

REGULAR MEETING – MARION COMMON COUNCIL – JULY 20, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 20th day of July, 2021 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

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, Brunner, and Cline.

Absent: Batchelor.

The minutes of the previous regular meeting of July 6, 2021 were presented. On a motion by Councilwoman Robin Fouce, 2nd by Councilman Steve Henderson, the minutes were approved as presented by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, and Cline. Nay: None. Abstain: Brunner.

Council President Deb Cain told the Council before they move on to committee reports, they need to do two items of transactions. First, they have the Fire Department is requesting a resolution regarding equipment and leasing. They need to put that item on the agenda and she needs a vote, a motion and then a vote for that. Motion was made by Councilman Mike Cline to add that to the agenda. 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. Cain said, and then, on a side note on that, she knows that Mrs. Goodman sent out the email notifying them of the resolution to be voted on for tonight and she just wanted to caution the Council members not to respond with an electronic vote. If we had had a quorum on the electronic vote, she would have to ask for this resolution to be moved and renumbered so please keep that in mind. Then Mr. Douglas Carl has been serving on the Marion Utility Service Board under our appointment since 2006. His appointment ends and he would like to ask the Council to consider a reappointment for the next four years. So she needs a motion to put that request on the agenda. Motion was made by Councilman Brian Cowgill to add this to the agenda. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None.

COMMITTEE REPORTS: Councilwoman Robin Fouce told the Council she wanted to report regarding yesterday's Board of Works meeting. They went through several good items which included a public hearing for selling properties at 2615 S. Meridian and 2923 S. Washington. That was unanimously approved. There was a transfer of property, Resolution I-2021, and that may be a 1, she may be mispronouncing that, 1-2021, transfer of property for blight elimination. City Attorney Herb Spitzer spoke and appeared with Janet Pearson regarding transferring the property. So, that was what was resolved. The last thing was kind of a continuation of the issue with or the matter before us regarding 27th Street and Carey Services. The Board of Works talked about that and they itemized some concerns or a checklist is kind of what President Huskey said. The three things that she noted were no objection, they'll attend the public hearing today, some members of the Council, and then they had a few questions about had we done our due diligent work relative to water lines, that kind of thing, utilities, that the cost would be incurred. She kind of expressed that. That was included in the resolution, that Carey would be responsible for that. Perhaps during the public hearing, it'll afford us a good opportunity to answer all those questions for everyone. Thank you Madam President, that's her report, Fouce said. Council President Deb Cain said she will answer some of those. There's a form that had their name on it and it indicates that all the public services, departments have been informed. We received a copy of the responses. At this time, everything, and we can talk about that when you come up and speak on everyone that you've contacted and the information that you've had in response. For the public hearing, this is community members that will speak and actually, the legal service, the legal counsel for both the Board of Works, for Carey Services, and for City Council have affirmed and reaffirmed that the Board of Works does not have the jurisdiction on any of the vacation of properties. So, that's the response that she's going to give on that. Mr. Harker, is there anything else she needs to add? Council attorney Martin Harker told Cain there wasn't. Councilman Brad Luzadder said he would just say that it's always been this Council's practice to meet with the vacation of any property, whether it be an alley, whether it be a road. This is nothing new that this body has handled. Councilman Brunner and Councilman Henderson will back him up on this. We've always had, like especially with the hospital where we've had to even have some discussions about being able to close or change and trying to keep the public safe and that is extremely important, especially with the area in which we are dealing with especially where Carey is. When they own all the properties in which are around it and

COMMITTEE REPORTS Continued

they also have many of their clients who are living across that street as they transfer over to go to work every day, going back and forth. For safety sake, this is a great idea. It needed to be done a long time ago. He applauds Carey Services for having the initiative to come forward and request this and, as he said at the last meeting, he will be supporting this 100%, Luzadder said. Mrs. Cain added, in further communication she had with the City Clerk's Office, she is going to review the forms that are sent out from the City Council because the Board of Works was listed on that form as one of the departments and that was not, that was not in their jurisdiction to do that so she is going to be reviewing those forms to make sure that everything that we have sent out has the appropriate information and documentation. She knows that that has not been done. She spoke with Mr. Luzadder, that's probably something that he does not remember in all the years that he served, looking at that form. So, we will be reviewing that, Cain said.

