

REGULAR MEETING – MARION COMMON COUNCIL – JANUARY 17, 2023 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 17th day of January, 2023 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

After the prayer and Pledge of Allegiance, Council President Robin Fouce said they want to thank Minister Gault. She wanted to mention that he is a retired U.S. Marine. He not only served his country but currently serves as the Brinker Heights Neighborhood Association President so they thank him for his service and they thank him for his presence here today. She said she wanted to take a moment, she would be remiss not to mention Martin Luther King holiday that they all observed and she wanted to take a moment to see if anyone on the Council had any quick words of reflection about Martin Luther King. Councilman Brad Luzadder said, Madam President, two years ago, he had the opportunity to head to Memphis and had the opportunity to go to the National Civil Rights Museum. He was totally blown away. He knew that Dr. King was a great man. His speeches were always on point. The neatest part about it was that he came to Memphis to support the sanitation workers and gave one of the greatest speeches that were ever, ever given. It became known as the Promised Land Speech that was never even supposed to happen. And he had given so much that when he stepped back from the podium, he literally fell into the chair. No one ever realized all the work that went in to the (inaudible), and in his mind, they had the opportunity to walk through the hotel, the Lorraine, and on one side, you saw the room in which the way in which they left it and then right out beside that door was where Dr. King was assassinated. He felt such an emotional feeling and he didn't even consider. He looked at his wife and she looked at him and they both had tears because he was taken down in the prime of his life. And, you know, everyone asks why do we celebrate? Because he's never, never had an opportunity to see, hear, or learn from a greater man who never put up any aggression. It was peaceful and, for him, that spoke volumes. That is one thing that he will never, ever forget, being able to go there and see. It was life changing, Luzadder said. Fouce said, thank you, Councilman Luzadder. Anyone else? Councilman Steve Henderson said the part he remembers is "I Have A Dream" and everybody in this room should have a dream for their city and they should have a goal set for that. And that part always sticks in his head, I have a dream. Councilman Mike Cline said, their four year old goes to, grandson, point that out quickly, goes to Little Giants Preschool. They didn't have school on Monday and it was a good opportunity to explain to them why they didn't have school on Monday and who the man was that they're supposed to be honoring. You know, it kind of brings it around if you have to explain it in terms that a four year old can understand and makes it a little more real. But yeah, it was a good reason to explain why you're not in school today and this is a guy worth paying attention to. Thank you, Cline said. Fouce said, thank you. Councilman Brian Cowgill said, yeah, Dr. King was, he means, boy, it's hard to even compare him to anything but he's probably the biggest civil rights leader in his lifetime and it amazes him that, you have to stand up for fellow human beings. We're all human beings. It doesn't matter the color of our skin, what religion, nothing. And he stood up for what just was right, just the way we should all treat each other and the fact that he gave the ultimate sacrifice doing that, it's just one of the saddest things in the world, Cowgill said. Fouce said, thank you. As a child, she went to Lincoln Elementary School, to many of them, it's now the River Church, and 2nd grade, 3rd grade, 4th grade, they had to write reports and Martin Luther King, for some reason, always garnered her attention. Probably until the 8th grade, she wrote reports about, every report was about something different about Martin Luther King. For some reason, he had that, for obvious reasons, he had that impression on her as a child. Growing up, she knows today, she's so grateful for his sacrifice of time and life and service and she says to everyone, we are his dream. She sits here today on the dream of Martin Luther King. We're living that dream now. It's been dreamed, now we live it. We have to walk in it. We have to mimic it. We have to carry it forward. She is that, they are that. That's her call to order for everyone. So thank you for the time because today we honor the life of Dr. Martin Luther King, Jr. Thank you, Fouce said.

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

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

Absent: Brunner.

Council President Robin Fouce said, approval of the minutes. City Clerk Kathleen Kiley said they need a motion to approve. Fouce said she'll entertain a motion to approve January 3, 2023 special meeting minutes. Motion was made by Cowgill, 2nd by Councilman David Cain to approve the minutes of the special meeting of January 3, 2023 and the

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motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Fouce said, now they'll have approval of January 3, 2023 regular meeting minutes. She'll entertain a motion for approval of that. Motion was made by Cain, 2nd by Cline and the motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None.

