

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

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 7<sup>th</sup> day of December, 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, Stodghill-Weeks, Brunner, Fordyce, and Cline.

Absent: None.

The minutes of the previous regular meeting of November 16, 2021 were presented. On a motion by Councilman Mike Cline, 2<sup>nd</sup> by Councilman Brad Luzadder, the minutes were approved as presented by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Fordyce, and Cline. Nay: None. Abstain: Brunner.

COMMITTEE REPORTS: Council President Deb Cain told the Council they had an ordinance to vacate a public way on Gallatin between 3<sup>rd</sup> and 4<sup>th</sup> Street by the (inaudible) project that's being done. They had the public hearing that was supposed to happen and they received a letter, a petition. That had been removed. After she spoke with the petitioner and helped them understand what, why that request was being made and they have no problem with the request so the public hearing will now be held on the 21<sup>st</sup>. That's for Ordinance No. 14 that they heard last month.

Councilwoman Robin Fouce reported that she attended the Board of Works meeting yesterday, a really good meeting. Chief and Deputy Chief handbook was presented and approved. The Fire Department, Chief David presented the contract changes for the Firefighter Contract. It passed unanimously through the Board of Works with the exception of a few changes that they'll make, just kind of some minor verbiage. The Chief can elaborate further if he would like. And, she was also handed, also the Building Department presented three structures to be demolished, those being 2105 W. 12<sup>th</sup> Street, 2319 S. Waite Street, and 124 S. Boots Street. 2319 S. Waite Street was a structure where there was a fire and that did get unanimously approved by the Board of Works. 2105 W. 12<sup>th</sup> and 124 S. Boots will be heard at the Board of Works meeting on the 20<sup>th</sup> because of some discrepancy or mix-up in the notification so those will be up again, from the Commissioner, the Board of Works President asked for a list of all of the properties that were demolished in 2020 and also a list of all the properties that are on the list currently for demolition. So, that'll be forthcoming. That's supposed to be provided on the 20<sup>th</sup>. Again, that's been requested for several months so she just wanted to make note of that. Chief David was also kind to, per a request, submit an incident summary of the calls and the types of calls that the Fire Department has gotten. She wants to say it's a weekly or monthly call, probably monthly, and so that's good information. She has a copy of it and maybe the Chief will forward it to the Council, as well as the Board of Works, as it impacts their districts that they're in. So, just good information to have and a good line of communication. She also had the opportunity to attend the ARP Committee that the Mayor has and they're having conversations about what are good expenditures. Please chime in, President Cain, if she would like but what are good uses and expenditures within the guidelines for the ARP Funds. They haven't come up with anything concrete. They've had good discussion. One thing that she is at pause about, it was suggested, because of the ongoing changes of what you can spend it on, what's the legal use of those dollars, it was suggested that they get a legal consulting. Baker Tilly was mentioned to consult us on what to spend and, you know, her first question was, first she was like, yeah, we probably do need consultants. As she thought about it, she kind of doesn't agree with that and (inaudible) talk about it further. She just wanted to put that out as a report on what was discussed at that meeting. She, again, is at pause because she wants them to do their jobs. They have a really good committee, a diverse committee, from United Way, Community Foundation, Utilities, Indiana Wesleyan, a lot of good leadership here, City Council members, Library Board, Housing Authority. They have a good, diverse committee and she'd like to see that committee go to work and do their jobs to figure out and do the research to figure out, rather than spend money out of that fund for lawyers. You know, there may be a final consult needed but that's just what she feels about it. It's not written in stone that's what they're going to do. She's just reporting that as part of what kind of arose to a concern for her. She doesn't want to see them spend dollars for legal if there's another way that they can do it and still be within the guideline for those expenditures. So she just wanted to report that out. Madam President, if she has anything further on that, Fouce said. Council President Deb Cain said, and the website also has a survey that citizens can log into and give their suggestions and thoughts. So if they want to go there and look at it in detail, more detail about the funding that they have received