UNFINISHED BUSINESSGENERAL ORDINANCE NO. 5-2021 2ND READING & PUBLIC HEARING

The City Clerk read General Ordinance No. 5-2021 by title only, an Ordinance to vacate a portion of a public way for Carey Services. Kyle Persinger, attorney for petitioner, told the Council he's glad to be back again. Again, he has Mr. Jim Allbaugh, President and CEO of Carey Services, with him and Mr. Philip Morton, Project Engineer with Randall Miller Surveying. They'll be able to answer any questions. And first, just an order of business which has come up a little bit here. (Inaudible), we would offer an apology for anyone to the Board of Works. It's not their intention to provide any slight. We weren't aware of the initial meeting and thought we had it worked out after that. Obviously, we're here for transparency. We've been transparent throughout the entire process and welcome questions and input from anybody and we're happy to address, Councilwoman Fouce, some of those questions which came up here tonight as well. Again, this is a request to vacate a portion of south of 26th Street, north of 27th Street, an alleyway there, as well as 27th Street for Carey Services' use. Again, as they talked about last time, they own all the real property contiguous that abuts it. They have a nice campus out there which they're looking to improve. At this point, they are just planning this for green space. And again, it abuts the Pleasant Woods and Pleasant Square Apartments which a number of Carey Services' clients reside. As they stated the first go-around at the first hearing as well as in their petition, they are aware of the utility easement that is there. By law, that is still going to go with it. They recognize that. They know that's the case. That serves a portion of Carey Services as is so that'll remain untouched and the utilities who have also, he means they've consented, Street Superintendent's consented, AEP's consented. So, as far as we're concerned, there's no issue. Carey Services is fully aware of the utility easement that is there and that will exist in the future if they're fortunate enough to have this vacation granted. And, just (inaudible) to that, he would, first he would just like to have Mr. Allbaugh talk about what community members he has contacted and had discussions with since the first hearing, Persinger said. Jim Allbaugh thanked President Cain and the members of the Council for letting him come before them and he wants to say a special thank you, if he may for just a moment, to Councilwoman Fouce who really motivated an opportunity for him to get out and do even more outreach than he had originally intended around the neighborhood where this vacation request is being talked about. And so, since the last time that we met together, that he was here at least, Councilwoman Fouce and he did have an opportunity to meet together at the property and to tour the services and supports there at Carey Services and really appreciated the time that Councilwoman Fouce dedicated to that time. From that point, he's had an opportunity to now know Ms. Rodriguez, Mr. Fenwick, Mr. Fouce, spoke with Dr. Dematteo (sp?) who operates the Carey Court Apartments. He started out the conversations, frankly, with Mr. Huskey because of the church that is right across the street and he gave no objection, at least as it relates to the church being across the street there. Beyond that, we kind of had a great opportunity with our self-advocates. At Carey Services, they may or may not know that as part of being an individual with a disability in the community, it's really important that you learn how to advocate for yourselves, just like everybody else does, and so the self-advocates actually spent time in a cooperative meeting. He honestly wasn't able to be there. He had somebody else conduct it but he believes there were about 55 or 60 members of our self-advocate group there to speak on this. They all supported that. We have reached out to the individuals in writing and in person to Pleasant Square Apartments, just to make sure that they're aware and certainly, spoken to earlier, they're the ones sometimes that he sees, unfortunately, walking down that unsafe street and so they're certainly interested in getting this moving forward.

