordinance and that's what they brought to the Budget Committee and the Rules Committee that met, with a newly written ordinance. Fordyce asked, but doesn't the Board of Works approve all of these expenditures that we have out of these accounts? Cain said they just approve the invoices. Fordyce said, which is approving the cost and expenditures. Mrs. Cain said most of the time, they don't know where it came from. Mr. Fordyce asked Cain, so she's saying the Board of Works is faulty? Cain stated, Mr. Fordyce, that is not the argument. The argument is not that. The discussion from the City Council members that have looked at this is that the EDIT Fund was used to pay for the lawsuit and that is not what the research that was made on this fund, that is not what it was set for. And the Council, last year, approved the income tax increase with the anticipation of it going towards other things and it was not. And so, this just puts it more in defined language of where those funds can be spent. Fordyce asked, so if we've got to go for special appropriations on all these accounts, isn't this going to increase the Council's duty by tenfold to be able to facilitate for special appropriations on these accounts? Cain said, no it won't because the Economic Development Income Tax has.... You received it in your emails, the ordinance, and it defines what it can be spent on. Fordyce said he did. Cain stated, and that, so, there will not be, there shouldn't be additional appropriations to request to spend that on something else because it has a plethora of items it can be spent on. Fordyce said, he agrees so there's an ordinance

GENERAL ORDINANCE NO. 24-2020 Continued

standing to take care of that. Cain said there is not an ordinance and that's why this one has been written, because there is not one. Fordyce replied, okay but in the General Fund, you've got a \$5,000 limit. Cain said, well we're not on the General Fund yet. We're talking about Economic Development Income Tax. Fordyce told Cain, he understands that but we're going to get on to the General Fund. Aren't we going to have to have more attention to these funds and appropriations if the city needs those to continue business? Cain replied, well you know, if there's a need of appropriations, we have two meetings a month and those can be brought to them at that time, just like they do, if they have an invoice that comes to the Board of Works on two times a month. So there's no, she means, to do additional work. It's just, they meet two times a month anyway. That's her opinion. Anyone else can jump in here and answer Mr. Fordyce. Fordyce asked, and on special appropriations, doesn't that take two hearings through the Council and a public hearing? Councilman Brad Luzadder said the Council can pass anything on one reading if they have a unanimous consent. Fordyce asked, on special appropriations? Luzadder said it wouldn't have to be an extended time. You could pass it in two readings. Fordyce asked, you don't have to have a public hearing? Cain said, Mrs. Kiley? Mrs. Kiley, can she answer that please? City Clerk Kathleen Kiley said, well she thinks that any time they do an additional appropriation..... Cain told Kiley, go ahead. Kiley stated, in most cases, additional appropriations do require a public hearing. She believes there are some exceptions. This being something she's not familiar with, she doesn't know. It would be more of a question for Julie. Cain said, okay so we can ask that and Mr. Harker is here. Maybe he can research that for them while they're holding the discussion. Councilman Mike Cline said, yeah a couple of thoughts, if he may. The state statute covers the EDIT funds and it gives discretion to specific people. It gives, as he remembers, for cities it's the Mayor, for counties it's the Commissioners. So, in his mind, that takes care of it. And, with all these ordinances, it just seems one underlying thought seems to be to pull the rug out or to change the system for having the Board of Works approve the payment of bills and it's been for at least 115 years from a search of the minutes, it's been that way. He found minutes from 1905. The system, he doesn't think is broken. We don't need to break it and reinvent it. And, you know, by first examining, through their hearings and then approving the budget, we're telling, you know, if we want to throw our weight around, that's the time to do it. If we want to properly try to throw our weight around, that, to him, is the time to do it and once the budget's approved, properly approved, he thinks it's up to the Executive Branch to do its job. That's his thought. And to him, this just seems, and he said it before and he'll probably say it again, it seems like a short-sided power play. Let's pretend that Jess Alumbaugh isn't the Mayor and what would we be doing? Cain told Cline, we'd be doing the same thing. Or she would be, she would be doing the same thing. Councilman Brad Luzadder said he has had a number of conversations with former Council members and had one today in fact. They said that this is stuff that the Council should have done a long time ago. He can remember a conversation that they had with the Mayor where he said, you know, what would keep me from doing the same thing that the former Administration did that now, hindsight, we're down the road and maybe if the Council would have been a little bit more in tune with, we may not even have to be in a lawsuit that we're in. And he's looking for us to win this thing. But it's his thought that we don't get into that situation again and whether it would be Jess or whoever comes after, he thinks it's, like the Mayor had said, what's to keep (inaudible)? Well the Council should be the ones in which to do that so that it doesn't get there and he doesn't care who's in the office. He firmly believes that the Council should be more involved with what they're doing as the fiduciary body. So, he guesses that's, to answer that question and as he's thought about it over time, along with the other former Council members who he's discussed with, that this Council should have been more on the ball and we probably would not have had some of the failures, call it what you want, whatever, looking at the lawsuit, we may not be here now had the Council done the work that they should have done then. That means, hey, it goes on the back of the Council that maybe we're, we got into some of that stuff because of the former Administration. Yeah maybe but he can say now moving forward and, honest to God, he doesn't care who would be in the office, he has the greatest respect for Jess and the work in which he's done and he will say that this Administration and (inaudible) have really done well. He was thrilled that we weren't looking at borrowing as much as we've done. Yes, we've seen that they've done it but it should be the Council's job to help facilitate that and make sure that whether Jess is there or whoever comes in after that, that we establish rules and procedures that should help this city not get in problems later. Councilman Brian Cowgill said, yeah, he kind of agrees with what Brad just said and he thinks, he doesn't know why everybody is taking this personal like it's this Mayor. It has nothing to do with the man in the seat now. He believes if we would have done this before, with the Mayors that were in the seats

