

REGULAR MEETING – MARION COMMON COUNCIL – DECEMBER 21, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 21<sup>st</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 December 7, 2021 were presented. On a motion by Councilman Jim Brunner, 2<sup>nd</sup> by Councilman Mike Cline, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilwoman Robin Fouce said she had the opportunity to attend the Board of Works meeting on Monday. Several good things happened. The Marion Police Department had five promotions, Larry Shaw to Deputy Chief, Jeff Wells to Captain, Jarred Reel, Sergeant, Mark Bonneau, she hoped she pronounced that right, and Michael Ross, Sergeant. These individuals have a mixture of tenure and they're looking forward to them doing great things in their new positions. These promotions arose in part as a result of retirements. Also, they had two outstanding officers, their duty was outstanding. They received an award. Scott Fletcher and Johnny Bosquez. There's a write up on the incident that they showed exemplary presence and they saved a life in that process. And so she does have that write up if they are looking for it. She would like to briefly summarize it. Officer Fletcher and Bosquez were dispatched to a reported suicidal subject. They found a male hanging from a rope in a garage. They cut the rope, released the male, and rendered life-saving CPR. The male was successfully transported to the hospital. So they want to commend these officers. Madam President, she doesn't know what she'd like to do further with that but that's certainly commendable work in the line of duty. That's heroic work she would say, Fouce said. Council President Deb Cain said she thinks, she believes that Chief Haley is here with the officers and if they would come forward, they would like to do that right now. Police Chief Angela Haley told the Council, this is Johnny Bosquez, Scott Fletcher. She's not going to re-read the designation. She did feel like it was appropriate to bring them before them. She brought them before the Board of Works yesterday to provide them with their awards. She will tell them that she's proud to say that she hired or had a hand in hiring both of these men. They're both committed to the citizens of Marion. They are both, in her opinion, future leaders on this department and she cannot thank them enough for the jobs that they do day in and day out. And work like this happens every single day in small little ways and those of them who have been in the Public Safety sector know this. Again, they deserve the thanks of the citizens of Marion, Haley said. Mrs. Cain asked the officers if they wanted to say anything, they don't have to. Scott Fletcher said he'll talk on behalf of both of them. They enjoy this job, they enjoy this career, and they enjoy what they get to do in Marion every day. He doesn't live in Marion but he loves to serve Marion. It is unlike any other place he's ever been. The fact that they can make a difference in such a little way like this, it's just their job but they enjoy it and they thank them for the opportunity for them to be officers for the City of Marion, Fletcher said. Ms. Fouce said, the continuation of that report, Madam President, properties at 2105 W. 12<sup>th</sup> Street, 124 Boots, and 521 Washington were approved unanimously by the Board of Works for demolition. Also a list was submitted from Code Enforcement, 2021 completed demolitions as well as things on the current demolition list or houses. She has a copy of that and she'll pass that around to all the Council members for their viewing. She tried to contact Code Enforcement, they missed one another today, to get the full scope of what this list meant. She's sure it did not include properties that they have (inaudible) or that are public nuisances. It would be of great interest to find that out too because we expend a lot of time and resource, trying to manage that, and so they want to keep track of that. She's sure Code Enforcement has some type of record keeping with that but it would be good for them (Council) to know that. So she will pass that around as well. They'll be electing new officers. This was the last meeting of the year and so there will be a new President and Vice-President if the board deems so. She appreciates the work of the Board of Works, appreciate them all. She has one more item in her reports. They talk about blight and blight is important to the success of our community. She asked Cain if she had those pictures that she asked her to post. Cain said yes, give her just a second. Fouce stated, so, they're working on getting blight addressed here in our community and, you know, they may or may not have heard her say that we currently have a broken system and that's not that people are broken. It's that our system is broken and we can and have good work to do toward fixing that, together. This is an observation that she's going to post. Cain told Fouce they're not coming up, sorry.

Fouce said she has three properties within eyesight of McCulloch Junior High School. She's disappointed and curious as to the status of these properties. Prior to her being in office, there were complaints and she worked with people in the community about these specific properties, as well as Code Enforcement and the Administration. She certainly, from Chief Angela Haley, she's gotten good response and she believes she's done what she can to try to help mitigate some of these complaints. They're in the 3400 of Selby. She has those pictures since she's not able to post those, and anyone wanting to see those, she'd like for them to see them. It's an example of we still have work to do to fix our community and to fix the blight in our community. And, obvious questions come up. What are we doing about it? Where are we in the legal process? Who's doing what regarding this? When is it going to be resolved? Some of them can be answered, maybe some of them can't, but we have to move toward that. So that concludes her committee report. Thank you, Madam President, Fouce said.

NEIGHBORHOOD MONTHLY SPOTLIGHT: Council President Deb Cain told the Council Nate Moore had been slotted to speak earlier and was not able to attend so he's rescheduled for tonight and he can come forward and speak to them about suicide awareness. Welcome, Mr. Moore. Mr. Moore is with the Veterans Administration, is that correct? Moore said, yes ma'am. Moore told the Council, thank you for having him. He just wants to kind of talk about the Veterans Administration and more importantly spread the awareness of services at the V.A. Marion is a fortunate city to have a big, beautiful Veterans Administration right here in the city. So what they want to try to do is they want to try to get as much help for the veterans who are not receiving services at the V.A. One of the things that they notice in the V.A. system is a lot of veterans don't know how to navigate the V.A. system which is a very, very complex, very difficult system. In this country alone, 20 to 22 veterans commit suicide per day in this country and out of the 20 to 22 veterans that commit suicide in our country, 16 of them are not being seen by any V.A. So they're not in any system, they don't know that they exist. So it's truly a community effort to get everybody involved. If you know somebody, if you see somebody, if you have a relative that's struggling, a veteran that's in crisis, it's all of our responsibility to make sure that we try to get that veteran as much help as we possibly can. He tells people all the time that this is the best time in the history of this country for veterans. There are more services available, there are more opportunities available. Veterans that came out of World War I and World War II and the Vietnam War, they didn't have the opportunities and the services that V.A. hospitals provide today. Today, there's absolutely countless opportunities and programs for veterans to get involved in. The biggest problem that V.A. systems across the country have is awareness, people just don't know. He's a veteran himself and he didn't get involved into the V.A. system, he was out of the service for 15 years before he stepped into a V.A. hospital. He just didn't know. And his brother is retired Air Force, just didn't have the information, just didn't have the awareness that help was available. So, that's what they're trying to do. They're trying to spread awareness. He talked to Robin (Councilwoman Fouce) at another event and she encouraged him to come and talk to the Council about opportunities for veterans. If they know somebody that's struggling, you know, they want to try to change the stigma. You know, veterans sometimes get a bad reputation because of mental health issues, because of drug and alcohol issues, because of PTSD and depression and different mental health issues so they want to try to change the stigma and try to get these veterans off the street into our V.A. system so they can get them some help. Is that beeping because he's going on too long? Council President Deb Cain told Moore, no, no, no it is not. Moore said he had no idea. So, that's what they do. He, himself, he's a veteran. When he got back from Desert Storm, he struggled and he had no idea. He didn't know what was wrong. He struggled with a lot of mental health issues, depression, PTSD, and struggled with drugs and alcohol for 20 years and he went to the V.A. here in Marion, friend of his, a veteran who he grew up with and a fellow classmate, high school, gave him a business card of a young man that worked at the Marion V.A., and he's from Chicago, Illinois, and he said call this guy, he'll help you. He picked up that 1,000-pound phone and he made that phone call and it saved his life. He's been here in Marion for 15 years, working at the V.A. for 15 years, and he's been clean and sober for 15 years and his life has changed drastically. And his mission today is just help as many veterans as he can because if somebody didn't reach out and help him then he probably wouldn't be here today. That's why he's here tonight. He's going to leave his business cards here. Robin asked him to bring some pamphlets and different information but his printer broke down just as he was in the process of doing that and he didn't have enough time to get all that stuff together but he does have business cards. Call him, email him, any time, day or night, and if they've got any questions, he will be more than happy to answer them for them, Moore said. Cain said, thank you, Mr. Moore. Are there any questions or comments?

Mr. Henderson? Councilman Steve Henderson asked Moore if he had any suggestions, he knows several people that don't go to the V.A. because they're too proud to go. Is there any suggestions he has that he can talk to these people or whatever? Is there a process that we can try to help these people because he doesn't know if that was his (Moore) situation was the same but he knows several that just won't go. Moore told Henderson, and that's true and one of the reasons is because they don't understand the system. The system is just not about mental health or drug and alcohol or PTSD. It's about employment, it's about relationships, it's about so many other different programs, you know, that'll help an individual. So, it doesn't necessarily have to be something that's tied to a stigma that's, you know, negative. You know, they try to get the veterans inside the V.A. and try to educate them on what they have to offer and it may be something that interests them. A lot of veterans, to answer his question, a lot of veterans are scared and they don't want to come into the V.A. because they don't want a stigma attached to them. But they have so many different programs and so many different educational opportunities. You can go back to school. He went back to school and got his Master's Degree. So many different opportunities, education, vocational rehab, job opportunities, relationship opportunities, well not opportunities but relationship counseling. But, just to help them in any aspect of life that they need help in. He hopes he answered his question, Moore stated. Several Council members thanked Mr. Moore for coming. Councilman Gary Fordyce thanked Moore for his service.