COMMITTEE REPORTS: Councilman Brian Cowgill said he attended the Board of Works meeting this morning, he's the new liaison there, and part of the meeting is Chief Haley swore in a couple of gentlemen. Before he does the rest of the report, he'd like for the Chief to go ahead and be able to introduce them. Marion Police Chief Angela Haley told the Council today during the Board of Works meeting, she had the pleasure of swearing in two new police officers. Officer Butche, she doesn't believe he is here right now, he just graduated from the Indiana Law Enforcement Academy and has started his field training with the Marion Police Department. This is Officer Darius Dora. Officer Dora actually came to us via Mississippi. He has a couple years of law enforcement experience before he came here. He served in Mississippi and so Darius was actually able to take an abbreviated Criminal Justice or Criminal Law course, Traffic Law course, and was able to test out so he didn't have to go the full 16 weeks down to the Indiana Law Enforcement Academy. He was able to test out and is actually working on his own currently, serving the citizens of Marion. It was her pleasure, last month she believes, to honor him at the Board of Works meeting. Darius has already been impactful in the City of Marion in that when he was with his Field Training Officer, Officer Nick McPike, they received word that there was a house fire. They responded to that house fire and without hesitation went into that house and assisted a gentleman who was struggling to breathe and struggling to even get up, assisted him out of the house, saving his life and stayed with him until paramedics were able to take over that man's care. So he's actually already saved somebody's life already in his very short time. So he has already proven that he has a heart for service and his young family, he's, we were lucky in that we had a Marion native that drug him back here. So they've moved their young family back here to the City of Marion and she hopes he has a long, prosperous career here, quite honestly. She'll let him say a few words. She's excited to have him here, Chief Haley said. Officer Dora said he's not going to say much. He just wants to say he's just glad to be here. Council President Fouce asked Officer Dora, would he honor them with a handshake? Chief Haley told the Council she'd also like to tell them he's very soft spoken. He's a soft spoken Southern gentleman and she's also already received compliments from a couple of citizens who he has dealt with. She's heard great things about him throughout the community already. Thank you, Haley said. Fouce said, thank you very much. Thanks for coming. Councilman Cowgill said, Chief, or Officer Dora actually, he's actually a retired firefighter here in Marion and he used to go in them buildings fully geared up and everything so the fact that he did that, he probably more than anybody in this room understands what he did and, man, he couldn't be any more prouder of him. His hat's off to him, sir. Thank you, Cowgill said. Fouce asked Cowgill if that concluded his report. Does he want to give them more on the Board of Works? Cowgill said, yeah, he's got some more, just a couple things. Also, Chief promoted Tim Pauley to Captain today and Richard Sisson to Sergeant today. So both those officers were promoted today and very proud of them as well. MPD talked about a lot of their SOP's. They're updating their SOP's and there's quite a few and that was all approved today to get their SOP's approved. They also had the payment of the bills approved today. They approved about \$2,800,000 without any questioning there. That was approved and that's really about all he has right now, Cowgill said. Ms. Fouce said, thank you, Councilman Cowgill, for that report. Do they have any further committee reports? Chief Haley asked, can she, just for the record, he stated that they're updating a lot of their SOP's. They're doing some corrections with terminology. Once those are corrected, those will be posted. They'll be updated and posted on the city website so the public can see what their SOP's are and the corrections or the changes that have been made to those. That's all public information, Haley said.

At this time, Councilwoman Annalisa Stodghill-Weeks told the Council she just wanted to bring this before the Council and as well as the citizens. As they know, we have some problems with landlords in our town, not taking very good care of their renters. This is something she is very passionate about. In the past year, she's really been working hard to get these issues addressed so she just wanted to tell them about a scenario that happened to her. On December 23rd, she received a call from a single mother. She has a four year old, a one year old, and a one month old and she hadn't had heat since December 22nd. She had called her landlord who was Hoosier Rental Group, formerly known as Blinn Enterprises, with the contact emergency number that's listed in her lease. No one answered the text messages, no one