GENERAL ORDINANCE NO. 24-2020 Continued

before our current Mayor, our current Mayor wouldn't be dealing with lawsuits and wouldn't be dealing with the financial problems. So, you know, he means to answer Councilman Cline's would we be doing this if it wasn't Jess, yeah he still would be doing this. That way Jess' job would be a little bit easier right now. Luzadder said, and he's sorry that Jess had to go through this. Councilman Gary Fordyce said he's got one point on that, for the Administration and the Mayor and Brad and Brian. You made excellent points but he would like to specify that with this lawsuit, this Administration and this Mayor is going for adverse domination in this lawsuit and adverse domination in this lawsuit means that if we win it and the Supreme Court hears our case that no other Administration would be able to do what the Seybold Administration did and steal the money without being held liable and responsible for what they did. And that is why he thinks that we need to take this into consideration for what this Administration and this Mayor is trying to prove and do for this city because the adverse domination means that it suspends the rules of the limits of liability and (inaudible) responsible. Mrs. Cain said, and she hears what he says, Mr. Fordyce, she totally agrees with him and she, like Mr. Luzadder said, it's in the courts, we hope we win but at the same time, we are commissioned to be fiscally responsible and look at the finances and this is a way for us to keep on top of it and be able to see in detail what's going on. Councilwoman Robin Fouce said she kind of will ditto what's been said with regard to this ordinance but one of her issues is that approximately \$1,600,000-plus was spent and when the question was posed, where did you get the money from, because it wasn't allocated in our budget so where did the money come from, we had to search through needles in a haystack. We didn't get a direct answer. Simple clear, they know where they got the money from, simple and clear. She thinks with the ordinance, this one and others that we'll discuss, it gives our, we have, as Council members, a fiscal responsibility to the city and this is another tool for us to use for that responsibility. Hey, if nothing's going on and everything's aboveboard and we're getting the answers we need, maybe it wouldn't have been necessary. But she finds it necessary for several reasons. We cut benefits to taxpayers, we spend \$1,600,000 of their money and we can't tell them where it came from. So, she believes this isn't against any individual or an Administration. It's further supportive of the Council's responsibility of fiscal management. Hey, we want the city to be successful, everyone has that good, genuine intent and it's not based on individual friendships and alliances. She takes it seriously. If they get to know her, she's an independent thinker so no one persuades her. She will always do what she feels to the best of her ability (inaudible) great for the people. She feels this is an ordinance that gives us our ability to manage the finances of this city on another level and so we won't be where some of her cohorts found themselves, not being able to answer the question "where did the money come from" when we're responsible for the management of the money. We can argue semantics. She hopes they don't spend the next three years doing that with this Mayor and his Administration. She thinks they'll do better to work together. But certainly this is another tool for us to manage fiscally, Fouce said. City Controller Julie Flores asked, is she allowed to speak or should she wait until the public hearing? Council President Deb Cain told her the public hearing. Being no other discussion, motion was made by Councilman Steve Henderson to move General Ordinance No. 24-2020 to 2nd reading and public hearing. Motion was seconded by Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