COUNCIL APPOINTMENT: Grant County Central Dispatch Board. Council President Deb Cain told the Council they have an application, Mr. Paul Thompson, III submitted an appointment application for the Grant County Central Dispatch Board. Regrettably, he could not be here in person as he is on duty tonight but sent this note. He said "Thank you for your confidence in me. I'm looking forward to be involved with the board for the improvement of GCCD for what's best for the citizens that we in public service are here for and the dispatchers are a very important role in what we do when someone calls 911." So before them is the application for Mr. Paul Thompson, III to be the City Council appointment to the Grant County Central Dispatch Board so she will take a motion. Councilman Mike Cline said, just a question. He presumes there's no statutory impediment about a sitting firefighter being on the Dispatch Board. He presumes that's okay. Cain told Cline he is going to be retiring. He retires at the end of the year. Cline replied, okay, fair enough. Councilwoman Robin Fouce then said, Madam President, she would like to make a motion that Marion City Council appoints Paul Thompson, III to the Grant County Central Dispatch Board. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None.

## UNFINISHED BUSINESS

### GENERAL ORDINANCE NO. 14-2021 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 14-2021 by title only, an Ordinance to vacate a portion of a public way (Historic Gallatin Square, LP). Philip Morton told the Council, thank you all for the opportunity to be back in front of them today. He does want to make one apology. Last time he was here, he believes he called it the Dan Mar. It is the Cecilian (sp?). He got his buildings straight this time so he apologizes for that mistake last time. His name is Philip Morton with Randall Miller and Associates, 145 E. Third Street here in Marion, Indiana. He's here about the alley vacation for this Gallatin Square Apartments project. He just wanted to reiterate and remind everyone that they're not closing the alley. They just need the alley to be in private hands so that they can put their utility meters inside of the alleyway. The alley will not be restricted. There will be some (inaudible) that protect the area but there's more than enough width so there will still not be any restriction through there and this will just simply take it off of the city's responsibility for maintenance and it will become Gallatin Square Apartments' land and their requirement to keep it maintained and free access and all of that. Morton told the Council, if they have any questions, he'd be happy to answer them and he thanked them for their time tonight. Council President Deb Cain said, okay, this is a public hearing tonight. Is there anyone that wants to speak for or against the vacation of the alleyway? Seeing none, she'll take a motion. Motion was made by Luzadder to suspend the rules on General Ordinance No. 14-2021. Motion was seconded by Brunner 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 Brunner to pass

GENERAL ORDINANCE NO. 14-2021 Continued

General Ordinance No. 14-2021 and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None.

Council President Deb Cain told the Council they have five ordinances that are set for public hearing and she just wanted to open up with these ordinances represent the Council's effort to bring transparency to spending of public funds. Currently approval of city spending occurs with little or no public attention. The discussions are during the Board of Works meeting held at 10:00 a.m. when the public is at work and they last minutes and at times, hundreds of thousands of dollars in expenditures are approved with hardly a question from a board member who is not elected. She believes that the Council should have final say on taxpayer spending as this Council is a branch of government charged with fiscal oversight. They are the elected officials closest to the voters and to the public. They live in the district, they talk to the neighbors, they answer their questions. They should have access to information and answers to their questions when it comes to how taxpayer dollars are spent. These ordinances change that by requiring the Administration to present the Council before spending over \$5,000, with a few exceptions. The purpose of these ordinances is to create fiscal discipline, transparency, and planning in the spending of government funds. Currently the Mayor has spent \$2,000,000 on a lawsuit chasing the possibility of recovering \$3,000,000. He's never had to ask for the authority to do so. They have no expectations from the passing of these ordinances to stop the completion of the lawsuit. It's too far along. But it is fact that spending this type of money on a lawsuit has caused their city to deteriorate. The funds used to pay Indianapolis lawyers could have been used for trash pick-up, neighborhood clean ups, tearing down blight. Instead, their city is a mess and needs cleaned up. These ordinances will allow the Council to impact how and where taxpayers' funds are spent. It will also allow the public to see how tax dollars are being spent. The Administration needs to answer questions as to how it is spending money more often than every four years at the ballot box. These ordinances require more involvement from the Council and the public. This is a healthy exercise of democracy for their city. There is a lot to do to clean up Marion and they need discussions on ways to accomplish this goal. These ordinances will help those discussions occur in public and with public input. Initially, this process could cause a slight delay in the way the city does business. This should be resolved quickly through planning. They also expect that these ordinances may only require a few minutes of time from the Council and the Administration in approving expenditures. It's worth that time and effort to bring light to just how taxpayer funds are spent. In the middle of a pandemic, with federal and state funds coming their way, prudence dictates that the local government take its time in spending funds. Just as Mayor Alumbaugh does not want another mayor to be able to misuse city funds, neither do they, today or in the future. These ordinances will produce the important discussions prior to the expenditures of taxpayer funds, not after the fact. Having public discussion at public meetings with public officials is transparency. It is the role of the Council to provide that transparency. These ordinances do that. Are there any other statements from the Council before they open up to the public hearing portion, Cain asked. Councilman Mike Cline said he feels like they are in "here we go again" mode. The actions and comments convince him that there are folks on this Council who would like us to have a legislative mayor, them, rather than the executive, administrative mayor that we're supposed to have. We can only have one mayor at a time. City Council is supposed to go over the budget before it approves it and turns it over to the city. The city comes to us, tells us what it wants to do with the budget, supposed to give us details, we're supposed to ask for details. We approve it, we say here's your money, spend it like you said you were going to. And there are things to do if they find that they're spending it in ways that they're not supposed to spend it. So if there's a problem with transparency, it's with the Council not paying enough attention at the front end of this whole project. (inaudible) point of these ordinances, the system is set up to where the city administration presents a budget, its spending plan explaining what it wants to spend it on, what it wants to do with the money, then the Council considers it and acts on it and eventually approves something. Maybe a little bit less, maybe it's what they turned in. And he believes, no matter how they tap dance around it, the point of all these ordinances is, except in maybe a few instances, although he doubts it, to make the city come back and ask for permission to spend money it's already been given permission to spend. To him, that's silly. These things ought to go up in flames. Thank you, Cline said. Councilman Brad Luzadder said, as one of the members of this Council who has been here for a number of years, it behooves them to look to the past. Under Mayor Mowery, when departments wanted to do work, they came before the City Council and got permission before in which doing so. During the Henry Administration, it was the Council

that struck into action when the credit card for the city was being abused, when a wedding ring was, an engagement ring was bought for the mayor's wife. And the Seybold Administration, this Council had looked at doing something exactly of this nature but at that time did not have the votes in which to do this. Former members of this body, if they had listened to them, they may not be in the situation which they found themselves in. So, this is what's been going on for the history, pretty much, of the City Council. It's currently going on in other cities, Ft. Wayne to be one that's out there. A lot larger but they come to their City Council if they're going to be spending large amounts of monies because they realized that the money belongs to the people and the elected officials are the ones that have to be responsible for that. So, this is not something new. It's currently happening right here in Grant County because the county, they have to approve anytime that there is an employment. When someone is hired, the County Council has to approve that hiring. They also have to come before them on a regular basis to justify the spending of monies. The Sheriff went before the County Council just recently in which to ask for more money for fellow officers, for the deputies, as well as needing money to upgrade their computer system. So, just because a budget is passed does not mean that it is free to be spent in whatever way they see fit. There are times in which any time that you're going to be spending large amounts of the people's money, he thinks the people should be the ones that have the opportunity in which to voice their opinion on and they are the elected officials who have been elected by the body in the six areas of the city, as well as three at-large members, and so they are held accountable for the finances of the city. And he currently believes that this needed to be done a number of years ago, and again, there was discussion about this. In fact, there was a meeting that was held up in the Controller's Office where they had taken the city budget, under Mayor Seybold, and if things had not been spent out of the budget, Council members went ahead and x'd it out of the budget because there was being monies that were being spent in ways in which the Council did not know. And in fact, he is a firm believer that the Council should not have to find out information from the radio or to read it in the newspaper. Unfortunately, that has been the way in which things have been coming down the pike and that is not the way in which it should be ran and so these ordinances are put into place and should have been put into place years ago to make sure that we continue to move in the right direction for the citizens of Marion. So, these ordinances tonight, he firmly believes are meant to help and he will tell them that people have tried to make this personal and he will tell them beyond a shadow of a doubt that it makes no difference to him who would be sitting in the mayor's position, the people that are getting ready to come into that office, makes no difference who they are. They still should be accountable to the citizens of Marion and the way in which to do so is by the duly elected legislative body that is answerable to the people at all times. And so he is in firm belief that this is the right thing to do and it is not something new. Again, it goes all the way back to Mayor Mowery. It just was never put into written form and documentation that that's the way it was going to be. This is the way in which to outline it so that they're able to help to streamline the situation and help us continue to get stronger as a city, Luzadder said. Councilman Brian Cowgill said he couldn't disagree more with Councilman Cline. The two years that he's been on, he's one of the newer guys here, he thinks when they pass a budget, you know, the Administration brings a budget to them. In each category, X amount of dollars, here's your bottom line. They can never add to it. All they can do is take away. So, when they do pass that budget, that money has been spent for things that wasn't lead to them to believe that it was going to be spent for. So, that has been going on. To him, that's not transparency. Transparency, he thinks this is a good thing. There was a number of cities that do this and he has found out recently that there were more cities than he had even thought that were doing it and it's becoming more of a norm and it's a checks and balances situation. He thinks that this is a good thing. Like Councilman Luzadder said, past, present and future. It just keeps everybody on the same page instead of people trying to guess and he thinks that it's not fair to the citizens when they're giving their tax dollars and it's not going for what they believed that it was going for. He supports this 100%, Cowgill said. Councilman Gary Fordyce said he would agree 100% with Councilman Cline. He doesn't know any Administration that has fiscally taken care of their finances better than this Administration. When they took office, we were \$4,100,000 in the red on the Insurance Fund. Today, we are \$860,000-some in the black. We have a cash surplus. We did not have that when they took over. We're in fantastic financial shape and he believes that he doesn't want to be a micromanager of the department heads, of the Administration, on the money once they approve the budget. Julie Flores and this Administration has taken care of the taxpayers dollars and he's heard from taxpayers and constituents that why do we keep running this Administration through this time after time after time? How many times are we going to bring these ordinances to the table? What if they don't pass this time? Are we going to bring them up again? How many times can you keep bringing these up? He means, if there was a problem with the spending, and he