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answered her phone calls. At that time, she (Stodghill-Weeks) reached out to the Building Commissioner, it was after 4:00 p.m. on a holiday, to see if there was anything they could do to help her. He did try to get a hold of the Health Department and the landlord, was unable to, so the only suggestion at that time was for the family to go to a warming station. She was not able to get to a warming station because the heater in her car had also went out so she was just in a bad situation. When she went over there with some help to see if they could get her heat going for her because her baby's toes were literally purple, the reason why the entire apartment building was without heat was due to the furnace filter. She doesn't think it's ever been changed by the landlord as they can see up here. It's a house and there's five units in it. There's one furnace and there's one thermostat and that's in Unit #2 and it controls the whole entire apartment building so that means no one had heat. As they can see by this picture, this is the one furnace and it doesn't look in very good shape. And while they were in the basement, they also noted that the electrical has serious issues too. So they have single moms and others that live in this building and they're putting their babies to sleep at night when there could be an electrical fire at any time. Right before the heat issue, she had noticed that an electrical outlet in her house was catching fire. She had to call the Fire Department. At that time, the Fire Department came, they had to shut off the electricity and told her she had to follow up with her landlord to get it corrected. They did respond to that but this was their fix. They also know she has three small children in her apartment and there's nothing protecting that socket for a child, could stick a finger in. We all, if you have children, you know they're curious. While they were down in the basement, they also noticed that there's a raw sewage leak. As they can see, it's just frozen where the raw sewage is just leaking into the basement. So when she arrived to help this family out on December 23rd, trying to get up the steps, she fell. As they can see, the steps are broken. The mom also had fallen on these steps when she was eight months pregnant carrying her one year old. This was something that she had put on her punch list given to the landlord when she moved in in August of 2022. As of January 5th, it still hadn't been fixed. Here's some more pictures of just kind of what this apartment looked like. Mind you, this mom had a very clean apartment. She had it decorated for Christmas. She looks like she's a really good mom but this is what she moved into, cockroaches, electrical outlets not covered, again on her punch list when she moved in in August, still nothing corrected. If we go down, as they can see, this is her door that enters her apartment where she goes in and out and there's a gap where cold air is just blowing through and then there's the step where it's a trip hazard coming in and out of her house. If we go to the next one, this is where she has a leak coming, because she's a bottom unit, from the upstairs. There's holes that were there when she moved in. If we go to the next one, you can see where they're trying to fix where there's gaps between the floor and the wall, they just put spray foam in there. There's also broken door jambs, broken pieces of the wall. You see where there's carpet missing and there's nails exposed. If we go down to the next one, this is her door frame to her front door and then the picture on the far left, that is an open vent in her bathroom. And then the next slide, we have, this is the fix in the bathroom behind the toilet, just a piece of wood and then you can see where this is an unsafe, some kind of wall, where things are falling off and nails are exposed. If we go to the next picture, this was taken when she moved in in August of 2022. You can see there's writing on the wall. That's telling her that this landlord's not cleaning the apartments nor are they attempting to paint in between renters. And when she goes to the in.gov website, according to Indiana law, the landlord must comply with all building and health codes and provide a safe and clean dwelling. The rental unit must be cleaned with toilets, furnaces, and windows working. Locks must be on every outside door or doors that lead to a common area, keeping rental premises habitable including maintaining the structural safety of the building and weatherproofing. These aren't being done. Indiana Code also requires a landlord to provide heat, water, and appliances. Additionally, landlords are required to provide sanitary plumbing and electrical systems. They have none of that. And Indiana landlords must provide an adequate amount of heat to rental units, not happening, and reasonable amounts of hot water. So she just wanted to bring this to everyone's attention that this landlord, they own quite a few properties here in Grant County. This isn't the first person that's reached out to her in the past year. She's had dozens upon dozens reach out to her. This is a problem and this is something that we must fix. It is not okay for people to live this way and it's not a crime to be poor and you should always have a safe place to lay your family down at night, Stodghill-Weeks said. Council President Fouce said, and we all should be upset and disturbed by what we just witnessed. She said there was a one year old and a how many month old? Stodghill-Weeks replied, a one month old and a four year old. Fouce said, a one month old and a one year old in the sub-below zero weather and they were living in, on our watch because it's all of our watches, in these conditions and we have to start here in Marion, taking a stand. She thinks they've done some things but we have to have more intention toward resolving this matter and improving