GENERAL ORDINANCE NO. 25-2020 1ST READING

The City Clerk read General Ordinance No. 25-2020 by title only, an Ordinance establishing regulations regarding spending of the General Fund. Brad Luzadder, Rules Committee Chairman, told the Council, again this came from the Budget Committee to the Rules/Ordinance Committee and there was no original ordinance that went through the budget to look at the large items within each department. It also, from conversations at the committee meeting, such is not to curtail the fire and police as they are struggling now, especially with what is going on with the pandemic. So, being very, very careful with the spendingwise, it is, does have exclusions of a mandate appropriation due and that would include the five that are listed under Section III. And then grant monies accumulated in excess shall remain non-reverting funds. So, again, this is a first reading of this ordinance as presented, Luzadder said. Council President Deb Cain said, seeing no discussion, she'll take a motion. Motion was made by Councilwoman Robin Fouce to pass General Ordinance No. 25-2020 to 2nd reading and public hearing. Motion was seconded by Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

GENERAL ORDINANCE NO. 26-2020 1ST READING

The City Clerk read General Ordinance No. 26-2020 by title only, an Ordinance to create an Insurance Fund for the purpose of paying a 10% retainage fee when necessary and the additional audited increased cost which occur between budget preparations. Brad Luzadder, Rules Committee Chairman, told the Council, again, it came from the Budget Committee into the Rules Committee. Looking at the only change coming through was on Section 3 where the BOW was removed in the same procedure as (inaudible) and replaced with the City Council of the City of Marion, Indiana. First reading, as presented, Luzadder said. Being no discussion by the Council, motion was made by Councilman Brian Cowgill, 2nd by Councilman Steve Henderson to pass General Ordinance No. 26-2020 to 2nd reading and public hearing and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

GENERAL ORDINANCE NO. 27-2020 1ST READING

The City Clerk read General Ordinance No. 27-2020 by title only, an Ordinance establishing a Rainy Day Fund (Amends General Ordinance No. 41-2008). Brad Luzadder, Rules Committee Chairman, told the Council, once again, this came to them out of the Budget Committee and in Section 4, a., to stabilize the city's budget during times of economic downturn and may be used for the operation of the city or any of its departments including salaries, wages, capital improvements, maintenance, supplies, equipment and other like expenditures. And then under b., all expenditures and appropriations must be pre-approved by the Common Council was directly out of the Budget Committee hearings, meetings. And then the elimination of Section 5 as the fund already exists. It's just looking in which how it can be used. So, last time it was done, it was passed in December of 2008 under President Nevels. So, presented on a first reading out of the Budget Committee, Luzadder said. Council President Deb Cain said, seeing no discussion, she'd like to make a motion to pass General Ordinance No. 27-2020 to 2nd reading and public hearing. Motion was seconded by Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce, Brunner and Cline.