6

would definitely agree if there was, like other Administrations, he would speak up and say yes, definitely, 100% behind ya. But this Administration, these department heads that have pinched pennies and got by with whatever Julie has set the budget to be and the Administration has set it to be has made this budget and this Administration and this city fiscally responsible, better than Mowery, better than Henry, better than Seybold. That's why we were in the position before this Administration took over and nobody did anything back then. But now we have an Administration and a budget Controller that has gotten us back into the black and they're still unhappy. He doesn't know what they expect to be truthfully honest with them. He means, \$4,100,000 in the red and in six years, we're almost \$1,000,000 in the black on the Insurance Fund. We've got a cash surplus. We didn't have that with Seybold. 12 years. Yeah, did he demo some houses? Yeah, but he took it from anywhere he could. So, he is totally, totally against every one of these ordinances. Some of them they can't even legally touch so he would oppose all of them again, Fordyce said. Councilwoman Robin Fouce said, Madam President, thank you. When you mention legality, she would be interested, and she thinks we've all requested that specific legal language when legality is mentioned. She wants to start with a quote from a friend of hers, Dr. Knight, who says all humans possess innate and intrinsic value that cannot be reduced. We are obligated to create spaces where people can flourish. Marion belongs to all of them. They can attack one another with ideals, even vehemently attack one another with ideals but they should not personally attack one another. This has nothing to do, for her, with personal like or dislike. This is about the business of the City of Marion. In her district, it's been marginalized and neglected. You know, she knows there's been work done before to help the community. She's charged with moving forward with that and doing better. Her experience has been, prior to the Council, having difficulty with the Administration, getting some things done in the community. She continues in that vain. Certainly they have made some progress but they have a lot more progress to make. They have a broken system. They have good people working for them and they need a better system to operate under. Previously, the mayor's refused to attend regularly scheduled Council meetings. That is an honest attempt for them to collaborate and work together and conduct business for the City of Marion. She has been told that the city employees cannot freely converse with members of the Council so she can't go to Code Enforcement as a Council member of the City of Marion. As an elected official, she can't go to a department head and they feel free to converse with her. They have to report back to the mayor everything that's said and if they don't, they are in jeopardy of losing their job. If that's not the truth, she'll be the first one to apologize and correct that. The Administration and the Controller have refused to collaborate and cooperate with this Council, with this fiscal body of the City of Marion. Every individual here on this Council is elected, as her cohort has said. They're elected by the people. They are the voice for the people. They speak to the people and they're here or we are here to carry that out. What person has the audacity to claim autonomous control over taxpayer dollars? These ordinances support a transparent process. These ordinances will foster an obviously logical process. Taxpayer dollars are not theirs (Council) or the mayor's. This fact is indisputable. The mayor should willingly collaborate and account for all expenditures. Any vote against these ordinances seemingly suggests there should not be a transparent account of taxpayer dollars. Thank you, Fouce said. Councilman Jim Brunner said he's said this before so he'll make it short and he agrees with every word that Mr. Cline said when he made his presentation. He thinks what we're about to do, either this evening or sooner or later, is decide once and for all how many people on this Council want to be mayor. He's said that before and he'll say it again. Council President Deb Cain said, Mr. Brunner, that is not.... Brunner said he's said it before and he will say it again. Cain said, that is out of line. Brunner stated, we're going to find out how many people want to be mayor on this Council. Thank you, Brunner said. Mrs. Cain told Brunner that is out of line. Councilman Steve Henderson said it seems rather incredible that whether you're a CEO of a company or running a city, they all pass budgets. But, they all have one thing in common that we don't have and that is a CEO or head of a city cannot spend millions of dollars without going before a board. Now if somebody can name a College President or a CEO of a company that can spend millions of dollars without talking to his group that runs that corporation, he'd like to know the name of it because he doesn't know it exists. But it exists here. Yes, we're making some progress, he understands that, but what everybody is leaving out, go to the state website. How much does the City of Marion owe debt right now? Can anybody in this room tell him? It's \$90,000,000+. They can go to the website and look. In 2020, at the end of 2020, it was \$103,000,000 the city had in debt. Nobody's talking about that. They're talking about little piddly things, they're not piddly but millions of dollars this city owes. Are we considering that when we're spending money on plastic coated picnic tables and other things that we don't absolutely need at this point in time? He's sure their law enforcement officers could use more money. He knows Building



7

Department could have used more money. He knows we could tear down more houses. And the biggest thing that we missed over the last six years is the millions of dollars that we have lost on our streets and roads. \$1,000,000 matching fund every year that we have failed to do one year in \$1,000,000, match. We could have had, just taking some money out of stuff spent, we could have had, he doesn't know, somewhere around \$4,000,000 or \$5,000,000 worth of new roads on our ground right now. But do we have it? No we don't. These ordinances are not any different from Ft. Wayne, Churubusco. Other cities around here have these ordinances and if we think we're too good to have them then we need to take the elephant out of this room because if you think there's an elephant in this room, you need to go back off of your safari and come back and go to work, Henderson said. Councilwoman Fouce said, Madam President, she omitted to mention that the city has yet to develop a working relationship with the Marion Community Schools. Our greatest assets are in our school systems and we need to consider how we, as a city, work with, yes she said work with the Marion Community School system. It's important, our kids are important. She wanted to add that. Dollars go toward that and so she thinks it's important. These ordinances help support better management and better strategy moving forward with how we work with our school systems, how we attack blight, how we develop better systems. We need more fire, we need more police. We need more first responders. They need to be afforded training. Right now, they can't train because they have to work their areas or the training is minimal. We need additional things for our city. Thank you, Fouce said. Mrs. Cain said, okay, before they move to Ordinances 15-2021 through 20-2021, which are all slated for public hearing, and in order to be aware of everyone's time, she would like set forth the following guidelines. They will have one combined public hearing for all five ordinances as they refer to fiscal spending of the budget and taxpayers' money. If there is a specific ordinance they wish to focus their three minutes on, then please give them the title of that ordinance, otherwise they will assume they are speaking in regards to all five. The agenda's on the podium for reference if they have not picked one up already so that they know which ordinance that they are speaking. When they come to speak, speak clearly, state their name and address. They have three minutes to speak. When they reach that time, she will inform them of so and they will be given 15 seconds to complete any statement. Respectfully, quickly, close their comments. There will be professional conduct in the audience and from the speaker. Those expectations are at all times and if any time she feels that is not being adhered to, a point of order will be called and they will be requested to relinquish the podium and/or necessary to leave the Council Chambers. Thank you very much. They are now open to public comment for those who would wish to speak. She thinks, she'll let them decide to wants to go first. Mr. Henderson has a question first, Cain said. Henderson asked, do we need Kathi to read those ordinances to put in the record? Cain replied, go ahead. That's a good idea. City Clerk Kathleen Kiley then read as follows: General Ordinance No. 15-2021, 2<sup>nd</sup> reading and public hearing, an Ordinance amending General Ordinance No. 38-1989, an Ordinance establishing a Cumulative Capital Development Fund; General Ordinance No. 16-2021, 2<sup>nd</sup> reading and public hearing, an Ordinance establishing regulations regarding spending of the General Fund; General Ordinance No. 17-2021, 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; General Ordinance No. 18-2021, an Ordinance amending General Ordinance No. 32-1965, an Ordinance establishing a Cumulative Capital Improvement Fund; General Ordinance No. 19-2021, an Ordinance establishing regulations regarding spending of the Economic Development Income Tax (EDIT) Fund; General Ordinance No. 20-2021, an Ordinance amending General Ordinance No. 41-2008, an Ordinance establishing a Rainy Day Fund. Karen Arland told the Council she is a partner with the law firm Kennedy Downs and Arland located in Carmel, Indiana. Council President Cain asked if she may ask a question, since she (Arland) is legal counsel. How much is the city paying for Ms. Arland to speak tonight? After a long pause, she said she just has a concern. She just has a concern. We have legal counsel on the city that's paid \$90,000/year and we have to pay counsel, legal counsel outside of the city to come to speak? Are we paying Ms. Arland to speak? Mayor of Marion Jess Alumbaugh said, we are. You guys said you wanted to hear why some of these resolutions were not sufficient. This is her expertise for many years for the State of Indiana. She's about to tell them that. Cain told Alumbaugh, we asked for a written argument. Alumbaugh said, it's public hearing. It's time to let the public know. Cain replied, okay, that's good and we would have done that tonight but can we, does she (Arland) have this in writing for us? Arland said, no. Cain said, we asked for it in writing if you were going to have a written argument, an argument from legal counsel. Alumbaugh stated, we had an email from your counsel asking for this information. This was the best person we felt to represent the city's take on this, to keep us out of liability issues in the courtroom. Because, he thinks