the quality of life of our citizens, not just some, all citizens. Thank you, Councilwoman Stodghill-Weeks, for that report. Councilman Brian Cowgill said, yeah he just, that was unbelievable. That is so unacceptable. It's unbelievable that a family is living like that. Something needs to be done immediately about that place. There's a lot of things that we deal with that people don't know and he just wants to commend Annalisa. He hopes she doesn't mind but he's going to because he was proud of her but when she got there that night and saw them babies like that with their toes purple and everything, instead of saying, you know, I'll do something about this, I'll talk to people and everything, she took that family to her own house that night and fed them, kept them warm and safe until they could get back in there with some kind of heat or whatever. So he commends her very much, Annalisa. That shows her compassion. That's ridiculous. You know, he doesn't know where to start, Mayor, if that's, he doesn't know what department but thank you for being here tonight, Mayor, and he's glad that he was able to see that too. That's ridiculous thought, and thank you, Annalisa, Cowgill said. Fouce asked, do we have any further comment? Councilman David Cain said, Madam President, this is one of many across the city. He personally knows of several people living in absolute squalor. Some of it's their own fault, some of it's not. People that live in homes where they have special rooms for their dogs to urinate and defecate in and they never clean it up but that's part of their house. They turn on the lights in the kitchen at night and the cockroaches scurry. This is how people are living. Like he said, some of it's their fault, a lot of it is not. We've had this problem for years and it's continually, it's getting worse. It's not better, it's worse and we need to step up to the plate. Thank you, Madam President, Cain said. Fouce said, you're welcome, thank you. If there are no further comments, we'll move forward.

COUNCIL APPOINTMENT: Marion Redevelopment Commission – Council President Robin Fouce told the Council next on the agenda, we have Council appointments. She requests everyone on the Council to refresh themselves on the Council rules. It's always a good thing at the beginning of the year to be refreshed and be reminded of what their Council rules are. She will make a recommendation for the Marion Redevelopment Commission, as well as she's made her recommendations for the other committees and liaisons. The one that they need to vote on is the Redevelopment Commission and she'll make a motion, per her recommendation as President, that Robin Fouce, herself, and Deb Cain are appointed to the Redevelopment Commission. Councilman Brian Cowgill said he'll second. Fouce said it has been moved and seconded that Robin Fouce and Deb Cain be appointed to the Redevelopment Commission. Any discussion? Councilman Gary Fordyce asked, do they have to be Council people? Fouce told Fordyce she doesn't believe they have to be Council people. Fordyce said, just a question. He wasn't sure. Fouce said, no, they don't. So what we have here is a mix of Council as well as community. Any further questions or discussion? Barring no further discussion, it's been moved and seconded, we'll take a vote. Roll call, please. Vote was then as follows: Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Fouce said, thank you for that. Also she will forward to them this evening and submit to the Clerk the additional committee and liaison assignments and she thanks them all for their support regarding that matter. They'll move on to New Business. Mrs. Kiley?

NEW BUSINESS

APPROPRIATION ORDINANCE NO. 1-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 1-2023 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. From the EDIT Fund to Dam Removal the amount of \$255,000. Mike Graft, City Engineer, told the Council what they see before them tonight is a culmination of several years, kind of getting to this point. Obviously, it's a dollar figure. It's not the total dollar figure obviously that the dam will, that it'll take to remove the dam. In their packets, they should have received other contributories to that, DNR and Fish and Protection Program. But before they kind of get into this, again, this started several years ago and it actually started with this gentleman right here. He came to him with a concern, as many of them have had over the years, about the safety of the dam and as a DNR Officer, Officer Nearingdner came to him and said what can we do? I don't want to have to revisit this and pull, be a part of pulling someone out from the dam as it takes another life. So, just real quickly, he wanted to introduce them to Officer Nearingdner from DNR. He's the one that actually got them going on this and then he's going to introduce somebody