Council President Deb Cain said, okay, before she considers a motion, is there anything anybody needs to bring? Councilman Brian Cowgill said his understanding that, at the first of the year, doesn't our counsel, isn't his contract or whatever expired? Cain told Cowgill, yes, his contract ends in December. Cowgill said he thinks Marty has done a phenomenal job. They had a committee meeting the other day. They were in there for a couple of hours and he didn't have to attend but he was there the whole time and he was a huge help on the ordinance that Mr. Foustnight is wanting to bring and Mr. Foustnight was very appreciative of him. He thinks Marty's done a great job and he would like for them to extend him for all of next year. Cain asked Cowgill, is that a motion or is he just making that conversation? Cowgill said, no, he would like to make that motion that they do that. Cain said she's seconding it. Any other conversation? Councilman Mike Cline said, yeah, thank you Madam President. He thinks, they need to open it up to give people a chance. There may be other people, qualified people, other qualified people who are interested in this job. He thinks they need to open it up. They have time. Cain said there is a motion on the floor and a second. Roll call, Mrs. Kiley. The vote was then as follows: Aye: Luzadder, Cowgill, Cain and Henderson. Nay: Fordyce, Brunner and Cline. Abstain: Fouce. City Clerk Kathleen Kiley said, four yeses, one abstention and three no's. Fordyce asked, does it pass? Cain said, it passes then.

Councilman Brad Luzadder said he had a conversation with a number of individuals today and he thinks that, it was over the penalty phase of the Property Maintenance Ordinance that was put through for registration of owners of the properties. It was his understanding that the purpose of that was to know who it is, how to get in contact with someone, making sure the property is kept up. City Hall has been shut down because of the pandemic. The pandemic during (inaudible) in March and he may be off on that date but he's had a number of people who have received bills for late fees for the registration of those properties. City Hall is currently shut down as well as with what's going on in our community, as well as the rest of the country and the world. We're in a trick bag with this sickness and so, as he's listened to the state say you can't have evictions as a penalty, there's all sorts of things the state's doing. He doesn't know but he wanted to bring it before because he didn't know how to really answer that question with the constituents that they were talking with. So he's throwing it out to you members that maybe you can help maybe refresh his

memory with it but he doesn't think during this pandemic that we should really be penalizing at this point in time, at least with the registration. He thinks their goal is to get the information so it can protect the place, protect the people, know who to call, those things. He guessed he's asking maybe if the Council would consider not having that penalty for the year 2020. They could suspend that during this pandemic. As it progresses, we may need to look at moving ahead in 2021. Again, he wants to throw this out simply for discussion. He's not looking to have a vote tonight but he is asking that he thinks it would be a good idea for us to consider a suspension of that penalty, Luzadder said. Council President Deb Cain said, okay Mr. Harker, then she has a question for him. Because that is the late fee, there's a fee attached if you're late turning in your registration for your properties. That's in the ordinance. Does the Council have a right to put that into place that we waive that for a stipulated amount of time? Council attorney Martin Harker told Cain, yes, they should be able to amend the ordinance to waive it for a time period. City Clerk Kathleen Kiley said she thinks they would have to amend the ordinance. Cain said that's what Mr. Harker was just saying, that they would have to amend the ordinance with a timeline in it. And this is their first year to have this put into place and, you know, then we also got hit with a pandemic and the fees were due at the time that it hit us at the hardest across the country and also for City Hall when we were closed. So she knows that there were some people that really struggled being able to communicate and get their information in, to understand they had to learn a new process and to understand how to get it all done, especially when they had multiple properties. So she would consider putting this into the Rules Committee. Mr. Luzadder? Luzadder said, yes ma'am. Cain said she would consider putting this in his committee to put an amendment together and a plan in place. Luzadder replied, yes ma'am.