half, and Mrs. Flores can help her understand, she thinks they get the second half in December. City Controller Julie Flores told Cain, no, Madam President, they got the first half in July of this year and they need to give them the second half within 12 months of that. She would anticipate June or July of 2022. And let her just reiterate that Baker Tilly are financial people, not legal people. Ms. Fouce told Flores, thank you for that. She means they're going to consult to the legality of the expenditures so maybe she needed to express that further. But this isn't against anyone, this is just to throw this out and to continue the conversation of what will work for Marion. She just doesn't want to see them spend dollars, she wants them to work as a committee, as an Administration, to garner the information that they can. Then maybe they have like a final consult over it. Not against anything or anyone, just trying to put that out there for thought. That's on the Marion city website is that survey so anyone can go out and tell your neighbors, your constituents, they can go on that website and they want to hear from them. They want to know what their thoughts are. It's a good tool to get public input, Fouce said. Council President Cain asked Fouce if she wanted to report on the Development Committee meeting tonight. Fouce said sure. The Development Committee met this evening. They had a good discussion with Tim Street of Bahr Brothers and Tim Eckerle of the Economic Growth Council regarding a proposed tax abatement for personal property for Bahr Brothers. It was unanimously approved from the Development Committee that a favorable recommendation go forward to the City Council. That'll be heard on the Council agenda on next Tuesday, the next committee meeting Tuesday, the 21<sup>st</sup>, she believes. Cain said, right, next City Council meeting on the 21<sup>st</sup>, they'll hear from Bahr Brothers.

Councilman Brian Cowgill told the Council they also had a Tree Board Ordinance tonight, meeting, and it's in the ordinance now that there is a board already but they don't currently have board members so they discussed it tonight on some thoughts on that so here's what they're going to do. They're going to get applications and they're going to post that for, it'll be a five board member so that's kind of where they left that at is that they're going to get that posted and try to get a Tree Board together, Cowgill said.

NEIGHBORHOOD MONTHLY SPOTLIGHT: Council President Deb Cain said she has asked Mr. Bill Munn to come and speak tonight from the SOS regarding the sale of the property which is called 917. Bill Munn, President of SOS Marion, told the Council he's pleased to be there tonight to give them information about the 917 South Adams property which some of them will know more as Ginger's Beauty Salon for years. It was the property of J.W. Stephenson and his wife Edith, dating from approximately 1912 and it was occupied by Mrs. Stephenson into 1959 so she had a long residency there. She was or the family was related to the Kiley's and the Harwood's and a number of families that he's sure some of them are acquainted with, historic Marion families. The house had fallen into disrepair as anybody who traveled up and down Washington Street could tell them. He thinks Ginger Lee left there about seven years ago, seven or eight years ago, and there had been some interim occupants but nothing that really contributed to the upkeep of the property. The last owner of the property, Mrs. Wiseman who owns the B & B next to the Y, she had purchased the property in the hopes of establishing a B & B there and had the market research done and was ready to go. Unfortunately was unable to secure financing to do the restoration work that would have been needed. He means, she did close up the property as much as possible, secure it from further damage and he wants to say two years ago, she very generously donated the property to SOS. Now, SOS is not in the business of owning properties generally so when he says that's their rule, well yes and no, it depends on the situation. But their earlier efforts had been more like a catalyst, encouraging development of historic properties by simply advertising them, getting the owners in contact with possible buyers or, in the case of Marion National Bank, participating in bringing developers to town and also working through their parent organization, Indiana Landmarks, to get properties advertised and really attempt to market them as historic properties. So, they did take on 917. It was, it needed a new roof on the main house, it needed windows desperately. The carriage house, which they might know, is a really distinctive building on its own. Looks sort of Italian from the outside with a stairway going up and columns. It's quite decorative. That was the, well it was the garage and apparently at one point, they don't have, they've heard of these things, it had turntables in the main floor for days when cars didn't really have reverses and you would pull the car in and he guessed the driver would turn the car around on the wheel there and then have it facing the proper way so they could come and get it. But there was also damage to the carriage house. Again, it's roofs. As any homeowner in Marion can tell them, roof problems are, two things, roof and basement problems. You know, we have water. We have water every place. It comes down in sheets