GENERAL ORDINANCE NO. 5-2021 Continued

And then last, there were a few houses there on the very north side that he wasn't able to speak to anyone in person but they did make sure to mail out notifications to both the homeowner, if it was not the people residing in the home. There are a couple of rentals around that area so they did reach out both to the landowners as well as the people living in those homes to let them know exactly what it was that they were doing, to let them know that there was this public hearing tonight, and just to make sure that if they had any questions about what we're talking about here this evening, that they knew how to get a hold of him for any questions. And he did get a couple of phone calls and one actually is leading to maybe a future opportunity with Carey Services with some residential services that they provide. Wouldn't that be great to have another home for people with disabilities in the community? And so, thank you again, Councilwoman Fouce, just for kind of motivating that opportunity and thank you to the Council for hearing this and kind of processing this and talking through this. So, thank you very much. Any questions for him, Allbaugh asked. Council President Deb Cain asked Allbaugh, can he explain to them, he stated a couple of different times "unsafe street". What is his perception of that? Allbaugh told Cain, sure so, and he doesn't know if Councilwoman Fouce would speak to that or not. He knows she walked the street with him but he's certainly able and willing to do that. So, the street hasn't been taken care of for quite some time. There are deep dips, there are potholes. The edges are very uneven and it happens to be that the mailboxes for all of the Pleasant Square Apartments residents are on that side and so they are walking, unfortunately, on that street, if nothing but to get their mail from time to time. And so, he believes that, with some of the paving work that was done, which they're super thankful for there on 26th Street, some of the excess pavement was then dropped probably for good reasons there but it caused even more uneven spots there on that road. So it's not maintained. He very rarely sees it being driven on as well and in his time in speaking with some of these community members, he actually asked that question because he wanted to know have they seen people driving on that particular street and they're like no, no, something needs to be done with that street, it needs to be taken care of. So, hopefully that answered her question, Allbaugh said. Cain said, thank you, yes. Councilwoman Robin Fouce said she would like to speak to her experience with Jim Allbaugh and Carey Services was just outstanding. They capitalized on the opportunity to get to know one another. He now has support for life from her as a citizen of Marion and as a Councilwoman. She cannot commend him enough in his response to her request to talk to the neighbors. He took the time that he didn't have to do, gave her a tour. They walked the street, even though he walked a little faster than she did. But the street is really, she kept thinking like it's called 27th Street, why are they calling it an alley? Well, it's an alley, because of the condition that it's in. Certainly it's uneven, it's a hazard. The average person would not do well to walk on it and so we wouldn't want anyone compromised by walking on it. That they're going to turn it into green space initially is, she thinks, a great idea and a safety mechanism, not only for Carey Services individuals but community members that would encounter that area for whatever reason. She thinks good things came out of just her question. Kind of like you're saying. Again, she has a whole new respect but now he knows the neighbors and they know him and it (inaudible) some things that you never would have thought of just by having that conversation. So, she just can't say enough about Jim, his professionalism. He could have had a bad attitude about it. He had a great attitude, he was very prompt. And she's just looking forward to the good things that Carey Services is doing and what they'll do in the future. They certainly have her support, even with this venture. He's just been super professional. There's been, in her opinion, some confusion about who the governing body is and who you would go to for this thing. She wants to apologize for that. We certainly don't want to make it a habit of having you caught in the middle, you, our citizens, our businesses caught in the middle of that. But even with that, super consummate professional so she appreciates that in him and congratulations on the great things they're doing, Fouce said. Mr. Allbaugh asked, may he say just one more thing, President Cain? He will say that, as he initiated a conversation with Mr. Huskey around the church, they began some discussions and throughout the time since the last time he's been here, he'll say that he has kept him (Huskey) informed of the things that they've been doing all along, including the follow-up about which he shared earlier about their knowledge of the utilities and their understanding of their responsibility and those kind of things. So, they've had several conversations about that too, Allbaugh said. Cain asked, any other questions? Okay, at this time then they will consider public, public to come and speak on behalf of this, the vacation of this property, the general ordinance. If you have something, a concern or an affirmation regarding what Carey Services would like to do, please come to the mike. You have three minutes to speak. Mr. Harker, you'll keep the time clock for her, please. Make sure that you give your name and address, Cain told the audience. Linda Wilk – 1016 W. 5th Street, Marion –

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asked, is she correct, she can speak as a Board of Works member? Is that what she (Cain) had indicated earlier? She wants to make sure she is understanding, Wilk said. Council President Cain told Wilk this is for the public to speak on the ordinance. Wilk said, okay and she is a public person. She just needs to know if she's talking as a citizen or if she's talking as a Board of Works representative. Cain told her a citizen, thank you. Wilk stated, okay. She first wants to say, because it's hard to separate the two, as a citizen she was appointed to the Board of Works. She is not upset at all, nor is anyone on the Board of Works, about the vacation. When something comes to her, just like she thinks it would come to any of them, she wants to know more information. She doesn't want to just assume she understands what's written on a piece of paper. So she asked the question "is someone going to come and talk to us" and she was told no and so she said okay, then let's wait until the next meeting when hopefully someone will and they didn't, and in the meantime, Alex, Mr. Huskey, who is their President, spent a lot of time talking to Mr. Allbaugh, gave them more information and he asked that she present a statement tonight. If she's not allowed to, then that's okay, she won't. She'll just say, as a citizen, she just wants to make sure it sounds like Carey Services understands their responsibility, that if they make it a green space, which sounds like what should be done and she thinks that's wonderful, she's all for improving the neighborhoods, that they understand that if there's ever a city water issue or some other utility issue, that the city can get on the property, and again, it sounds like they can. So, she just, you know, if we were not supposed to have that information or be asked to be a part of that, she's sorry but she's not just going to rubberstamp something. And as a citizen, she wouldn't want anyone to do that either. So, she just wanted to make that statement, Wilk said. Philip Morton with Randall Miller & Associates, 145 E. 3rd Street, Marion, told the Council, just to kind of comment on that. We had done previous work with Carey to put in those houses. We actually, both storm and sanitary which are present in 27th Street, hooked on to those utilities so Carey Services has its own vested interest in making sure that the City of Marion has access to those utilities in the future because we are using those facilities currently as well. So, just wanted to make sure that was clear for everyone and just really appreciate their time tonight, Morton said. Mrs. Cain said, seeing nothing further, she'll take a motion. Motion was made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 5-2021. Motion was seconded by Councilman Steve Henderson and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None. Motion was then made by Luzadder, 2nd by Councilman Gary Fordyce to pass General Ordinance No. 5-2021. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None. Council President Cain said, thank you, congratulations. Looking forward to what else they are going to bring to them. They've done a great job, Cain said.