Councilwoman Robin Fouce said she has a question for the Mayor. Both Councilman Cowgill and she met with him a month or two ago and he gave them his word that in addition to the raises, he would get equipment for the Council. She wanted to ask has he ordered that or where are we with that and what is the timeline on that? Mayor of Marion Jess Alumbaugh told Fouce, well President Cain wasn't sure she wanted to order any equipment, if she'll remember that. She wasn't sure they should do that. Council President Deb Cain said, what she said is that if the hazard pay was... Alumbaugh said hazard pay is off the table. Cain said, and she said hazard pay was priority. Fouce said, well that wasn't a conversation with President Cain. That was, he gave them his word and so, here we are again, in a (inaudible) pandemic and we are having to have remote meetings and we don't have the equipment that we need to represent our city adequately. Alumbaugh asked, would Council like that equipment purchased through the hazard pay? Fouce told Alumbaugh, there is no hazard pay he said. Alumbaugh replied, no, there's hazard pay. We just aren't using it for public safety. (inaudible) equipment, Ms. Fouce, so to say there's no hazard pay is not accurate. (inaudible) City Council for laptops and phones, Alumbaugh asked. Some of you don't agree with Ms. Fouce, including President Cain initially, so he needs to know what they want. Councilman Mike Cline said, he thinks, for him, he would need a list of priorities. What other things would CARES money be spent on? Computers and phones, to him, go way down the list compared to what other stuff he can imagine, police, fire, might need for personal protection equipment, bus drivers, personal protection equipment, things such as that. Councilman Brian Cowgill said, yeah, he agrees with that. He means, it's a priority of other things above but we need this equipment. But as far as CARES, he means, it's only a couple of weeks away that that expires anyway. Mayor Alumbaugh said, he's having difficulty hearing him, Brian, so why don't they send him an email, letting him know where they stand, as the nine City Council people so he clearly understands where they're coming from. Fouce told Alumbaugh, she doesn't know why he needs the nine City Council people. He's the Mayor, he has privy over that fund and we've expressed that we needed it. If there's a Council member here that disagrees with that, if he will let her finish, if there's a Council member that disagrees with that, please feel free to state it but we're in 2020, getting ready to be in 2021 and we are not automated. We're using our personal equipment to perform functions of our duty as elected officials. Wherever he gets the money from, it is necessary. Alumbaugh said, Ms. Fouce, (inaudible) way back when and he said yes, he agrees with something like what was necessary but he got pushback from some of the Council people. He's saying to the Council, let him know how they feel, we'll do it if that's what they want. They say they want to work with him, let's work together and figure this out. Cain said, okay Mr. Mayor, she thinks that he, her email to him when he talked about us coming in and seeing the court chairs, the chairs for the courtroom. Her email response to him was hazard pay for the fire and police is priority. She would like to see hazard pay come out of all the remaining funds before anything for City Council. That's what her statement was. And she thinks that Mr. Cowgill made that same statement just now,