3

and water is one of the most destructive forces known to man. Once it gets in, it gets in the walls and things really turn into a mess. Also, over time, he thinks vagrants have occupied the house, not very much but more in the carriage house and luckily, they had not done much damage. It was an unsightly mess but as far as, the walls were still there and the character of the building was still there. The water had been turned off for a long time so that saved them some of that problem but what they did, they secured a mortgage from Indiana Landmarks who normally does this for affiliate organizations and they are a 501C3, they're not for profit. Moreso than he'd like to say, yeah, they don't make any money but what they did, they hired JG Bowers to do the roofing work so a new roof was put on and they hired a gentleman from Wabash for the tuck pointing and together, those two jobs took up \$60,000. The tuck pointing on that building, they can go up there some time and take a look, the tuck pointing is pretty unusual. It's almost an inch thick and it has a very unusual brick pattern which the masons told him they can't get done today. They use different color of brick and the design, it was just incredible. So, having done that then they marketed the property and he wants to thank Craig Luthy. Some of them may know Craig. He works for Nicholson and did a heroic job in showing the property. Once they got those repairs done and it was advertised with almost no local interest but a lot of outside interest from people who check out these sites of old houses, cheap old houses, historic houses, and Landmarks also ran pictures and information about the house in their publication which reaches a nationwide circulation. He might add, they had done the same earlier on the Marion National Bank which was one of the reasons for attracting a lot of outside interest in that. So, they completed the work, set to marketing the property, and marketing the property during a pandemic, okay, but what happened, as they are probably aware of, nationwide real estate in the last year, year and a half, has skyrocketed and especially the east and west coast. And so they had a raft of potential buyers. Now, what they were concerned with is they have to be, they have to emphasize the historic nature of the building so they interviewed any perspective buyer, not only as to their interest in purchasing it but their financial capability of financing a project, the size of their house, specific plans as for their use. They checked into their financial background, basically hopefully to save some of the embarrassment that has occurred over the years on other properties in Marion. It was interesting because they got offers, people said "we'll send you a check", they wanted to buy it sight unseen, they just refused. No, they don't do that, even though it was for the full amount of the purchase. But they had one, pretty special buyer who met all those requirements but, this man's name is Maurizio Matta, he thinks it was written about in the paper. Very interesting fellow who is a Civil Engineer, works for a construction company out of Montana that does commercial tunnels. The local project that he worked on, the nearest one, was at the Ft. Wayne Airport. He was interested in the building but he was stuck in Canada during the COVID. His company had sent him to British Columbia to work on a project and he and his wife couldn't get out. They closed the border so he was in Canada for a year. His company lost the contract because they couldn't perform but he did make a living because they paid him to maintain the site of the construction and the equipment that was on that site. So, at the end of the year, he gets free from that. They had him to Marion. He loved the house. They took him around the neighborhood. They wanted everything out on the table and they got him in conversation with some local people and some of the people that have restored buildings prior and he decided he wanted to buy the property and so they sold it to him. They did make some money on it. They also in the process, before it was sold, they got a grant from the Leland Boren Foundation for \$10,000 that they used on the roof of the carriage house, which was a real trick because getting, he's learned a lot, getting asphalt shingles to match during the pandemic when they stopped making some and they couldn't supply the others and finally they were hunted down at a lumber yard in Michigan. So, the owner purchased all that they had and had them shipped down to Marion and so the roof is the same. The plan for the property, he mentioned earlier, Larry Oradat is the Site Manager for Mr. Matta. He interviewed Larry then proceeded to send him a 17-page catalog of his intended modifications of the building. Now, he needs to tell them, when they, SOS, when they sell the building as an affiliate of Landmarks, there is a restriction put in the deed. It's called a historic easement, which means that the purchaser has to maintain the exterior of the building in a manner consistent with the historic nature of the property. The owner also agrees to give Landmarks, actually SOS as their agents but if SOS is not around then Landmarks gets the job of inspecting the exterior of the property once every six months in perpetuity. Now if the owner wishes to make modifications to the outside, it is possible but it still, it has to be consistent so, for example, if they'll notice the house and the upper story has shake siding, the replacement has to be shake siding. It can't be aluminum siding or shake lookalike siding, it has to be shake siding. And again, this is another thing they worked out with each of the potential buyers, informing them about their obligation. And these are legally enforceable and