8

you've heard some say some of these are not, you can't do them legally. Councilwoman Fouce said this is a great example of what we're talking about. We're spending money to contract out legal advice or legal opinion and we pay a lawyer. No offense to her, ma'am, her efforts are appreciated but it's costing the taxpayers dollars. We have a counsel on the payroll. Even if you had advice (inaudible) him, fine. She could have given it to him and he could have handled it. Now the citizens have to pay for this. This is a fine example of one of her contentions with the process, Fouce said. City Attorney Tom Hunt said, Madam President. Cain said, just a minute. Mr. Cline and then Ms. Stodghill-Hill. Councilman Mike Cline said, okay, just for him, he doesn't know about anybody else but he is ready, willing, and able to listen to Ms. Arland and take notes. Cain said, no, she's not arguing that they're not going to hear. Hunt said, let him address that issue that Ms. Fouce just brought up. He's like their family doctor. You go to your family doctor for a wellness check, to get vaccines, to tell them your knee hurts, whatever it is. If there's a specific issue that he's not capable of handling because he's the family doctor, what does he do? Ms. Fouce, what does her family doctor do? Fouce told Hunt she's sure he'll let her know. Hunt said, no, he's asking her. Fouce said well she's not questioning, she's asking the questions. Hunt said, the doctor sends you to a specialist. Fouce stated, her family doctor would talk to a specialist and know how to repeat and disseminate that information to her. Hunt replied, no, no, you go see the specialist and that's what Ms. Arland has tonight. She's the foremost Municipal Law expert in the Midwest. They had 24 hours to answer Mr. Harker's demand about questions they wanted answered. That wasn't nearly enough time. She's here tonight to provide that information and he would hope that they would give her the courtesy of that explanation. Mrs. Cain said, well she's not, she's not saying that she cannot have the courtesy of the explanation. She just was asking a question, is the city paying and why, and thank you for explaining that. But also you had, they passed these ordinances two weeks ago and they knew that this public hearing was coming up. So they had plenty of time to have that information to them, just out of courtesy, but thank you. Ms. Arland, she may speak. Arland told the Council she has been practicing Municipal Law for nearly 40 years. For nearly six years, she was an assistant Corporation Counsel for the City of Indianapolis and Marion County. Following that, she spent over 30 years working in Municipal Finance and Municipal Law at the firm Ice Miller and for the last nearly two years, she has been a partner in the law firm Kennedy Downs and Arland. All they deal with is Municipal Law. So she's not the family doctor. What she does is Municipal Law. She would like to address each of the six ordinances specifically. Ordinance No. 15-2021 is an ordinance, it says it's to establish a Cumulative Capital Development Fund. Well the city already has a Cumulative Capital Development Fund and according to the records of the DLGF has had so since 2005. This currently has a tax levy and a tax rate. Under Indiana law, (inaudible) like the city are authorized to exercise any power that they have to the extent it's not prohibitive to them or granted to another entity. The Home Rule statute goes on to say that if there is a Constitutional or a statutory manner for exercising a power, prescribing a manner for exercising a power, the city must comply with that statutory or Constitutional power. The Cumulative Capital Development Fund, that ordinance that they have proposed is deficient in that it does not comply with I.C. 6-1.1-41 which is the state law for scribing the processes with which the city must comply in order to establish, re-establish, or amend a Cumulative Capital Development Fund such as the one before them. That process requires an initial publication of a notice, a public hearing at which the proposal is to be described for public comment and opportunity to consider it. It then requires submission of that proposal, after enacted by the Council, to the Department of Local Government Finance who will review it for technical accuracy. They will then, assuming that they find no problems with it, send a form of notice back to the city for publication to invite persons who may object to the establishment or re-establishment or amendment of the ordinance to file an objection with the County Auditor and only after the conclusion of any objecting period and a public hearing in front of the Department of Local Government Finance, if in fact sufficient taxpayers file an objection and the DLGF approves it is the Cumulative Capital Development Fund thus established. Because they have not complied with the statutory prerequisites for establishing the Cumulative Capital Development Fund, they do not have and will not have a valid ordinance with which to submit to the DLGF. With regard to Ordinance No. 16-2021, they have a similar concern with..... Council President Cain told Ms. Arland her three minutes is up. Councilwoman Annalisa Stodghill-Weeks asked, can we still hear her keep speaking? Can she continue to speak? Cain said, well if she does that, Ms. Stodghill-Hill, she understands the request but if she does that, she has to do that with everyone. Ms. Arland said she did indicate that she wanted to address each ordinance. Cain replied, but she has indicated that they have three minutes per speaker. Councilman Jim Brunner said, Madam Chairman, she allowed Mr. Munn to speak for 30 minutes about a broken down beauty shop last week. Cain said that was not on a public hearing, Mr. Brunner.



Brunner said he thinks they can listen to this lady. Cain said, Mr. Mayor? Mayor Alumbaugh said, why don't they just go down the ordinances and she can come up on each ordinance and spend her three minutes explaining why.....? Mrs. Cain told Alumbaugh they're doing the public hearing for all of them, not individually. Alumbaugh replied, okay. Let him say what they said to him, and this is where the problem lies. Cain told Arland she would really like to have her, if she would provide everything to them in writing and then they can have her come speak in the third reading. Arland told Cain she will have to get permission from her client, the Administration. She does not believe they will withhold that permission but the memorandum she has prepared is attorney-client communication and as their (Council) counsel knows and understands, that is privilege and confidential under the rules of the Indiana Supreme Court and she may not disclose it without permission from her client. But she does not believe they'll withhold it. Cain stated, okay, in these ordinances, even in the first ordinance that she spoke on, she did not define exactly what they were doing wrong because they have an old ordinance. They have an ordinance that is over 60 years old. Arland asked Cain, would she like her to address that? Councilman Brad Luzadder said he would just say they take it in writing and they'll take it under advisement. Councilwoman Robin Fouce said she agrees. Councilwoman Stodghill-Weeks said she's been ignored this whole time. Cain said, no, she was just going to get to her. Stodghill-Weeks said she feels she's (Arland) here, they have suspended rules many other times, she feels like she should speak. She would love to hear what she has to say before they vote. Fouce said, Madam President, she would like for her to submit what she has in writing, like their initial request, and give them an opportunity to look at it and consider it and do whatever follow up they need to that. Prior to this meeting, kind of like you said, these ordinances are nothing new. Someone just said, she believes Councilman Fordyce or someone said here we go again. Oh, Mike Cline said here we go again. So these things have been out here. Certainly she would want to hear any proposed illegality. They've requested those in writing more than once and she would like for them to request those once again and see if they could set something up moving forward to extract that information, Fouce said. Stodghill-Weeks said she would like to speak again, please. They're worried about the money being spent on attorneys yet she's here and they're going to make her come back for another reading or submit things in writing. She's here. Why can they not hear her out tonight? Cain stated, okay, she understands, she hears what she is saying but she also knows that these ordinances have a lot of state statutes in them and with her just stating them and without her (Cain) being able to look at them and read them and understand specifically what she is saying, she doesn't know what the answer is on those. Mr. Henderson? Councilman Henderson said he believes that if they were going to bring a lawyer in, they could have went to Debbie (Goodman, Deputy Clerk) and asked for permission to bring her in front of them instead of just dropping your hand on top of them. That's really, really disrespectful. Mr. Hunt said, Madam President, let him address..... Henderson said he's sorry, he's talking. He doesn't appreciate the comments that have been made in here about mayors and this and that and whatever. That's not what this is about. This is about the city and the money and if you think it's about something else then you just keep thinking it's about something else. It's about getting control, it's about getting control of what's going on here. Now, she could have been put on the agenda. She could have asked to have been put on the agenda. She wasn't. Everybody else that comes and speaks gets put on the agenda. Otherwise, they are not having a City Council meeting. They've already set down the rules. Anybody coming up to speak gets three minutes. Nobody said any comment about that. That's the rules. Now, are they going to break their own rules right here in front of everybody and let somebody go on for three minutes more, three minutes more, three minutes more? No. This is the problem. Nobody wants to listen to the rules, nobody wants to follow the rules. He's tired of people breaking the rules and nobody following the rules. The rule was three minutes. Now, that's in their Council rules. Cain said it's just in their procedure. Mr. Hunt said, Madam President, could he just address one little thing? Cain told Hunt, yes. Hunt stated, you don't get put on an agenda during a public hearing if you want to speak. Secondly, you all are very fond of using the word transparency. When you had your committee meetings, your Ordinance Committee meetings to draft these ordinances, why didn't you contact the Administration? They would have had Ms. Arland come and sit down with them and work through these. It would have been simple. But they didn't do that and they got blindsided by these. What are they supposed to do? They would have been happy to have Ms. Arland come and sit down with them ahead of time and shown them where the problems are. But they didn't afford them that courtesy so here they are. Let him suggest, let him suggest a compromise. Why don't they all table these, let Ms. Arland respond, they consider that response and then they come back at a later date after they've worked out the issues. He thinks that's the way to handle this. Not sit here and fight all night about it and fight about who's being transparent and who isn't. The reality is