GENERAL ORDINANCE NO. 6-2021 2ND READING & PUBLIC HEARING

The City Clerk read General Ordinance No. 6-2021 by title only, an Ordinance of the Common Council of the City of Marion, Indiana, amending Marion City Code Chapter 153 (Zoning Ordinance) and providing for the effective date thereof. Zone the following properties from (R4) Medium Density Single and Multi-Family Residential to (R2) Medium Density Single Family Residential: 1230 W. Euclid Ave., 1220 W. Euclid Ave., 1202 W. Euclid Ave., 1200 W. Euclid Ave., 1217 W. Euclid Ave., 1213 W. Euclid Ave., 1211 W. Euclid Ave. and 1125 W. Euclid Ave. Sam Ramsey, Advisory Plan Director, told the Council, once again, this is a petition to rezone the four houses on the north and four houses on the south of Euclid Avenue directly east of Western Avenue. The entirety, probably 90% as you go east of there on Euclid, is zoned R2. These eight houses are zoned R4 and the citizens in those, we have (inaudible) on a petition, signed. We have not had complaints from the other two. Everybody's in agreement that they want to do this to protect their neighborhood. They've had someone try to buy a house and make it a tri-plex, they did not want that so we started this a couple of years ago and then COVID hit and the house changed so they're just trying to get ahead of the ballgame again right now, Ramsey said. Councilman Steve Henderson asked, are there two that are trying to fight against this? Ramsey told Henderson, no, Mike back there, he was the one who did the, tried to go around. He was kind of the head of this, tried to get the signatures. Henderson asked, would the ones that already exist with multi-residents, will they be....? Ramsey said there's not any. Henderson said, there's not any there so they're all gone. Mr. Ramsey stated that somebody tried a few years ago to get one and they didn't buy the house. Someone else ended up buying it. It's a single-family home currently. If that had happened, they would get grandfathered in for the use. Councilman Mike Cline said, yeah this is, to him, an example of residents looking to control the future of their

GENERAL ORDINANCE NO. 6-2021 Continued

neighborhood and he's going to steal a phrase, thank you Mr. Allbaugh, residents self-advocating. It's a great idea, it brings consistency and best of all, we're not forcing it on anybody. They asked to improve their neighborhoods and he would think we'd be happy to help them improve their neighborhoods and he supports this. Councilwoman Robin Fouce said she's curious how that helps improve the neighborhood. Cline asked, is that rhetorical or is that for him? Fouce told Cline that's for him, if he can answer it. Cline said this is an improvement in zoning. Ms. Fouce replied, okay, that was just a sincere question. Cline said, well he didn't want to answer a question he didn't need to answer. Fouce said, no, she appreciates it. That was a sincere question but she just, like that feedback on how (inaudible). She rode through Euclid and saw those houses. They're very nice houses, a very nice area. Hey, kudos to the residents of that area. She abstained from the initial vote because she wanted to see what she needed to see. But, she doesn't blame them for wanting to maintain their living and so forth so kudos to the residents in that area, Fouce said. Councilman Jim Brunner said, Sam, that's kind of a unique area when you drive through it, with the median with the grass between the row of houses. Is that maybe somewhat unique for most neighborhoods we have in this community? Ramsey told Brunner we only have, Mason Boulevard and a couple of places has the median and then Euclid, there's a couple other places where there's some short ones. There's, he can't think of the road, there's one that goes off of Bradford north but he can't remember the name of the street. It just takes more right-of-way at the beginning so you have to preplan. You can't really add that after the fact. Brunner said, if those in the audience haven't seen it, it's a very unique and very beautiful area of our community so he was just wondering about how different that is maybe than any other neighborhoods we have. But thank you for the information, Brunner told Ramsey. Council President Deb Cain said, okay, seeing nothing further, this is a public hearing so she'll take comments from the public. Three minutes, your name and address, Cain said. Michael Owen – 1202 W. Euclid – told the Council he was asked by their neighborhood association to kind of spearhead this since he was one of the homeowners, along with his wife Diane, and so (inaudible) doing that. We have the support of our community organization or neighborhood association. And speaking to Mr. Henderson, one of the homes was still up for sale when he finally got the petition sent in so he had no homeowner to go to and the other individual, he could just never catch her. He has spoken to her since and she's shown no objection. So she was very well aware. He had a sign in his yard for the entire period of time and it's still there today. And thank you very much for the positive votes that have happened so far and the positive comments. As Mr. Brunner said, it's a very unique community. He's lived in Marion all his life. It's one of the two areas he's always wanted to live at, the other being Shady Hills. So they kept him in the city and they kept him paying taxes. His son, he lives across the street from him. He (son) moved there before he did and they're like "Everybody Loves Raymond" so they try not to impose on him too much. He thanks them for their time, Owen said. Cain said, okay, seeing no further comments, she'll take a motion. Motion was made by Councilwoman Fouce to suspend the rules on General Ordinance No. 6-2021. Motion was seconded by Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None. Motion was then made by Fouce, 2nd by Brunner to pass General Ordinance No. 6-2021 and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None.