Landmarks has, in other places, enforced those contracts. So, they have a buyer. He intends to move onto the property as soon after the first of the year as possible. So the priority is given to the restoration of the carriage house. He's moving his wife and two children to Marion. He intends to live in the upstairs of the carriage house and then commence work on the top story of the main building. Now, his project is in three stages. The first stage, of course, is the completion of the carriage house and also, after he moves out of there, it becomes an income producing, you know, a place that he would rent. The top story of the house he is going to renovate and turn that into a B & B so he will be renting rooms. He believes there are four large rooms upstairs and he'll be making the changes there. The interior of the house has been stripped but not necessarily in a bad way. It's stripped in a way he thinks a lot of them would have wished their own homes had been stripped before they moved in. The wallpaper's gone. The woodwork is all there and some of that has been, he doesn't know that it was stripped but some of that really wasn't touched. There's a really nice stairway but there is woodwork that's been painted which needs to be taken care of. The sliding, the panel doors are there. There's a large, cutglass window. It's all in one piece and ready to go. There are a number of windows to be replaced. The sunroom on the front of the house, you know it's a very distinctive feature, most of those windows need to be replaced and they are leaded glass. In Ft. Wayne, there's a person working on the leaded glass windows which will be replaced shortly. And then on the main floor, he intends to eventually start a restaurant. His family has been involved in restaurants for a very long time in Italy and when he moved to the United States, he and his wife had a restaurant in Houston, in addition to his work as a Civil Engineer, which unfortunately they got divorced, they sold things and he went entirely in the Civil Engineering life. But he wants to establish a restaurant there but it's a three-stage process. The cost of the restoration, not including the house, is approximately \$600,000 and he has the financing for the project. But still, (inaudible) wisdom would say you really need to do this sort of thing in stages but not a long time. They're talking like three years out, three or four years out. This is exactly what they were looking for and this is what they're looking for, will be looking for as they move ahead. And he might let them know, today, he signed a letter of intent for SOS to do due diligence on the potential purchase of the Firestone Building which is located at the corner of Washington and 7<sup>th</sup>, across from the library, which is, it is a historic building, 1937. They're sought after greatly by historic restorationists. If they go to their website, they'll see some drawings of these. And so they're in negotiation or they will be in negotiation, after they receive the information on all of the testing, soil testing and EPA results and so on, the consummation of the purchase depends a whole lot on what that stuff says. And so they look forward to that. They are also in discussions, this is a little further out but they are looking at a way of working, continuing their work on what they call the South Washington Street, it's South Washington Street through he wants to say 18<sup>th</sup>, that particular area from downtown to 18<sup>th</sup> Street and not only Washington but they're looking at Branson, Washington, Adams, and Gallatin and Boots and looking at various buildings in those areas. There are some really good buildings. There's some really bad ones too. He means, they're looking at what they can do to save some of those properties and hopefully remarket them and so they're pretty excited. That's further on down the road. But yes, they scored their first victory. He likes to think they had victories before this. They worked with Quilter's Hall of Fame in their securing the 10<sup>th</sup> Street railroad station. And like he said, they did assist with bringing people together on the what was called the Wolf Building, the properties on the north side of the square which were given up on as being total wrecks. They had no financial investment in that but what they did, again, was try to get people together, buyers and sellers, and get the conversation going. And also, use the power of Indiana Landmarks to educate buyers as to potential, for example, historic tax credits, that sort of thing. So, this is exciting. They're getting a property that has been paying no taxes and within three years, they hope to get them paying taxes on a \$600,000 structure. They're also looking at uplift. Communities are the backbone of Marion. They have beautiful, wonderful communities everywhere and he remembers when he came here to Marion in 1970, he had friends that lived on Boots Street and Gallatin Street, still does, and to see what happened over the years through, well a lot of factors but it's unfair to the people that lived there because there are lovely houses there. People lived there. Their grandparents lived there, the whole thing, and so they're wanting to work with those folks to see what they can do to help them and to lift up that community. And the same thing has been done in other places in Indiana, in Muncie and Wabash. It's not all old mansions. It can be regular houses. When he says regular houses, those beautiful bungalows that sort of (inaudible) Marion all over the place, which are wonderful houses. He lived in one when his wife and he were first married. Anyway, he guessed he's taken his time. Are there questions? He'll be glad to answer whatever he can, Munn said. Councilman Jim Brunner asked Munn, how long has Ginger not been working at that facility? Munn told Brunner he wants to say seven years