transparency works both ways and they feel like there was no transparency from this body to let them know that they were going to bring these up again and address the same issues that were defeated about a year ago. They would have had Ms. Arland here working with them hand in hand to try and serve the taxpayers. But they're not getting anywhere tonight and he would propose that they would consider tabling all of this until she has an opportunity to show them what she knows and why she thinks and why they think they have missed the boat, Hunt said. Mrs. Cain said, okay, so in response and then she'll let Mr. Cowgill go. In response, the Budget Committee meetings are all public notice, they're public hearing. They put in the notice what the conversation is about. That was also copied to, that's copied to the city. Okay? These ordinances were on the agenda on December 7<sup>th</sup>. They were passed on December 7<sup>th</sup> to a public hearing. That gave the Administration time. That gave the Administration two weeks to prepare a response. They don't have to ask for them to do it in writing. If they knew that there was something wrong, they should have taken the initiative to write a written response or to let them know that they were going to have somebody come speak and can they please have a little bit more time for that speaker. Mr. Cowgill? Councilman Brian Cowgill said his only thing is, like where Judge Hunt had said that they'd only had 24 hours notice, that they were blindsided, that they would have no idea. Well, if that's the case, then how are they supposed to have five minutes of being blindsided and vote on that? Cain said she is reluctant, okay Mr. Cline and then she is going to finish. Councilman Mike Cline said, and the idea of transparency on both sides, he moves they table these six things, work together, get them worked out like everybody seems to say they want them to be and then put them back on the agenda. Councilman Brunner said, second. Fouce said, Madam, she did not call for a motion. That is out of order. Cain said that was not a motion. Cline said it sure as shootin' was. Cain said she didn't hear that as a motion. Mrs. Kiley said he said he moved to table them and Brunner seconded the motion. Fouce said, it's out of order, it's out of order. They're in the middle of a public hearing. Someone said they stopped the public hearing and Fouce said no they didn't. They need to continue on public hearing. Mr. Luzadder said they have a motion on the floor, there has to be a vote. Cain said, she's sorry Mr. Cline, she did not hear it as a motion. She apologizes. Can he restate it? Cline said he moves.... Cain said, or he makes a motion. Cline said he'll give her a motion. He moves they table these six ordinances, work together, as they say they want to, and bring them back. Motion was seconded by Brunner and failed by the following vote. Aye: Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: Luzadder, Cowgill, Fouce, Cain, and Henderson. Cain then said, okay, they will continue with the public hearing because she feels that they need to hear from the public also and so she would like to continue with the public hearing. You have three minutes. Please state your name and address. Richard Hart told the Council he has a written document and he would like to be able to pass it out to the members of the Council. Can he pass them out? Is that okay? Cain told him, yes. Just pass them down so he doesn't lose his time please. He said he'd like these people to have it too, the Clerk. Mr. Hart asked, when does he start? Cain replied, he's started. Take his mask down. Hart stated, his name is Dr. Richard Hart and he lives at 1018 N. Wabash in the City of Marion. They feel blessed to live here. An observation of our situation. In our system of government, the municipality's Common Council enacts legislation. After adequate discussion, the Common Council votes on the measure. If the majority agree to the legislation, the piece is signed and passed to the mayor who is the executive officer of the city. If the mayor approves the measure, it becomes law. If he disapproves and signs his veto, the legislation does not become law. We as a city have now watched elements of this process on the same ordinances for two years. The first time, the ordinances were approved by the Common Council and sent to the mayor for consideration. The mayor disapproved of them all and signed and dated his veto in January of 2021. Now we are having hearings for the same ordinances being considered by the Common Council. After our discussion tonight, the matters will be voted upon by the Common Council. If approved, they will go to the Mayor's Office. Since none of the wording seems to have been changed, it seems that when the ordinance comes to the mayor, they will be vetoed again. We realize that both the Common Council and the Mayor's Office want our city to operate smoothly. We know that they both each want to be sure that we hold one another accountable. We know that they both feel best served if they know what is happening in the city. Both the Common Council and the Executive Department want to know how taxpayer dollars are being spent. The Common Council apparently has been disappointed in the lack of information they are receiving about the ways funds are being spent from month to month. The Mayor's Office, however, feels that their questions, that is the Common Council's questions, are more aimed at invading the role of the Executive Department. And so, each group does their thing, seemingly against the other. Perhaps the ordinance that we should be discussing tonight is none of the ones that are on the agenda. Perhaps we should encourage the two divisions of our municipal government to sit together and create a

Financial Reporting Ordinance. Council President Cain banged her gavel and told Hart, go ahead and finish. He has 15 seconds. Hart said, in this way, the Common Council would know how funds are being spent and the Mayor's Office, through its various departments, would be able to present a quarterly report on financial expenditures that could also be printed in the newspaper. As he reads the ordinances, it seems that they were..... Mrs. Cain told Hart, thank you very much. Hart said, okay, that's it. Do they have any questions for him? There were no questions for Mr. Hart.

Jan Bowen – 1011 W. 5<sup>th</sup> Street, Marion – told the Council when these ordinances were brought up again this year, she decided to take Julie Flores up on her offer that she has made here to the Council many times and asked if she could go in and talk to her about it because, in her mind, the budgetary process shouldn't be very complicated. They all have to do their budgets in their households. Obviously a city is going to be more complicated than that but basically the premise should be the same. After they talked about it, she found out that obviously there are quite a few things that she didn't understand about how the city processes it but basically, the fact that the City Council has the opportunity from the very get go of getting a yearly process put together. You're able to go in and talk to the departments, you're able to see what they're going to do, they're able to hear your input. You are involved in it from the very beginning, all the way to the point where they, with the Controller's expertise, puts the budget all together, presents it to them (Council) and then they can approve it. At that point, then they turn that over to the mayor and the Administration for them to do what they approved. And so now, with these ordinances, it looks to her like what they're doing is they're just asking to reapprove what they have already approved in the first place. So all they're doing is creating inefficiency, they are creating a lack of trust, showing them they don't think that they trust them to do what they already said that they approve them to do. And the whole process seems to be out of kilter. They want to get into a process that is already, it's like they want to refix a problem that isn't broken. After she talked to Julie and was able to see what she's been able to accomplish since she's been here and pulled the city out of the financial problems that it was in in the past, it looks to her like if they would put things in the past that are in the past and that can't be changed and look forward to what they can do together, then that is the way that they can achieve what they want to achieve. Every Neighborhood Association President who has come here and talked to them has complained about the blight. And yet, the blight can be taken care of, she believes, if they work together, Bowen said. Angela Haley told the Council she lives on Ticonderoga and she would like to yield her time to Karen Arland. Council President Cain told Haley, and she is okay with that but she would also request again that Ms. Arland give them stuff in writing please. She has three minutes. Arland said, well she will point out that two of their ordinances, #15-2021 and #18-2021, can easily be fixed. There's a process. There's language that needs to be revised and rewritten, a process that needs to be followed with both of them but she believes those can be easily amended in such a way that the Council would be able to adopt them and she doesn't believe the mayor would be necessarily advised to veto them because they would comply with state law. Council attorney Martin Harker told Ms. Arland, in reviewing the statute that she provided, it appears that the process actually gives more public hearing and notice in addition to this. Arland told Harker, yes, yes, a lot of public hearing and notices and input and opportunity for objection on the CCD. Some of the other ordinances, the issue is that they are attempts to, for the Council to exercise executive powers of the city, which is contrary to I.C. 36-4-4-2, and there is case law on this which she believes Mr. Harker will tell them is distinguishable because it has to deal with a township but in fact the legal concepts are exactly the same. Under Indiana law, the mayor is the executive of a city and the township trustee is the executive of a township and the Council is the legislative body of a city and the township board is the legislative body of a township. The Court of Appeals has said, with regards to attempts to, by a township board to micromanage expenditures by the township trustee, that that is a violation of the Separation of Powers Doctrine which underlies their entire democratic framework from the United States Constitution on down. And therefore, they would advise the mayor that those should be vetoed. If they become law then they're probably going to be subject to legal challenge. Mr. Harker asked Ms. Arland, how does she square that with the City of Ft. Wayne ordinance that requires both preapproval and subsequent ratification on a city as opposed to a township? Arland told Harker, well as he knows, every ordinance, every enactment is deemed to be legal until it's challenged. She's not saying that what Ft. Wayne did was correct. Harker said, but the City Attorney for the City of Ft. Wayne has lived with that and has seen fit never to challenge it, correct? Arland replied, to her knowledge. She hasn't spoken to Carol about it recently. Cain said, okay, each time there's a question, she stops the clock but she is out of time. But she appreciates that she will submit everything to them in writing and that they can take this into consideration at the third reading.

Cindy Cunningham – 606 N. Miller, Marion – said she'd like to yield her time to the attorney. She'd like to hear what

she has to say. Mrs. Cain told Cunningham, they're not, they can't do this all night. Ms. Arland, is there really anything further, specific? Because she's going to submit to them in writing, is that correct, and she's going to explain what she just..... Cunningham said it's her time. She would like to hear. Cain said she's asking her a question. She's going to explain to them what she just told them so that they understand the specific code, state codes and the state statutes? Ms. Cunningham said she would like to hear what she has to say. If she submits it to them, she's not going to hear what she has to say. Cain stated, no, they will have it. She just told her that they will have it in the third reading. Linda Wilk – 1016 W. 5<sup>th</sup> Street, Marion – told the Council she understands that they don't want to drag this out but she really would like to hear what the attorney has to say. If it comes at the third reading then she guessed that's when they get it but if they're, again, wanting to make sure the public understands everything that's going on, she'd like to hear it firsthand, not later on. She means, tonight is when they're probably going to make a vote and so if they want to be completely informed and make sure they're (public) completely informed, she'd really like to hear what she has to say. Cain told Wilk, okay, she's pausing her time for a second. They will put this out for everyone to see it. She means, it is, the agenda is posted the week before the City Council and they'll put the documents with it. Mrs. Wilk said, okay, alright. Cain said she'll resume her time. Wilk said she's asking that they not move forward with plans to require expenditures in most line items and department head expenditures to be approved by them (Council) since the annual city's budget has already been approved by them. The time for them to determine expenditures is during the budget hearings and approval of the budget, which has already been done for the year. This proposed oversight is an unnecessary step, considering that since Controller Julie Flores and Mayor Alumbaugh has been in office, the Health Insurance Fund has gone from, and she's heard different statistics. She saw in writing \$4,200,000 in the Chronicle-Tribune. She heard tonight \$2,800,000, she heard \$4,100,000. Whatever it is, it's incredible that it went from that amount in the red to \$825,000 in the black. She thinks it's important to reward the Administration, especially Julie Flores, for the incredible work she has done to turn the budget deficit around. She understands there is a concern that the Rainy Day funds need to be increased and she would believe that given Julie's ability to turn around the health insurance crisis, that she can also improve other areas of the budget, given time. She doesn't see how adding this layer of control by the City Council would improve the Rainy Day Fund amount. She would ask that instead of increasing controls on spending, City Council members would work with the Administration to see how perceptions of the community can be improved. As leaders of Marion, it's imperative that a positive focus is placed on quality of life for all which is hampered with the ongoing infighting between the City Council and the Administration, Wilk said. David Cain – 4622 S. Carey Street, Marion – told the Council, thank you for the opportunity to speak. He thinks they're focused a lot in the wrong areas tonight. They're focusing on this Administration, and let him tell them, it's not just this Administration. It may not be this Administration at all. He served on the City Council for eight years. He was a two term President of the City Council back in his day. He had a lot of good mentors. When he was on the Council, one of those especially, a good friend not with us anymore, Mr. Don Penrod taught him a lot. He shared stories with him. And Mr. Luzadder, he's wrong when he says it started with Ron Mowery. He can tell them, the stories that he heard from Mr. Penrod, that it goes way back, way back, to Jack Edwards' days. Okay? They're talking before his time. But, there was problems of spending within every Administration. Now what can happen is the City Council can pass this budget but what he always liked to call, there was always slush funds out there that is available to mayors to spend. Now he's not pointing fingers at any particular Administration. He's not pointing fingers at this Administration. This could be past Administrations. But, when you can take those slush funds and you can go out and talk to a City Council person and promise them things to happen in their district by spending taxpayer money within that district by doing favors, paving streets in their district, tearing homes down in their district, to basically buy votes. That is morally and ethically wrong. Now here again, he's not pointing fingers at anybody. He is not. He's just telling them this has happened in the past. And it may continue, and they're not talking about this Administration. They're talking about 30 years from now. This vote tonight, if they table it, fine, it moves on, make the corrections. But when they vote for this, this needs to be voted on. There needs to be oversight. There needs to be transparency for the taxpayers to see exactly what's being spent and how it's being spent. Let him tell them, he's seen a lot when he was on eight years on the City Council. It wasn't pretty a lot of times and they could not figure out how to control the spending. They weren't smart enough back then. But here it is, it's right in front of them. Fix it and from here on, it will become transparent, Mr. Cain said. Former City Council member Henry Smith told the Council, to the President and the City Council, he's enjoying this and it is interesting because he was up here 20 years and enjoyed every bit of