NEW BUSINESSRESOLUTION NO. 4-2021

The City Clerk read Resolution No. 4-2021 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving statement of benefits for real property tax deduction for installation of structural improvements and associated equipment in economic revitalization area for Agricor, Inc., Marion, Indiana. Tim Eckerle, Executive Director of the Grant County Economic Growth Council, told the Council with him tonight is Brian Anderson who is the President of Agricor and Dave Hermanson who is the CFO. Tonight, they have with them an exciting project for a company that the Growth Council brought to the community in 1984. The very first project (inaudible) as they look to spend roughly \$10,000,000 to maintain their competitive advantage. Many of them may be aware of, several years ago, the founding founders of Agricor sold out to Grain Miller's and he thought maybe tonight they'd ask Brian to spend a few minutes and explain to them about who Grain Miller's, Inc. is and how Agricor fits into their corporate strategy. Brian Anderson, President of Agricor, told the Council first of all, he wants to thank them for entertaining

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RESOLUTION NO. 4-2021 Continued

them. They truly appreciate it and they really like operating in Marion, Indiana. As far as Grain Miller's, he kind of wished he had a power point and go through the whole thing. But, he's been with Grain Miller's for about 12 months. He worked for all the heavy ad companies in his career. He's been in corn, wheat, and rice for probably the better part of 30 years. Grain Miller's is a private entity. Not to wow them or anything but it is the biggest oatmeal in North America so they operate, what, four facilities in Canada and then they have two major oatmeals in the U.S., one in Eugene, Oregon and one in St. Ansgar, Iowa. St. Ansgar, by the way, reminds him of Marion, it's very similar. So operating philosophy, the acquisition of Agrisor really fit the mothership of Grain Miller's. But going back to Grain Miller's, he thinks if you go in the supermarket or Walmart and you buy an oat product that doesn't say Quaker or probably, probably stick to Quaker, we probably do most of the oats so we'd be private label, cereal, snacks. The newest craze we're trying to keep up with is oat milk. He's going to tell them, it's fantastic but he's still trying to get used to it. But it's very, very popular. We're headquartered in Eaton Prairie so Minneapolis. He thinks they employ a total of 2,100, pretty close to that between all of their entities. Again, their major staple is oats. Corn would be number 2 and then they do a lot of flax seed, (inaudible) grain, stuff like that. Do they have any questions, Anderson asked the Council. Councilman Brian Cowgill said, yeah, so is it next year they're going to move their headquarters to Marion, Indiana? Anderson told Cowgill, he's working on that. He's only been here 12 months so it's going to take him a while. But they really truly enjoy operating in Marion and he can speak from his 12 months but he can also glean their owners' appreciation. It's a good fit and they'd love to keep expanding and adding jobs in this area. He can tell them, some of their locations, they're really struggling with labor. He told them he's been in this business 30 years so he's seen average milling wages, let's say 20 years ago, they were probably \$12.00, \$13.00/hour. They're pushing \$30.00 now so they've been able to capture value in their ingredients, servicing the bigger CPG food clients. They've, ironically, paired with the good ones because they've sustained themselves and so have we. He told Cowgill he doesn't know if he answered his question. Cowgill said yeah, yeah, he just, he also wanted to commend them for every so many years how they just keep reinvesting in this and how the majority of all their people live right here in Marion too. That means a lot to him, Cowgill said. Mr. Anderson told Cowgill, let him tell him something and he's probably burning time here but he's operated in the U.S., Canada, Mexico, Europe, the Ukraine, Africa, he worked for a bigger, multi-national milling company so he's operated everywhere and he can tell them without a fact that this is probably one of the best labor areas he's ever been in. If they don't believe him, look at their safety record. What are we on, 500? Mr. Hermanson said they're at 500 and almost 50 days. Anderson said, yeah and that's unheard of in his business. He can think of one other facility and it's actually in California that would have a safety record like that. So he thinks that says a lot about the workforce, he does. Cowgill said, absolutely, and again, that's why the headquarters should probably.... Anderson replied, we'll work on that. He said he thinks they're going to have a few of them visit. When is that again? Hermanson said the 17th of August. Anderson said he's going to try to make sure he's around for that. Council President Deb Cain told the Council to make sure they respond. Councilwoman Robin Fouce said, thank you guys for responding to that request promptly and she's looking forward to visiting with them on that day. Anderson said, you're going to love corn when you (inaudible). Mr. Eckerle said, it's one of the oldest industries in the world. Anderson said, it is, it is. It's biblical almost. Cowgill said he didn't understand that. He guessed he misread that, it's August 17th. He thought it was the 17th of this month so he'll be there. Councilman Mike Cline told Cain, if she's up for it, he'll move that they pass this resolution. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None.