5

but it seems like longer than that but he guessed not. It may be just ownership. He thinks she had ownership but he's not sure when the beauty shop closed. That beauty shop was like the center of, you know, a lot of Marion stories and marriages and divorces. It was a very popular place, as they know. When they purchased the building, they had Ginger Lee, she came and some of her former clients came. They celebrated her and what she had done and she sang for them. She was quite a performer. Brunner asked, how long had she occupying that building? Mr. Munn said he thinks it was about 10 or 15 years. She was there for a good long time. The Kiley family had charge of that building. He doesn't know whether it was an estate deal. It was occupied for a while as a rectory for the St. Paul's Catholic Church. You know, Marion, when it grew, people lived near their churches that they went to and near the factories they worked at so they could walk and then they had neighborhood schools, neighborhood groceries. Still in the '70s, there were still these sorts of groupings and so that was sort of like the Catholic neighborhood. Okay? And that was the Stephenson's and the Kiley's and the Cain's and the Corbett's, a large, large settlement there. Again, you've got to go by the neighborhoods. He thinks that's what they're looking. The area south of there, the Platonian Apartments and the unfortunate condition of the old First Friends Church, they're trying to deal with that. That's a tougher project but given the historic importance of Samuel Plato, he is a national figure, not only in architecture but in civil rights. So, they're wanting to get into that area and see what they can do, you know, to celebrate his life and make it a beacon for other people in the neighborhood as well as all of Marion, Munn said. Council President Deb Cain said, thank you, awesome. Okay, Mrs. Kiley, they'll go on to Unfinished Business.

## UNFINISHED BUSINESS

### APPROPRIATION ORDINANCE NO. 3-2021 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 3-2021 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, as they will recall, the expenses for the body cams initially came out of the Police Department in the General Fund. When they received the grant funds, they were required to put those in the Grant Fund. They would now like to reimburse the General Fund back for that initial expenditure. So, that's what this is about and she'll entertain any questions and she would appreciate if they could pass this tonight. Council President Deb Cain said, okay, so this is a public hearing so is there anybody in the public that would like to speak on this? Being no response from the audience, Cain said she will move forward. Mr. Luzadder? Motion was made by Councilman Brad Luzadder to suspend the rules on Appropriation Ordinance No. 3-2021. Motion was seconded by Councilman Brian Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None. Motion was then made by Luzadder, 2<sup>nd</sup> by Cowgill to pass Appropriation Ordinance No. 3-2021 and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None. Mrs. Flores said, just while she has their attention, the Fund Report she passed out tonight, they didn't have that done in time to get in their packets. They didn't get the bank statements balanced until later. But if she could direct their attention to page 3, Fund #704, the Self-Insurance Fund, they began the year with \$189,000. At the end of November, that balance was \$825,993.47. They still have money to transfer into that fund. They are hoping, fingers crossed, that they will potentially have \$1,000,000 in that fund at the end of the year. So, she appreciates the mayor buying into what she told him they needed to do to get those funds out of the red, \$4,500,000 she thinks, something like that, when they came in in the negative and, of course, to them (Council) for approving the budgets that they've submitted through the years to get that balance to where it is. Again, she would like to repeat that they are not borrowing from the Bond Bank next year so that's another accomplishment that they've been able to do this past year. So, just wanted to let them all know that. Thank you, Flores said. Councilman Gary Fordyce said, fantastic, thank you Julie. Mrs. Cain said, okay, thank you. Mrs. Kiley, on to the second, New Business.

## NEW BUSINESS

AGREEMENT BETWEEN THE CITY OF MARION, INDIANA AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 676, EFFECTIVE JANUARY 1, 2022 THROUGH DECEMBER 31, 2024. Fire Chief Paul