it. This here is one of the things that does need fixing because he's not talking about the budget. He's talking about what's in the budget, how you rearrange things in the budget. He can put out say, just like a family in other words. You have a wife and a husband. The budget is \$20.00. She wants to spend \$19.00. So what are you going to do? You're going to say we gotta have a come together and talk about it. Okay? That's how you do it. But she's not going to spend all the money in there. The last time we had a tax increase was when the City Council had to get with the county. They came together to get the increase the local taxes. He voted on that, talked with the Council and everything. He voted on that in hopes of the majority of that money would go to the Police Department to have it fixed. Guess what? It didn't. It went to, in other words, the money went to whatever they call the courts. They took up a percentage of that. And so, that's what they're talking about. If you're going to put say okay a large amount of money goes one place, put it there. In other words, just don't come saying well we're going to put it there and then take it and put it somewhere else. That's transparency then. When you come before the Council, they want to know exactly where the money's going, before they say anything to get you voting on it and then after you vote on it, they put it anywhere they want to put it. And that's our greatest problem there, pertaining to the Council. People aren't, in other words, 100% honest. Once they got the budget passed, yes, you can take it and rearrange it, put it somewhere other than where it should be and that's what's happening, that's what happened in 20 years. In other words, it's going to continue to happen because there's nobody to be penalized. When you're not penalized, this is what happens. And so, basically speaking, it's not a big issue. We make it a big issue because no one wanted to give in and in other words, the Administration (inaudible) do whatever they want to, Smith said. Julie Flores told the Council her address is 1041 Branch Court, Gas City, however she is speaking on behalf of the City of Marion so she'll give an address as 301 S. Branson. She'd first like to address Mr. Smith's comments. The EDIT funds, when they came and asked for an additional appropriation, she listed several things they needed that money for. She has the minutes from that meeting. Nothing in those minutes ever said they were going to use it for Public Safety. There was discussion on body cameras, which Mr. Batchelor was very adamant about, and they did, in fact, put that in the EDIT Fund for the body cameras. So that's the first thing she would like to address. Second, she would like to have it on the record that it was said that the Controller was not cooperative. She would like for that to be on record that she has always been cooperative, always told everyone they could come to her office and so she's always had an open door policy. The bills that the Board of Works approve, every two weeks, are public record. People are welcome to see anything, it's public record, they don't try to hide anything. So in regards to these ordinances, she just wanted to address a couple of them. Ordinance No. 17-2021, which is amending General Ordinance 1-1996, that's the Insurance Fund. General Ordinance No. 1-1996 was amended in 2004, Ordinance 29-2004. The way this is laid out currently in 17-2021 is not how the Insurance Fund operates. The way this is written they would ask them to transfer \$5,100,000 of the General Fund in January. Unfortunately, they don't have \$5,100,000. If they did that, they wouldn't be able to operate until they got another tax draw so that, this just doesn't work. Also in 1996 when this was written, the city was not self-insured so this process may have worked back then. They are self-insured now. Anthem takes their invoice, their claim amount every week, they take that straight out of their bank account on Friday. They have no control over that. Just wanted to bring that to their attention. She would also like to speak now on General Ordinance 20-2021 which is the Rainy Day Fund. Where they ask them to every year put some, a percentage of the budget into the Rainy Day Fund. The only funds that can be transferred into the Rainy Day Fund are the General Fund monies because (inaudible) special distribution tax that can go into the Rainy Day Fund. Their financial advisors always have advised them that they need to have at least 50% cash reserves before they transfer to the Rainy Day Fund. She knows this because she had asked.... Mrs. Cain told Flores, 15 seconds. Flores said, she had asked for a couple of years ago to transfer the Rainy Day Fund and they said they don't have enough reserves. They need 50% reserves. So, this will not work, Flores said. Council President Cain said she believes they have somebody on Zoom that would like to speak. Do you want to unmute yourself? Lynn Johnson told the Council she's a former City Councilwoman. She lives at 533 E. Sherman Street and she's been listening to their (inaudible) and she's been involved in the budget process for quite some time. She's not involved at the moment, however, she has a few questions and suggestions and she would like to commend them on preparing these ordinances because, you know, as Mr. Luzadder said, that we have been through the past and she (inaudible) coming in from the past when you go looking through a budget that wasn't transparent for quite some time. (inaudible) They still don't have the answers to questions that they had about monies that were spent on the attorney for the lawsuit against Mr. Seybold. They took three years to figure out exactly where that money (inaudible),

that was \$1,500,000, and they knew that money was spent, through forensic accounting and through the efforts of the team so that they could actually pinpoint how that money was being spent (inaudible). So there's a lot of questions that we just don't know. They also know that we borrowed money, we borrowed \$2,000,000 to pay down the Insurance Fund, okay, (inaudible). And like Mr. Henderson said, we have an enormous amount of debt that's still not being brought down to a comfortable level that (inaudible) operation of the city. So, her ideas and her questions are to you, Council members. (inaudible) 2022, included in that current budget for 2022. Do they know where that taxpayer money is? Is that sitting in a retainer at that law firm? Do they know how much money they're going to borrow from the bond bank and how much money we owe the bond bank right now and exactly (inaudible) deficit (inaudible) in the last 12 years. Now if (inaudible) and you have to borrow money, that means you can't pay your bills. So, those are questions that they need to ask themselves but in these ordinances, they are (inaudible). They're able to bring a (inaudible) so that they can, so everyone can (inaudible).... Cain said, thank you, thank you Mrs. Johnson. Johnson said she wishes them all luck and it's good to see them all tonight and she hopes they have a great Christmas. Council President Cain said she's going to call a private, discussion time with her counsel, attorney. Mr. Harker, will he meet her in the back room please? Councilman Mike Cline asked, isn't he their (Council) attorney, not just hers? Cain told Cline, but she needs to ask him.... Cline said, just a question. He means, she said "her counsel". Cain said she said their Council attorney, to ask a question. Councilman Gary Fordyce asked Cain if she was calling a recess. Cain said, yes she is, five minute recess. After the recess, Mrs. Cain said thank you for understanding that she needed to have some consultation with their Council attorney on process and procedure. Sometimes that happens as President that you need that additional legal advice. So, Mr. Harker? Council attorney Martin Harker said, thank you Madam President. He would recommend at this point.... Cain told Harker, speak up please and discuss what she asked. Harker told Cain, yes, she asked about whether they should proceed at this point and given there's at least two matters that Ms. Arland, (inaudible) hasn't been able to check right now, that bring enough concern to table the ordinances. Certainly two of them but also the City Administration is willing to provide its input at a committee meeting on the second Council meeting of the month at 6:00 p.m. at which time the City Attorney and the Controller will be there to provide their input and Ms. Arland is going to appear by Zoom and provide her input at that time as well. He would recommend proceeding with that, Harker said. Cain said, what is that, that date is...? She'll bring it up. The date is January 18<sup>th</sup>. There will be a Budget Committee meeting at 6:00 p.m. with Ms. Arland by Zoom, the Mayor and City Controller to review the ordinances that were brought to them a couple of weeks ago, passed, and now they are hearing that there is some things that need to be reviewed. So that is how they will move forward with Ordinances 15-2021 to 20-2021. Luzadder asked, January 18<sup>th</sup>? Cain said, January 18<sup>th</sup> at 6:00 p.m. in the Council Chambers. Luzadder asked Cain, would she like that in a motion? Cain replied, so we are tabling these but she also would like the Council to be cognizant that Marion is of interest with the Indiana legislative, as she had a personal conversation, and she quotes, that they have been watching what has been happening because this needs to happen in many more cities. So if you will have those, she is suspending the, she's closing the public hearing and she's tabling General Ordinance 15-2021 through General Ordinance 20-2021 until January 18<sup>th</sup> to the Budget Committee meeting at which time they will hear from the Mayor, the Controller, and Ms. Arland. Mr. Cline? Mr. Cline said, point of order then. Is she now unilaterally doing what they voted down 5-4 to do earlier tonight? Mrs. Cain said, she will take a vote. City Clerk Kathleen Kiley asked, you want to take a vote? Cain told Kiley, yes. Cline told Cain, you don't have a motion or a second. Councilwoman Robin Fouce said, why don't you make the motion then, since you're calling it up? We'll receive your motion. Cain said she's making the motion to table the ordinances, 15-2021 through 20-2021. Kiley asked Cain, as President, she's just stating she wants to do this and she wants the Council to vote on it? Cain replied, we'll vote on it. Fouce stated, second to that motion. Cain said Mr. Cline wants to vote on it so they will vote on it. She has the right to table it but they will vote on it. Kiley asked, you want to vote? Roll call? Cain said, yes please. The vote was then as follows: Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None.