APPROPRIATION ORDINANCE NO. 1-2021 1ST READING

The City Clerk read Appropriation Ordinance No. 1-2021 by title only, an Ordinance of the City of Marion, Indiana, appropriating certain funds for the City of Marion, Indiana, and providing for the effective date thereof. Julie Flores, City Controller, told the Council, if they will recall, last year the Mayor gave raises after the budget was passed so she thinks she indicated to them then that they would have to come to them for an additional appropriation for those funds. Also included in this additional appropriation is money for Animal Care and Control. Every year, they budget in the Board of Works \$50,000 to give to the Animal Care and Control to assist them in their expenses. That figure used to be \$100,000 and they've cut it to \$50,000 throughout the years. They are currently experiencing problems with their

APPROPRIATION ORDINANCE NO. 1-2021 Continued

cages and need some cages so they are going to give them, they're asking for another \$25,000 on top of the \$50,000 to assist them with their expenses and \$40,000 to help with the purchase of new cages. She has Jerry Foustnight with her this evening if they have questions for him, Flores said. Councilwoman Robin Fouce told Flores, so, for Animal Control, you want another \$115,000? Flores told Fouce, they budget \$50,000 every year in the Board of Works to give to them so that's already budgeted. That's already in the budget. Fouce said, okay, so the additional is \$65,000. Flores replied, right, so they were asking for an additional \$25,000 before they became aware of the need for cages. And then in this year's budget, they will be putting \$75,000 in the Board of Works for the Animal Care and Control. Ms. Fouce asked, was any, were we able to utilize any CARES Act funds for Animal Control? Flores said, we did not, other than PPE. She thinks Animal Care and Control, they submitted cleaning and PPE and that sort of thing. In those first seven claims that we submitted, there may have been some Animal Care and Control expenses. It's been so long since she looked at that, she honestly doesn't know but the majority of the CARES Act money was reimbursed for police and fire payroll. Council President Deb Cain said she knows that they had approved for the raises and knew that this was coming to them so she's prepared to take a motion. Councilman Gary Fordyce said he would make a motion to pass Resolution No. 4-2021. Mrs. Flores told Fordyce this is actually (Appropriation) Ordinance No. 1-2021. City Clerk Kathleen Kiley asked Fordyce, to 2nd reading and public hearing? Fordyce told Kiley, yes. Motion was seconded by Councilman Brian Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None.

GENERAL ORDINANCE NO. 7-2021 1ST READING – CAN BE PASSED IN ONE READING

The City Clerk read General Ordinance No. 7-2021 by title only, an Ordinance amending General Ordinance No. 3-2021, an Ordinance to establish the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Grant Fund #176. Julie Flores, City Controller, told the Council, as they will recall, they did pass back in May the ordinance to create the fund. They told us we would get that within 30 days, that got changed obviously. The state did not request funding from the Federal Government until they decided if townships were going to be able to get funded so there was a delay in the state requesting funds. So we did receive a memorandum from the State Auditor, Paul Joyce, that provided guidance to the recipients of the funding available under Section 603 of the Social Security Act as added by Section 9901 of the American Rescue Plan. The memorandum stated that the ordinance should specifically list the uses described in Section 603C which she added to the ordinance passed May 4, 2021. The additional language is in italics and is taken directly from Section 603. And she would like to notify them or let them know that, just like the CARES Act, that this thing is moving swiftly and changing almost every day so they're trying to keep up. They were advised in early July that the ARPA request for payment application was open. The City of Marion submitted that application along with the required paperwork. They did that on July 13th. They were advised on July 15th that they would be receiving their funds within seven to 10 days. So she's set up a separate checking account for those funds and will let them know when those hit the bank. She also wanted to let them know that, because the townships aren't receiving funds, what was once \$5,800,000 is now \$6,300,000 so we have additional funds. So, she'll entertain any questions they might have, Flores said. Council attorney Martin Harker told Mrs. Flores, that, he believes under the ARPA law, was the NEU, non-entitled units of government. Indiana determined they were not going to allow townships so that, actually what, \$500,000 is what townships could have gotten but, as a state, Indiana came in and said no, they have enough governmental entities to dole it out to so now we're at \$6,300,000. Great, thank you, Harker said. Council President Deb Cain asked, is this an interest bearing account? Flores said it is. Councilman Brad Luzadder said, and as they discussed last time, before anything is spent, it will come before this body? Flores replied, yes sir. It has to be appropriated. Luzadder said he was just making sure that that was still the same wavelength as everything. Being no further questions or comment from the Council, motion was made by Luzadder to establish the account and pass General Ordinance No. 7-2021. 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.