6

David told the Council, as she had stated, this is the contract agreement between the IAFF Local 676 and the City of Marion. Just to let them know, he knows Mrs. Fouce had stated that the Board of Works brought up a couple points that they would like to see changed and one of the points was brought up by Mrs. Wilk, Section 5.8, it reads that union meetings will be held at Station 1. Since there is no longer a Station 1, those meetings are being held at Station 3 so kudos to Mrs. Wilk because that shows him she did her due diligence in reading the packet that they sent her. Mr. Huskey also brought up Article 26, Uniforms. They get a clothing allowance now which is for fire gear. This is a uniform deal that was brought in. Mr. Cowgill sat in on most of the negotiations, if not all of them, and to explain the difference there, they have uniforms that they wear, as they see him in now, and then their fire gear. The fire gear can be rather expensive. Mr. Huskey suggested a change that they leave as uniforms but change clothing allowance to clothing allowance/fire gear and when they make those amendments to change those, they will make sure that they (Council) get a copy of that with those two changes. But, other than that, the Board of Works approved it. And just to let them know too, they were supposed to be in negotiations last year. With COVID hitting, the city and the union agreed to just let the contract ride out as it was and then they would negotiate this year. And he thinks negotiations went very well, very smooth. It was brought up a couple different times how smooth they actually did go. So, at this time, he would like to ask for the Council's blessing on their contract and if so received, he has a page here, it's a signature page, for the President of the Council to sign, indicating their approval, Chief David said. Council President Deb Cain told the Council she would take any comments. Councilman Mike Cline said he would move to approve. Cain said, okay, Mr. Cline has moved to approve. Does she have a second? Okay, Mr. Luzadder seconded. Roll call, Mrs. Kiley, Cain stated. Motion then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None. Chief David said, Mrs. President, does she mind if he brings this to her now to have her signature fixed on this page, please? Cain told Chief David, yes, yep. David told the Council he wants to thank them for their agreement on this contract. Thank you very much. Councilman Gary Fordyce said, thanks for all you do, Chief, appreciate you guys. Mrs. Cain said, alright, so they'll go on to the next order of business please.

#### GENERAL ORDINANCE NO. 15-2021 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 15-2021 by title only, an Ordinance amending General Ordinance No. 38-1989, an Ordinance establishing a Cumulative Capital Development Fund. Council President Deb Cain told the Council, okay, as discussed at their Budget Committee meeting, they can bring these ordinances back if they suspend the rules on where they cannot have an ordinance read within 12 months of a first initial posting so she will make that motion to suspend the rules. Motion was seconded by Councilwoman Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, and Brunner. Nay: Fordyce and Cline. Cain said, okay, this ordinance is 32 years old, that's been the last time that it's been looked at. It is just to protect the LIT funding that was.... They had increased the LIT, anticipated that the Council, in the discussion of increasing the LIT that it would go to the first responders and this is also, took discretionary funding, spending out of it and updated the codes and added Section VI which means no transfer without the Council's approval. So it is just, there's no, this is an update from a 32 year old ordinance and protection of the LIT. Councilwoman Robin Fouce asked, Madam President, what number was that? Cain told Fouce it's #15-2021. It's for the Cumulative Capital Development Fund. It was first written in 1989. Councilman Mike Cline asked, the city doesn't do bridges, does it? He's looking at Section IV, #5. Councilman Gary Fordyce commented, no, we don't. City Clerk Kathleen Kiley said she can't hear. Cline said, he said, Mrs. Kiley, he's talking about Section IV, item 5. He didn't think the city did bridges. Mrs. Cain asked Council attorney Martin Harker if he would look up that, 8-16-3. Harker said, Madam President, this is an internal statutory reference to the Cumulative Bridge Fund. That's what 8-6-3-1 is and that statute refers to municipal corporations and county executives having the ability to provide for a Cumulative Bridge Fund. Whether you do or not or whether there are bridges to maintain is a separate issue from whether the funds could be used if that's established. Fouce asked, so if they need to provide that, they have a statute that allows them to do that. Harker told Fouce, correct. City Controller Julie Flores asked if she is allowed to speak to any of this or does she have to wait until the next meeting. Council President Cain told Flores, no, yeah, they'll have a public hearing on that. Cain asked, okay, any other comments? Did that help, Mr. Cline? Cline replied, yeah, that was an answer. Cain stated, yeah, she doesn't know. Mrs. Goodman, she's not sure what happened. Her computer just, she thinks..... It's old. Well, it's coming on now. Maybe she can