## NEW BUSINESS



RESOLUTION NO. 12-2021

The City Clerk read Resolution No. 12-2021 by title only, a Resolution of the City Council of Marion, Indiana approving statement of benefits and confirming declaration of an economic revitalization area for Bahr Brothers Manufacturing, Inc., Marion, Indiana. Charity Bailey, Grant County Economic Growth Council, told the Council she doesn't envy them all but she does hope that some time before the end of the year, they can reflect on all the things that they have accomplished as a Council so thank you again for their service. She's said that before and she appreciates their time. So tonight, she's here with Tim Street, he's the President of Bahr Brothers. Bahr Brothers is a family-owned and operated casting manufacturer. The company has existed in Marion since 1909 and their specialty is replacement (inaudible) equipment parts when a company needs a single part quickly and inexpensively. Tim is asking the Council to amend the company's tax abatement as he prepares to purchase a new furnace which will be more efficient so they're here asking for a five-year, 100% abatement, which will save Bahr Brothers about \$15,000 over the course of the next five years and allowing the lessening of the tax on the \$250,000 equipment, Bahr Brothers can use that money to help buy additional equipment, hire employees, or continue to modernize the plant. So there is definitely a benefit for the company. So currently Bahr Brothers has 46 employees and plans to maintain that number moving forward into the future and Tim is here to answer any questions they might have, Bailey said. Council President Deb Cain asked Mr. Street if he had any comments that he wanted to make or just take questions. Street told Cain just questions if they want. Cain said they already had a committee meeting to speak on this. Are there any questions from the Council members? Councilwoman Robin Fouce said, Madam President, as Chair of the Development Committee, they had a great conversation with Mr. Street regarding Bahr Brothers and the good things they're doing here in the city. They unanimously recommended in a favorable way that they move forward with this abatement. Thank you for all that you do and bless the holidays, Fouce told Street. Councilman Brad Luzadder asked Cain if she will accept a motion. Cain told Luzadder she will take a motion now if there's no other questions or comments. Motion was made by Luzadder to pass Resolution No. 12-2021. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None.

RESOLUTION NO. 13-2021

The City Clerk read Resolution No. 13-2021 by title only, a Resolution of the City Council of the City of Marion authorizing the Marion Municipal Airport Board of Aviation Commissioners (BOAC) to proceed with financing and contractual obligation for guaranteed savings contract in accordance with I.C. 36-1-12.5. Jim McKinney, BOAC President, told the Council over the last 38 years, it has been his intent and his desire to find ways to operate the airport as efficiently as they possibly can. One of their major expenses at the airport is in utilities. All you have to do is drive down Highway 9 at night and you see all the blue lights glowing. Since 2017, the cost of the electricity at the airport has gone up 47%. It has been his desire to find ways that they can more efficiently operate the airport and meet their needs for power and so consequently they had a discussion regarding solar energy at the airport. He's going to turn things over at this point to two gentlemen that have provided the leadership to the board regarding solar energy and the project that they're talking about at the Marion Municipal Airport. Jordan Ashley is his Administrative Assistant, Corey Harper, he's with the company that he'll tell them about, McKinney said. Jordan Ashley told the Council, members of the City Council, Madam President, as Jim said, his name is Jordan Ashley. In addition to serving as the assistant to the Board President, he also serves as the liaison to the City of Marion for the Board of Aviation so he's tasked with conducting all the day to day business between the City of Marion Controller's Office and the Board of Aviation. So the resolution that they have in front of them, Resolution 13-2021, is a follow up to Resolution 1-2020 which they came before this Council in February of last year to request Council approval for a request for proposals to pursue this very thing that they're preparing to be before them tonight to discuss. So, the resolution itself is requesting City Council approval to have the Board of Aviation pursue financing up to but not to exceed \$400,000 to pursue solar energy at the airport. As Jim mentioned, their budget has gone up nearly 47% in the last five years for electrical energy alone. What this solar energy project will allow them to do is more or less stabilize the energy cost at the airport for the next 20+ years, Ashley said. Councilman Steve Henderson asked, this solar system, solar panel system, what is the lifespan of that? Mr. Ashley told Henderson solar energy is new enough that actual lifespans (inaudible) have yet to be fully defined but their panels are guaranteed for the next 30 years. Henderson asked, and how much electricity will the

RESOLUTION NO. 13-2021 Continued

panels that they're getting produce? Ashley replied it's projected to produce almost 160,000 kilowatts annually. Councilman Jim Brunner said any one of the three of them can answer this or whoever wants to but the last year or so with COVID and everything, how have their number of flights been? Ashley told Brunner their flights have been steady if not increasing. They are continuously seeing visits from the major manufacturers in town. Just a few weeks ago, they had a visit from the President and CEO of GM, Mary Barra, and more recently, they've had American Woodmark, Wal-Mart, Meijer's have also come in so that hasn't been impacted at all. Councilman Brad Luzadder asked, can they tell him how much energy currently that they're using? Mr. Ashley said he'll turn this one over to Corey. Corey Harper said the system that they're producing generates roughly 160,000 kilowatt hours annually. That will offset the two largest meters on the accounts for the airport. They have about 14 meters across the airport, most of them very small. Two of the meters, the electrical vault and terminal building are one meter and then Hangar J is the meter right next to that. Those two meters alone cost them almost 78% of (inaudible) power usage. So this one array located on top of the roof of the building will offset 100% of the usage for those two accounts. So this project will offset roughly almost 80% of the airport's power cost. Mr. Henderson said when you have solar panels, you obviously have controllers and batteries. He knows what he knows with his solar system. Can he explain what is in this system and what is the warranty on the other pieces involved in that? Mr. Harper responded, so no, there is no battery system in this. They're utilizing what is called net metering so you are still connected to the grid, you're still connected to the meter. Obviously, solar doesn't generate at night. They will generate enough power through the array to offset 100% of the kwh usage and take advantage of what's called net metering. So in other words, volume in, volume out, but it balances out throughout the year. They have a guarantee on their system that is guaranteed in writing that until you receive the generation, they guarantee it. So, therefore, if they don't meet the production and they don't meet the savings that they promised then they write a check to offset any shortages. In 16 years, they've had one project, a library in Southern Indiana, that did not meet the guarantee. They wrote a \$700 check at the end of that year. The panel productions are guaranteed for a life of 25 years and they do decrease slightly. They've taken into account in the production, inverters and parts and labor, have other different warranties, five and 10 years on some of them, but their extended service contract, which is part of the cash flow that is put into this, covers full parts and labor any time they're under a service contract. So the financials that they see in front of them include a full service contract by their firm, approximately \$1,500/year, to maintain this system and keep up production in full, Harper said. Being no further questions or comments from the Council, Council President Deb Cain said she will take a motion. Motion was made by Councilwoman Robin Fouce to approve Resolution No. 13-2021. 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. Cain said she commends the airport for wanting to take this on to create their own (inaudible) and offset their expenses. Mr. Ashley said he's sure he speaks on behalf of Jim and the Board of Aviation by saying thank you. Mr. Harper commented, and he can tell them that this is probably the least amount he's ever said in a public meeting.

RESOLUTION NO. 14-2021

The City Clerk read Resolution No. 14-2021 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving and adopting items to be encumbered into the new year of 2022. Julie Flores, City Controller, told the Council a claim in a prior year can be paid in the following year if they have sufficient funds, which she has verified that they do, and Indiana Code 36-1-8-6 permits the appropriations to be encumbered for invoiced items and for unpaid purchase orders. Because COVID has had such an impact on their ability to get services done, they are now at a point where they need to encumber funds that they've appropriated. One example is they gave them an additional appropriation for cages for Animal Care and Control. They're not able to get anyone to get that done so they want to not lose those funds, they want to encumber those into 2022. She's asked the department heads to come in case they have any questions about the items that they are asking to be encumbered in this resolution, Flores said. Council President Deb Cain told Flores, okay, let her just verify a statement she just made, make sure she understood. She said that these are funds that were appropriated but they can't pay them because the service is not done. Flores said, right. Cain stated, but it's already in the budget. Flores replied, yes. These are not additional funds being spent. They are appropriations that are appropriated. They just are not able to get them spent and they don't want to lose them. So they

RESOLUTION NO. 14-2021 Continued

can carry those into the next budget year. Mrs. Cain told Flores, thank you, that helps. Any other questions? Being no response from the Council, Cain said she would take a motion. Motion was made by Councilman Jim Brunner to pass Resolution No. 14-2021. Motion was seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None. Flores thanked the Council and said she knows the departments will appreciate that.