along with Mr. Cline, that if there are things that we need to do for the fire and police and Transportation to protect them, physically protect them from COVID, then her vote is that we see how much that funding will be and then he show them where his other priorities are after that. Alumbaugh asked, so you need priorities first before you can make a final determination? Would that be safe to say? Councilman Brad Luzadder said he would agree with Councilman Cline. Yes, he thinks that the Council is the least on that if we've got other stuff in which needs to be done. He means, let's be honest. We don't have the job in which to have electronics, at least in his opinion. Would it be nice? Yeah definitely but he thinks he wants to look at other priorities before, and just as when the Council came on, Council didn't take a raise, shouldn't have a raise. He's firm with that. We (inaudible) in all the years in which he's been on and that's (inaudible) because he firmly feels that the city is more important than we are when it comes to extra things in which we would need. So, he would agree with Mr. Cline. He would like to see where the priorities are and then wherever we would come on that then that would be a decision (inaudible). So, he's in firm agreement with Councilman Cline on this, Luzadder said. Councilman Gary Fordyce said, and he concurs with that, Mayor. He doesn't think that the City Council should prioritize laptops or phones. If other departments and the Police Department, Fire Department, Maintenance and first responders need that money, then that's where that should go. He thinks that we took this duty on and it wasn't for the pay and the benefits. It was to serve our community and that's where he's at. Mayor Alumbaugh said, and Councilwoman Fouce, he would say to her that we also have city employees who use that same technology (inaudible) to do their jobs from home during this pandemic and that hasn't been addressed completely. Councilwoman Fouce stated, in response Mayor, he assured them, when we first talked about employees going home, that he would see to it that city employees got the equipment they needed from Indiana Wesleyan. Secondly, what her cohorts say, she's not in disagreement. Cain said, Mr. Mayor, can he let Ms. Fouce finish please? Mayor Alumbaugh said something but it was unclear what he said due to the distortion of the recording. Fouce said, that is not true and she'd appreciate him not interrupting her when she's talking. She's not in total disagreement, excuse her Mayor, she's not in disagreement with her cohorts that say we have priorities. Certainly, we have priorities. She thinks in this case it sounds good, however, we are in a digital age. She certainly comes from a different generation and so her perspective is different. She would like to see them, as a Council, as a city, take the initiative to become more digital, operative and savvy. She can afford her own computer, she has that. She can afford her own phone, she has that. But that is for her personal business. That is not to do the business of the city. To elude that she wants any other benefit other than serving the constituents and the people of Marion is just far-reaching and not the truth. She would like to see them become more digitally engaged as a Council and as a city, Fouce said. The Mayor said, (inaudible) but he thinks we also have to look at the employees. These people that do the day to day operations, we have to make sure that they're covered first. Fouce told Alumbaugh, well he told them that was his responsibility. Alumbaugh told Fouce he said he would ask and she's saying he said he promised they will. They're facing their own challenges with the pandemic, Indiana Wesleyan. Mrs. Cain said, okay, Mr. Henderson? Alumbaugh stated, let's just face it, Robin. She and he are going to butt heads for the next three years, let's just deal with it (inaudible). Fouce said, Mayor, you want to make this about he and she, he's welcome to do that. That is certainly not the truth. He wants to go around town.... Councilman Brad Luzadder said, point of order, point of order. Fouce said, that is not the truth, that is not the truth, and she is finished with that because it's just not the truth. Cain said, okay Mr. Henderson? Councilman Steve Henderson said, okay, to begin with, State Ordinances, he will not put his personal life at risk using his own personal equipment to conduct city business. It opens up a whole pandemic of problems. That's why he comes to the Council meetings in person. He will not use his personal phone. He will not use his own computer. He has the ability to do both but it opens a whole can of ordinances from the State of Indiana and the federal and even the Constitution of the United States to involve your personal equipment in for city use so he will not do that. So if we don't have personal meetings in this Council Chambers, he will not be able to act as a Council person. Cain replied, and she thinks that's Ms. Fouce and her concern too and she voiced that before. But on the flipside, if you're going to give fire and police and the Transportation protective equipment against COVID then she would like to request, Mayor, that he submit to them, as a whole City Council, that he submit to them that list of what he is anticipating spending on so we can look at that and know where he is prioritizing, who is he prioritizing, what the equipment is and what he is spending on. Alumbaugh asked, the hazard pay money, or the CARES Act money? Cain said she's talking about CARES Act. Alumbaugh told Cain, even though that's his call, not their call but they still want a report? Is that correct? Cain said, yes please and that's what the ordinance had that he signed is that we would see that. Cain said she

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would take a motion to close, dismiss. Councilwoman Robin Fouce said she didn't hear that motion. Cain said Mr. Henderson made the motion to dismiss, Mr. Cline seconded. The meeting adjourned at 9:09 p.m.