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else before they go a little bit further, Graft said. Officer Nearingardner said, thank you. Actually he can't take all the credit for this. He attended a Grant County Soil and Water District Conservation meeting here in Marion and speaking with those individuals and those, that group of individuals are the ones that really wanted to spearhead this and sitting in their meeting, they just, as it came up on their agenda, they were talking how he believe they'd reached out to the city, he's not sure who they'd reached out to but wasn't getting much of a response so he said well let him see what he can do so he called Mike and they met down at the dam, as he explained. He remembers him asking him point blankly, what do you have in this and he said well, that thing scares me to death, just due to the public safety risk that it poses, not only for the public but also the first responders that have to respond and those incidents that obviously have been documented. But not just here in Marion but across the state. So Mike went back to the city and said he'll see what he can do and the next thing he knows, there's a meeting with Mike and the Mayor's Chief of Staff, the Soil and Water District here in the county and then fast forward four years and here we are now with some money already appropriated through some grants and asking for the rest of the money now. So that's been pretty much his involvement in it, Nearingardner said. Mr. Graft said, so, as John said, we started off with the Soil and Conservation, that was for the initial feasibility study to find out if there was going to be any interest because obviously the funds are substantial. They have limited funds with the city. Then as time actually progressed, he believes Marty can attest to this, was is last year that Indiana State Legislation came up with the House Bill that they have before them, discussing the low head dams which kind of prompted them even more to expedite it because, as they go through this process, they a lot of times will get mandates from the State of Indiana that are unfunded. Well this is a typical unfunded mandate to get rid of a low head dam. So, not really, he's not going to take much of the credit for getting the grants. He's very grateful to have some good partners. Dr. Jerry Sweeten, who some of them may know, has been incredibly instrumental in finding the grants, doing the paperwork, getting the right people in place and getting the funds and getting all these people on board. He means, when you start talking, even from the Indiana Department of Natural Resources, \$100,000 from them, that's big stuff. Then FPP of another \$325,000, incredible. So, they've been very fortunate and he thinks that they're ahead of the game because, unfortunately, if they're not doing it, the state will eventually, he's not saying whether it'll be in his lifetime or not but the state will come down, they'll remove the dam. They'll hand the City of Marion a receipt for removing it and we'll have to pay 100% of it. So, they're trying to stay ahead of the game to get these funds. They've got it in the bid process. It'll be bid February 4th and at that point, they don't know what the time frame. Obviously, it'll be weather condition on when it can be removed. But, Jerry, could he kind of come up and just give them a little bit of how he processed to get the (inaudible)? Mr. Sweeten told Graft, absolutely. Council President Robin Fouce asked, could he please state his name before them please, for the record? He said he's Jerry Sweeten and so he's been working with the city and Mike, helping to oversee the securing of grants from the Department of Natural Resources and from the National Fish Passageway Program that has a big interest in trying to remove low head dams. So, the sequence of events now, funding is mostly in place with the exception, he thinks, here, and then they have all of the permitting completed. That involves several agencies, it takes a long time to get that done. Then as Mike mentioned, there will be meeting with the potential contractor soon and then that bid will be let. The next thing that will happen will be later in the summer, either late summer, early fall, depends on how much water's flowing down the river, they want low conditions to take it out. The water will be released slowly from behind the dam. They're not going to use dynamite. Fouce asked, we don't get to see that? Sweeten said, he knows, he's always wanted to take a dam out with dynamite. Councilman Cowgill said he thought he was just going to put Mike up there with a hammer. Graft said, it wouldn't take much. Sweeten said, actually, they thought about that. So, the water will be released slowly, they call it a staged release, and then once the water's released, equipment will move in, break up the concrete, haul it away, recycle the concrete and the river will return back to what it wants to be which is a stream. And at that point, well they have a joke. When fish swim upstream and they hit a concrete wall, they say "dam". And so the fish will be happy. So, ecologically, the river will be in better condition but also, and he thinks most importantly, no one's going to get hurt, Sweeten said. Graft said, thank you, Jerry. So, this is where they're at. Tonight, he's obviously asking for the funds that were originally talked about when the EDIT was discussed in the budget, he wasn't here for that. So he's seeking those funds. He'd be glad to entertain any questions that they have this evening and then move it on, at their pleasure, to 2nd reading, Graft said. Council President Fouce told Graft, thank you for your cooperation and forwardness in sending them the additional information. She will open it up for discussion. She'll acknowledge