GENERAL ORDINANCE NO. 15-2021 Continued

get it going again. Bear with her here. She thinks she should have lifted it up off the table. It got a little hot underneath and shut down. Okay, so she'll take a motion, Cain told the Council. Councilwoman Fouce said, so moved and her motion was seconded by Councilman Brian Cowgill. Mrs. Cain said, okay, they have a motion by Ms. Fouce to move to public hearing on December 21<sup>st</sup>, 2<sup>nd</sup> by Mr. Cowgill. Motion then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, and Brunner. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 16-2021 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 16-2021 by title only, an Ordinance establishing regulations regarding spending of the General Fund. Council President Deb Cain told the Council, okay, so this general ordinance is where we've not had one, a city ordinance written for the General Fund. She also, in this ordinance, they have expenditures over the amount of \$5,000 for goods and services shall require pre-approval by the Common Council. So request for the pre-approval by the administration and should be made by the administration. So they have defined how those requests will be brought to them, like bids and quotes, department requesting, the need for the expenditure and whether it is included in the current department, that current department's budget. She also provided them an email communication regarding other cities proposed finance, tracking and spending, in which the mayor had sent out an email request to the municipal, municipality work group and she's also copied the responses. He stated that he's inquiring to determine if any community, after having their proposed budget approved and passed by the Council, had the Council pass an ordinance requiring approval for the spending of that budget every time an expenditure exceeds \$5,000. So they had responses. Lawrence, which is a significantly larger city than we are, they had the ordinance adopted that Personal Service Contracts over \$25,000 must be approved by the Council. Then Crawfordsville, they have a spending limit implemented and the limit amount was left to the Council. Then they had the President of the Council from Portage, Indiana who spoke about their concern of not having something like this and they wished that they had. Then they had a response from the City of Ft. Wayne along with she pulled up their information and put that in there. They have an ordinance that defines, of course, keeping in mind that Ft. Wayne is a lot larger than we are also but contract exceeds \$1,000 per year and it is passed by the City Council. And if you look at Section C in theirs, it says third party contract for consultant services exceeds \$10,000 has to have prior Council approval. And then, from Churubusco, they had all expenditures over \$5,000 before the City Council. So as she stated when she first brought this earlier when the Budget Committee approved to bring these ordinances earlier this year, we are not the only city requesting that. It is not, in her opinion as a Councilman looking at what the spending has been, it's not what's being spent but what is being not addressed. What is not being addressed is police and fire, Code Enforcement. In her opinion, it's blight, it's city wages. We're not at the current inflation for city wages. Leaf pick up, trash, technology. Our technology really needs to be significantly improved for the city. We can't depend constantly on raising taxes. We just need a closer eye and watchful eye and transparency on the spending. We also added Section IV, that talked about inter-transfer of department, inter-transfer of monies to another department needs to come for pre-approval from the Council as we have had that happen. So, also there were departments that they exempt. City Hall Maintenance, they have Services and Charges. Their budget, it only totals \$41,000 initially and that's building and equipment is a combined of \$30,000 so most repairs are under \$5,000 and if there's something that is significantly more, they're going to probably need to come to them anyway for an appropriation. Information Technology, their whole budget is \$9,475 and that includes five different line items so all of those are broken down and quite less than \$5,000 in each line. Then the fire and police, their union guidelines and they're emergency entities. And the Board of Aviation, they're already under federal guidelines and requirements for their spending. They talked about this in detail initially at the beginning of the year when they brought this. Those are just some additional comments and additional information, Cain said. Councilman Mike Cline said he agrees with what she said about blight and Code Enforcement and pay and IT and all that, no problem with that, but he thinks the answer to that is incumbent upon the city to ask for that money right out of the box in the budget. And another thought he has is the Board of Works approves bids. What happens when the Board of Works approves something and for some reason, or vice versa, for some reason the Council decides not to approve it? And, the whole thing to him, he didn't like it then, he doesn't like it now. As for Second Class Cities, it's been set up that we have an executive mayor, an administrative mayor, and it seems to him like there are some who, that there's a movement to make this to have a legislative mayor instead and then what happens, he's just going to put

GENERAL ORDINANCE NO. 16-2021 Continued

it out there, what happens when the Council has a mayor it likes? Do we go back and change it again? Those are rambling thoughts but they're his. Thank you, Cline said. Being nothing further from the Council, motion was made by Councilwoman Robin Fouce to move General Ordinance No. 16-2021 as read to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilman Brian Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, and Stodghill-Weeks. Nay: Brunner, Fordyce, and Cline.