RESOLUTION NO. 15-2021

The City Clerk read Resolution No. 15-2021 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving and adopting transfers of appropriation for several departments of the City of Marion, Indiana, for the year 2021, as requested by the department heads and forwarded to the Common Council for their approval and passage pursuant to I.C. 6-1.1-18-6. Julie Flores, City Controller, told the Council this code states that money be transferred from one major budget classification to another within the department. Again, these are funds that are already appropriated, it's not spending any more money than was appropriated in the 2021 budget. Throughout the year, they can make line item transfers within the same classification. Personal Services, Supplies, Other Services and Charges, and Capital Outlays are the four categories. Throughout the year, they can transfer within the classification. When they need to move classifications, 1's to 3's, they need to come and ask them for that to be done. So that's what Resolution 15 is and she'll, they've done this ever since she's been here. They do this at the end of the year, after all the bills are paid, so that they see what appropriations have been overspent and where they can cover that within the departments. So she'll entertain any questions they have on this, Flores said. Councilman Mike Cline said, so the money, the funds she's taking this money from are still going to be in good shape after she takes this money, right? Flores told Cline, but the appropriations do lapse so at the end of the year, whatever has not, whatever appropriation has not been spent, that just helps their cash balance. Cline asked, but this doesn't create danger in an old, in a donor fund? Flores replied, they're in great shape. Councilman Jim Brunner asked Flores to give them just an example of one that she would be doing this for. Flores said, Aviation, did they leave? They left? They have one for them. In their General Repairs and Maintenance, they had money available to cover operating supplies that were overspent by \$500.02 and their Buildings and Grounds were overspent by \$227.20. The General Repair and Maintenance had that amount of appropriation left that they could help cover that. Councilwoman Robin Fouce said, Madam President, the initial one is Controller so they allocated \$2,700 for a part-time position. Is she correct in saying that that money was spent on travel expenses and contractual services? Mrs. Flores told Fouce, the appropriations were, yes, they needed new computers upstairs and so that, they were able to use the unused appropriation in the Controller's budget to pay for those computers. Fouce asked, and that's already been done? Flores said, yes ma'am. Their Windows 10, their computers were not supporting Windows 10. Windows 7 was going away and so they had to buy new computers. Council President Deb Cain said, so under Board of Works, she thinks she (Flores) told them at one time that they went to a different phone system and that's costing a little bit initially upfront. Is she remembering that conversation right? Flores told Cain she had that same question. She said she thought the new telephone service was supposed to save them money so she was a little concerned about that too. She's actually thinking that they didn't budget correctly there. It's kind of hard to budget utilities. They never know what they are going to be. She did have that same question so she is having Danny, their IT guy, look into that. Councilman Brad Luzadder said, Mrs. Flores, and he's assuming with the non-reverting funds that they don't mess with, he's assuming that she has included those for their information. Flores said, she's sorry, which ones? Luzadder said it would be the non-reverting parks, non-reverting account, 211-000. It says from the Garden House expenses and Ballard Field expenses to Training Softball expense and Splash House concessions. Flores replied, so, State Board of Accounts never required them to budget for non-reverting funds. That was just recent, she thinks two years ago, so they've had to kind of figure out what a budget for them would look like. So these last two years are helping them to figure out how to better appropriate for the non-reverting fund. Does that answer his question? Mr. Luzadder told Flores, he guessed, he was just asking, with the Splash House, was that repairs on the concession stand? He's sure it wasn't excess of food that was wasted. Flores said she doesn't know. James, can he answer that? Does he know? James is here from the Parks Department. She doesn't know that he'll know the answer to that either. Luzadder stated, being a food guy, he's looking at concession and he's going concessions should be making money. Flores said the Splash House never makes money, it never does. She thinks

RESOLUTION NO. 15-2021 Continued

maybe this year they may have broke even or maybe made a little bit but it is not a moneymaker at all. She didn't mean to put him (James) on the spot. Does he know? James Loftis said it's a little mixture of both, some repairs, some of the concessions they do and then they circle it back in there. Luzadder said, so it was updated, the building? Loftis told Luzadder yeah and it still needs, in all honesty, they could probably drop another \$100,000 in there. He means, not right now, but yeah, they could do a lot of that stuff in there. Luzadder added, and he would just say that, as a food guy, concessions, he'd love to help out with that. He means, financially, that's what he does. He's offered, in the past, his services and looking at \$17,000, he thinks they could do much better than that and he would be happy to help. Mrs. Flores said, and again, Councilman Luzadder, it could be that they just did not, from experience, they weren't sure what to put in that line item. Hopefully they budgeted better in 2022. Loftis said, Alan Beck on their Park Board, he's helped them a lot with like planning and stuff like that too with his expertise. Flores asked, did she hear free, Mr. Luzadder? Luzadder told Flores, oh yeah, he would be happy to do it without any pay or hesitation. Councilwoman Fouce said, under Police, there is equipment repair for \$29,865.65. Is there any description on that, equipment repair? Flores said she thinks Angie (Chief Haley) left. She's sorry, she said it was under Police? She's sorry, the department heads asked for this so she's not apprised of what that is. She's sure Angie would let her (Fouce) know what those repairs were. Luzadder said, and out of Police and Fire, it looks like they are taking from the '77 Pension Fund. Is that usual that they would do something, isn't that normally already spoken for as far as...? He didn't know they could mess with pension funds. Mrs. Flores said, Paul (Fire Chief Paul David) left. Cain told Flores he's right behind her. Luzadder said because he knows the state took over some of the stuff, he thinks it was 1975, '77, they took care of some of that. Chief David told the Council, and to be honest with them, it falls upon mortality rate too, what they figure, the state figures an average of what the deaths will be and such and so they have.... It's kind of hard to budget that exactly. And Lynda Faw (Deputy Controller) is an excellent one to contact for that. She's the one that handles that for their department, he knows. Mrs. Cain said the Animal Control has a significant amount of money put into Contractual Services. Can she (Flores) give them an idea of what those contractual services are? Flores answered, she knows they pay the veterinarian. She knows they pay to haul dead animals away. She believes that's what most of their contractual services are. Cain asked, what's the, she said the veterinarian and then....? Flores said, there's a, in Ft. Wayne, they have to haul the dead animals away. Mrs. Cain stated, and the Local CEF on the bottom of page 2, is taking \$1,150 but putting in \$1,500. Is that, those don't balance. It's \$1,150 and \$1,500. Flores said, wow, she's surprised they.... She doesn't know which one is which. That was a typo, obviously. She's guessing it's supposed to be \$1,150 to education, \$1,150. The to's and from's should always equal so that was a typo so she'll correct that. Cain asked the Council, any further questions? Being no response, she said she'll take a motion. Motion was made by Luzadder to pass Resolution No. 15-2021, amended. Motion was seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None.

APPROPRIATION ORDINANCE NO. 4-2021 1<sup>ST</sup> READING (PUBLIC HEARING)

The City Clerk read Appropriation Ordinance No. 4-2021 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 so the Park Bond, typically the way that this payment schedule is, the payments are due January 15<sup>th</sup> and July 15<sup>th</sup>. Usually when there's a schedule like this, the January payment gets made in December and the July payment gets made in June. Since she's been here, the Park Bond has always been paid in January and July. The DLGF, for the last couple of years, has suggested that they get back on track and pay these things the way they should so 2021 only allowed for the January payment and the July payment. In order to get back on schedule, they need to make the January 2022 payment in December. Because there was not enough appropriation, they need to come for an additional appropriation. This was included in the budget on Form 4-B. It had a section in there for additional appropriations reductions so there was \$362,000 put in the Form 4-B budget that they were going to be coming to them for. It was also in the 1782 notice that she provided in their packets. The DLGF, on the second page, explains all of that and the need for the additional appropriation. So she'll entertain any questions they have on that, Flores said. Council President Deb Cain asked, so where does this money come from? Flores told Cain, well, believe it or not, they got more property tax money than they anticipated in the budget and more miscellaneous revenue so the balance,

APPROPRIATION ORDINANCE NO. 4-2021 Continued

almost \$227,000 she believes at last check when they wrote the ordinance. So, the June cash balance was \$176,688.76. December property taxes were \$239,391.06. Miscellaneous revenues were \$14,395.85. That was a total of \$430,475.67. They needed to pay the Bond Bank back in December, that payment was \$203,451.00 which left a balance of \$227,024.67. So that, they're asking for an additional appropriation for \$187,306 so that, that's the kind of worksheet she'll have to go through when she submits this to the DLGF showing that they do have funds to support the additional appropriation that they need. Councilman Brad Luzadder asked, and that's General Fund money then? Flores told Luzadder, it's a Park Bond, it has its own levy. It's its own stand-alone fund. Mrs. Cain asked if there were any other questions. She asked Ms. Fouce if she had a question, her mike was on. No? Okay, she'll take a motion. Councilman Jim Brunner asked, is this a public hearing? It says that on the agenda. Mrs. Flores said, she forgot to say, she's sorry, this can be passed in one reading. When the DLGF contacted her and said hey, this 1782 notice, she goes she doesn't have time to do an additional appropriation. He goes you do, as long as you advertise your meeting as a public hearing on the first reading, it can be passed in one reading. Thank you, Jim. Cain asked, does anybody want to speak from the public? There was no response from the audience. Cain said, seeing none, she will take a motion. Brunner asked, do they have to suspend the rules or how do they have to word this? Mr. Luzadder said they would have to pass, unanimously pass, in which to do so. Brunner said he would make a motion that they pass Appropriation Ordinance No. 4-2021. Luzadder said they have to have unanimous consent to suspend the rules, to pass it on first reading. City Clerk Kathleen Kiley asked Brunner if that is what he is doing. Luzadder stated, there has to be two votes. There would have to be two votes made. Cain said his (Brunner) is to make the motion to suspend the rules. Brunner said yeah. Kiley said, alright, she needs a second for that. Motion was seconded by Councilman Mike Cline 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 Brunner, 2<sup>nd</sup> by Stodghill-Weeks to pass Appropriation Ordinance No. 4-2021 and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Stodghill-Weeks, Brunner, Fordyce, and Cline. Nay: None. Mrs. Flores told the Council, thank you and she'd like to wish everyone a Merry Christmas. Councilman Fordyce told Flores, thank you, Julie, appreciate all the work she does. Merry Christmas.

Being no further business to come before the Council, on a motion by Luzadder, 2<sup>nd</sup> by Fordyce, the meeting adjourned. Time being 9:21 p.m.