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Councilman Cowgill. Councilman Brian Cowgill said, Mike, he just wanted to thank him and Officer Nearing and Mr. Sweeten, all of them, for coming together for this because this is something that, man, he's been wanting that thing out, you know. He was lucky enough, their team actually pulled a couple of kids out of that, alive, but there were other times when they weren't so lucky. He doesn't know if they at DNR refer to it but firefighters and police across the state, they call those the drowning machine. That alone, the name of what they call it tells you how dangerous it is. He appreciates all you guys' work and he's looking forward to having that out of there, Cowgill said. Fouce said, any further questions, comment? Councilman David Cain said, Madam President, just a comment. The Charles Mill Dam has been discussed, he thinks, he doesn't know how many mayors back. When he served on the Council under Ron Mowery, they discussed it then. They discussed it under Bill Henry. He doesn't know if Mayor Seybold discussed the dam. But we had a plan, we had a plan in place under Mayor Mowery, also under Mayor Henry he thinks, that was going to be a price tag of \$500,000 to replace the gate and we kept kicking the can down the road. He thinks in this particular instance, he thinks it's paid off because we would have spent \$500,000 and now, 20 years later, we're going to tear it down, we're going to tear it out. So, that's one of those instances and it's a rare occasion that if you kick the can down long enough, maybe it'll pay off. So in this instance, he thinks it is. This will be certainly an improvement and a safety, safety, you know, when that water boils over that dam and if you happen to get caught in that, in that current, you can't get back out, Cain said. Mr. Graft said they have an average cost of maintenance of it of about \$24,000 a year so the payback in 10 years of what you're going to, what the EDIT Fund will do will have paid for itself. Ms. Fouce asked, any further questions? Mr. Cowgill said, he's sorry, Madam President, he has one other question. Like we're getting all the funding now and then you're talking about the bid process going out. So are they going to have to meet that price tag? Graft told Cowgill, well, he means, obviously, when the numbers were put together, you have an engineer's estimate so we have a number in mind and they feel pretty comfortable. Dr. Sweeten has looked at it. He's seen several of these. So they feel pretty comfortable but they're living in a time where, you know, increases have changed but he thinks, he means, for the most part, they're not buying parts and pieces. They're demoing. So demo doesn't really change other than labor cost and labor cost has not come up substantially as, if they were to put in a new gate, obviously, if they looked at it two years ago, that gate's probably doubled in cost if they were putting in a new gate so that removal is going to be a lot cheaper than doing something like that. So he doesn't foresee, from the initial engineer's estimate that they did, it changing. It may change slightly but he thinks that through the grant and what they're asking, he thinks they'll be okay, Graft said. Fouce said, thank you for that. Any further questions? So will he come back to them before the bid or after the bid she should say, Fouce asked Graft. Graft told Fouce, well so, the second reading will be, second reading and public hearing, yeah, it'll be before the bid because the bid's the 4th. Fouce said, thank you. Barring no further questions, they've heard explanation of Appropriation Ordinance 1-2023. Councilman Mike Cline said he'd like to move they pass it. Fouce told Cline she didn't ask for a motion. Cline said, well he's going to give her one, if he may. Fouce said, Appropriation Ordinance 1-2023, first reading, she'll entertain a motion regarding this ordinance. Cline said he moves they pass this ordinance, 1-2023, on first reading to 2nd reading and public hearing. Motion was seconded by Cain. Ms. Fouce said it has been moved by Councilman Cline to pass to 2nd reading, public hearing and seconded by David Cain, Councilman Cain. Any discussion? Barring no further discussion, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Mr. Graft told the Council, thank you very much. Councilman Gary Fordyce told Graft, thanks Mike. Fouce stated, that motion passed so Ordinance 1-2023 will go to 2nd reading, public hearing. Next up, Appropriation Ordinance 2-2023, first reading.

APPROPRIATION ORDINANCE NO. 2-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 2-2023 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. From the EDIT Fund to Friendship Park Project the amount of \$300,000. James Loftis, Street Superintendent, told the Council, first of all, he wanted to commend you for being a leader so thank you for doing that. A lot of people do that. We talked a couple times (inaudible) just afraid to take that extra step so thank you. But really, the Friendship Corner, it's to the point where, like they've talked before, it's either going to be fixed wholly or they're probably going to have to shut it down, just from a liability. It's in pretty bad shape, that surface, and the quote they have, they're going to honor