GENERAL ORDINANCE NO. 17-2021 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 17-2021 by title only, an Ordinance amending General Ordinance No. 1-1996, 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. Council President Deb Cain told the Council, okay, as discussed in their Budget Committee meeting they had a couple of weeks ago to bring these ordinances forward and approved to bring them forward, this ordinance, again, is outdated from 1996 and it was originally based on self-pay. They are not in that position and so they took out a lot of that language and had it reviewed by Mrs. Flores. They did not want to get into the position again where, as Mrs. Flores the Controller had to do so much work and due diligence and hard work in getting the current Insurance Fund out of the red by a significant amount and so that is why this is being reviewed at this time, to be able to follow correctly and to be able to protect that Insurance Fund. She'll take a motion, Cain said. Motion was made by Cowgill, 2<sup>nd</sup> by Fouce to pass General Ordinance No. 17-2021 to 2<sup>nd</sup> reading and public hearing. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, and Cline. Nay: Fordyce.

GENERAL ORDINANCE NO. 18-2021 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 18-2021 by title only, an Ordinance amending General Ordinance No. 32-1965, an Ordinance establishing a Cumulative Capital Improvement Fund. Council President Deb Cain told the Council, as they discussed in the Budget Committee and in the beginning of the year and they were looking at all the funds out, not just the General Fund but all their funds and all their ordinances, this again was written in 1965 so it's over 50 years old and this also, they reworded it and made sure that they provided the City Engineer what they needed to follow requirements to state grants and funding while updating state statutory citations that were missing. So, again, she'll take a motion, Cain said. Motion was made by Councilman Brian Cowgill to pass General Ordinance No. 18-2021 to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilwoman Robin Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, and Brunner. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 19-2021 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 19-2021 by title only, an Ordinance establishing regulations regarding spending of the Economic Development Income Tax (EDIT) Fund. Council President Deb Cain told the Council, okay, as the Budget Committee approved this to come forward to the Council again a second time, it is to implement a specific ordinance to protect the spending of the LIT and assure that they are aware of expenditures as they are not, as this is not in the budget and this is discretionary spending so they desire closer supervision. Motion was made by Councilwoman Fouce that they pass General Ordinance No. 19-2021 to 2<sup>nd</sup> reading and public hearing as read. Motion was seconded by Councilman Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, and Stodghill-Weeks. Nay: Brunner, Fordyce, and Cline.

GENERAL ORDINANCE NO. 20-2021 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 20-2021 by title only, an Ordinance amending General Ordinance No. 41-2008, an Ordinance establishing a Rainy Day Fund. Council President Deb Cain told the Council, once again, as the Budget Committee met last month and they also brought this forward earlier this year, they are again bringing it forward by their vote. This is a Rainy Day Fund. The pandemic showed us the need for reserves and especially revision of this ordinance because to require a percentage of the balance to be maintained as emergency funding and building a significant savings account. As of June 30<sup>th</sup>, there was \$11,568 in this account. That's not even 1% of the



GENERAL ORDINANCE NO. 20-2021 Continued

city budget. If it is based on the 2021 city budget of \$22,000,000 then that 1% would be \$220,000+. So 1% of the 2022 anticipated budget of \$29,796,129, that would mean \$297,961.29 is 1%. So, it's important to have a Rainy Day Fund with savings that the city can fall back on. Councilwoman Robin Fouce asked Cain, would she outline what was amended? This is an amendment. Would she outline what were the specific amendments? Cain told Fouce, sure. The specific amendment is in Section IV but we are to roll in just an increment so in 2022, ending 2022, the balance would be 1%, 2023 – 2%, '24 – 3%, '25 – 4% and '26 – 5%, which that is what would always remain in the Rainy Day Fund as emergency funding, Cain said. Fouce asked, Madam President, is she ready for a motion and Cain said she was. Motion was made by Councilwoman Fouce to accept amended ordinance No. 20-2021 as read and as amended and pass that on to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilman Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, and Stodghill-Weeks. Nay: Brunner, Fordyce, and Cline.

Being no further business to come before the Council, motion was made by Luzadder, 2<sup>nd</sup> by Fouce, to adjourn the meeting. Before the roll was called, Councilman Jim Brunner said, Madam Chairman, he thinks it's appropriate on this date, December 7<sup>th</sup>, 2021, to remember what happened 80 years ago today. One of the darkest days in the history of our country. He thinks they need to take a moment of silence at this time for all the American soldiers who perished at Pearl Harbor. So if they could please do that, Brunner said. Council President Cain told Brunner, thank you for bringing that to them and let's have a moment of silence please. Brunner commented, 80-year anniversary. After the moment of silence, the meeting adjourned. Time being 8:14 p.m.