RESOLUTION NO. 5-2021

The City Clerk read Resolution No. 5-2021 by title only, a resolution of the Common Council of the City of Marion authorizing the lease financing of equipment through the Indiana Bond Bank Program. City Controller Julie Flores told

RESOLUTION NO. 5-2021 Continued

the Council, so thank you for your consideration in putting this ordinance on the agenda tonight. Chief David actually received an email that sat in his SPAM, got this on actually, it was dated July 15th anyway. This paperwork came July 15th. The back story here is that the Fire Department needed a fire truck. We found out that we could lease a fire truck over a period of five years. We went to the Indiana Bond Bank because they can jump through hoops that we can't. They don't have to go get bids for this so, through the help program, they were able to secure funding for a fire truck at 1.34% over the course of five years, actually 1.32. She can't read, she's dyslexic tonight, she's sorry, it's 1.342%, which takes the payment over the course of five years, \$113,941.72. We've been in discussions with the Administration and with Mike Graft as we are going to use CCD funds which typically in the past has been used for Mike Graft's funding of roads. This year, we're going to get an additional \$75,000 in the Local Road and Street funds from what we put in the budget what we anticipated, the state said we are going to get more funding. So with that \$75,000 and we are going to add in Mike Graft's budget in the General Fund, his Engineering budget, \$50,000 additional so this will make up the money he's losing in the CCD Fund. The Fire Department equipment is allowable under the CCD permitted expenses. So, we're here tonight because we needed to, as part of the paperwork for this lease, we needed to pass a resolution showing that the Council was in favor of this and to grant the Mayor to be the signator (sp?) on all of the paperwork as representing the City of Marion. Chief, do you want to add anything, Flores asked. Fire Chief Paul David said he thinks it was well put. This thing moved a little faster than they anticipated. What they're getting is what's called a demo fire truck. It's one that's already built. They take it around to different departments and display it, show its capabilities. If they were to order one, they are 14 to 16 months out due to COVID and they're having a tough time getting supplies in to build them. They had this one readily available. He spoke extensively with Julie and the Mayor about it and this is the route that they decided to go. So, they would greatly appreciate their approval, David told the Council. Councilman Jim Brunner said, Chief, just for information's sake, how many fire trucks do we currently have operating in the city? Chief David told Brunner they have one in each engine house, which there's four engine houses. They've also got an aerial and they have a hazmat truck and they've got a dive truck. So, operational engines, they have four. The two newest ones are 2016 and 2018. The two oldest ones are '06 and '03. Brunner said, and he kind of hears him saying, he's a lot like a lot of the auto dealers he's talking to right now, it is a rough time to get vehicles. Is he correct? David replied yes, that is correct. As he mentioned, it was a year and a half to almost two years to have one built to spec and, being a demo truck, they said this truck would typically be \$650,000. They started off at \$485,000 with us and he got them down to \$460,000. So, he feels like they've done their due diligence on that. Brunner said, just for their information, what is the normal number of miles they put on a vehicle before they put it to bed and try to get another one? Chief David said, to be honest with him, Mr. Brunner, the Fire Department, they have not been on a rotation since about 2000.... The last time they had a lease through CCD and CCI money was under Chief Gorrell and he thinks that was 2006. They purchased the Pierce Contender Fire Truck which is located at Station 5 and three command vehicles on a lease agreement for that. Then the money went away. It was taken out of the budget and put in road repair, as Julie had said, and they've not been able to acquire that money again since. So it's, technically NFPA likes to see a vehicle out of service after 15 years and, of course, they're approaching that with one of their trucks and they're there with one now. Brunner asked, how many miles will they normally put on a truck in a year? David replied, it really varies, Jim, anywhere from 10,000 to 12,000 miles a year and they have those serviced annually, such as oil changes and things like grease, lubed, and then any other service work that may need to be done, such as tires and such when needed. Councilman Mike Cline said, just out of idle curiosity, if he were building a truck to spec, how similar would this truck be to what he would build? Chief David told Cline very similar. This truck will run 1,500 gallons per minute which is more than enough to supply their water tower, meaning their aerial truck, and some (inaudible) additional. And it will also be the first foam truck that they have on their department. It has a built in foam cell of 20 gallons, which means for aircraft fuel, any type of petroleum based fuel and fossil fuel, as well as the ethanol plant, will be able to combat those fires better. Cline asked, so what station is it going to call home? David said they haven't flipped a coin for that yet. Councilman Steve Henderson said, the lease on this, after five years, does it belong to us after five years? Chief David told Henderson, good question. Yes it does. It's a lease to own is what it is. Henderson said, so there's no balloon payment or anything at the end? David said, no balloon payment. Councilman Gary Fordyce asked Chief David, he said it's got a foam system on it? Chief David told Fordyce that is correct. Fordyce asked, didn't we just get at \$52,000 donation

RESOLUTION NO. 5-2021 Continued

from CIE for a foam truck? David said that is correct, yes they did. Fordyce asked, is that going towards that? The Chief said it'll be a different truck. Fordyce said, it's going to be a different foam truck? So we're going to have two foam trucks? David replied, they'll have two foam trucks and eventually, he thinks, within, he would say within five years, they're going to see where NFPA is going to require foam to be on all apparatuses. The truck that Central Indiana Ethanol donated a check for, which Mr. Planck and he would like to have them before the Council and present them with an award for doing what they did, stepping up to the plate. They went out to Indiana Ethanol and inquired about them removing foam from their facility. That's what they need to fight that fire. Mr. Cowgill, he knows that. Anytime they get an alcohol based or petroleum based, they need something that's going to blanket the fire. If they use water, it's going to spread it. So, they went out there and inquired about them removing foam. They heard that rumor and they said, yeah, as a matter of fact, they did. Their insurance was going to go into six figures if they kept it on site and now that they're a food base, alcohol. So, at that point, discussions happened and they said they offered them a foam trailer back in 2011 and was told you probably didn't need it because they had stuff on site. He said he said well the game has changed, they no longer have it on site and, about a month later, one of the employees called them up and said hey, they're willing to help out and they'd like to donate \$52,000 to the Fire Department to help out with that. So what, Mr. Fordyce, they plan on doing with that money is building a foam truck that is a flatbed, pick-up style that will have a water tank, a foam cell, and not only will it be able to service Central Indiana Ethanol, but our airport as well. They'll also use it for trash fires in the city instead of taking \$500,000 rig down alleyways to put out trash fires. Councilman Brian Cowgill told Chief David, with this lease program, it's, in his opinion, better than trying to come up with \$500,000 or more at one time. Would he agree that we ought to kind of start getting on a rotation basis with all of our trucks like this? Because, like with Mr. Brunner's question about how many miles, the thing is too is that those miles are hard miles because you're going from zero to 60, stopping, settling, pumping. So, those hours are a little deceiving. Chief David told Cowgill, absolutely they are, yep. He's exactly right and that is something that they will see him propose in the budget, additional funding for that. He doesn't want them to be shocked. Councilwoman Robin Fouce told Chief David he mentioned he had four trucks, one truck was a 2003, one truck was a 2006. And so, when does he need to replace those trucks? Yesterday? She's just trying to see how they move forward, kind of like Councilman Cowgill saying with making sure they have adequate equipment to work with and also to serve our community. So '03 and '06, they're old. They're super old. Chief David told Fouce, they are, they are, and this truck will replace one of those. It'll be a replacement for one of those and then budgetary-wise, they'll work on the other one. Councilman Brad Luzadder said he just thinks it should be noted that the Fire Department and the Police Department both have always been encouraging us to look at replacing equipment on a regular basis and this Council has been fore-thinking in that and so he applauds him, Chief, as he has in the past. He's always a step ahead and he thinks his guys are very blessed in which to have him as their leader. And we're glad that he is at the helm and driving us forward and we have great respect for the work in which he does. He firmly supports this 100%, Luzadder said. Council President Deb Cain said, seeing nothing further, she will take a motion. Motion was made by Cowgill to pass this on to 2nd reading. City Clerk Kathleen Kiley told Cowgill it's a resolution and can be passed tonight. Cowgill said, we can do that in one reading, right? Okay, he wants to make a motion that they pass this resolution. Motion was seconded by Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None.

Council President Deb Cain said, we'll go on to the next order of business please. City Clerk Kathleen Kiley said it's to consider Doug Carl to be reappointed to the Utility Board. Cain told the Council Mr. Carl is currently the Executive Vice-President and CFO of the Collins Group. He has served on the Marion Redevelopment Committee, the Marion Development Committee and he also had previously served on the Utility Board from '99 to 2001 and then he asked for appointment with us in 2006 which he currently serves. And so he is asking for reappointment to the Marion Utility Board. So, she will take a motion, Cain said. Councilman Brad Luzadder said he would make a motion they continue with Doug Carl as their representative for this Council on the Utility Board. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner, and Cline. Nay: None. Mrs. Cain said that will be a four year appointment.

Before the meeting adjourned, Councilman Mike Cline said he is going to make a request ahead of time to be included on a Zoom for August 3rd. He's going to be out of state. Council President Cain told Cline they don't have the equipment. She will try to figure something out to where he can hear. The equipment that is currently with that big t.v., if it's not focused at those four people then these people over here cannot be heard. She will try her best but not guarantee. Councilwoman Robin Fouce said they respect and appreciate the work Douglas Carl is doing in serving the community. She would just like to suggest in the future when individuals want appointments or reappointments to the Council that, at the time of that, they appear before the Council for that day. Because she doesn't know this gentleman. She's sure most of them do and he's done great work. He's been doing it for quite a while so she supported it but she wants to meet who she's supporting. She wants to know that and so she thinks it's just a good practice to have when they want those appointments or reappointments that they come before the Council that day, Fouce said. Cain told Fouce she's sure she can reach out to Doug and he will be here to meet everybody.

Being no further business to come before the Council, on a motion by Fouce, 2nd by Fordyce, the meeting adjourned. Time being 8:05 p.m.