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it. They got it back in August, they're going to honor it for them. They're tentatively scheduled to do this in May, early May, depending on the weather. He's not real sure exactly how long it will be down to do this but it's, it's their most used park in their park system, by far. It's a beautiful park, it's a beautiful park system, but it's been one that's been just let go. And that's the bottom line, that's the truth, it was let go, like a lot of things they've inherited from previous. It's to the point where they can't band aid it and what they're going to do, for that amount of money, is they're going to resurface the whole thing. It's going to come out, they're going to repour it and it'll be like new. So he thought that was the best way to go with that. Councilman Mike Cline asked, what's the surface going to be, like it is now, the cushiony? Loftis told Cline, absolutely. Council President Robin Fouce said, one moment please. We need to let him finish and then she'll open the floor for questions, if you would please. Loftis said, okay, he's finished. Fouce said, from henceforth, you know, address the President and she'll recognize you and we'll have a little order to our meeting. Thank you. Councilman Cline, we're ready to go forward. Cline said he answered it. He'll ask it again, just to keep it in line, what's the surface going to be compared to what they have now? Loftis replied, it's going to be the same surface, it's a two-layer system. If they'll notice, if they walk through, some of it is softer than the other and it's got to do with (inaudible). It's the same kind of system. It's kind of poured in like concrete. It's actually a pretty neat process. He will say it is one of the only parks that we have that once we go into the surface, we don't have the equipment to fix the surface. He can fix everything above ground. He just can't fix below ground. That's where they got into some of the problems. They tried to fix it in the past, left holes, water, vandalism through the years. It's just been let go and that's just being totally honest. Once this is done, they have a maintenance plan in place. Every five years, you apply a polyurethane coating to it. And he didn't put that in his email because it is a little older quote from 2021 but it's a 15,000 square foot play surface so it's just rather large and with that polyurethane coating, if they were to hire out the company, the installer to put that in, it would cost them \$63,000 every five years to coat that. The way it is now, he thinks they can get the buckets of polyurethane themselves, they can clean it, they can take the week with his guys, they can get that in, at a cost roughly of about between \$9,000 to \$11,000, depending on the rate of stuff going up, which they're all at the mercy of that, but somewhere in that region. So with them doing it inhouse, the polyurethane, they can save that cost over the years. But the problem was, when it was first put in, it was never done. It was put in and that was where she went and we're not going to do that. Once it's in, they have a maintenance plan in place. He does have two certified playground instructors on staff now. They didn't have that for a lot of years. So that is a plus, Loftis said. Fouce asked, any further discussion? Councilman Brian Cowgill told Loftis, he wants to commend him too, James, on being a leader. Just like that right there, the maintenance program, he means, that's going to save us \$10,000 a year, you know, \$50,000 over five years and he knows he personally has done a lot of other things like that to where he's done it inhouse and where he stepped up to that. So he commends him on being a great leader, James. Does he feel like this quote is in line? Does he think this is a fair quote? He has no idea, Cowgill said. Loftis told Cowgill he does. Everything he's kind of seen through the past, it's been one of them, kind of like a (inaudible), not every place has it. Some of them are single layer, some are double layer. We're the double layer so it's a bigger one and it's actually fairly close to what they installed it to. He means, it's a little more than the initial cost with inflation and all that good stuff going up but it's in the ballpark, Loftis said. Cowgill added, and he likes the fact that they're honoring his quote from October because, like he said, this day and age, a lot of them would have said well, now it's this cost. Loftis said, absolutely. Councilman David Cain said, Mr. Loftis, he was somewhat shocked at the \$300,000 price tag. He was talking to Jim Brunner the other night at one of the ballgames and they kind of discussed this. His recollection, and his (Brunner) was too, that during budget talks, he (Loftis) had mentioned this and going to redo the groundwork there but they thought he had mentioned a figure of \$100,000 at that point. And so when he saw this at \$300,000, he thought wow, this is three times the amount that they had discussed earlier. Did he interpret that right back then when he said \$100,000 or was he pulling that out of that air and didn't really have a quote at that point, Cain asked. Loftis told Cain just a part of that's true, not that any of it was false what he just said but part of it is true. If you only did, like take it down to the first inch of that, resurface it that way, it was only \$100,000, right around there, \$150,000. But to do it correctly, they (inaudible) so massive across that playground, that that's the best way to do it, he thinks, is to take it out and redo it. Cain commented, gotta do it right. Loftis said, absolutely. That way they're not continually.... Cain said, so he has a quote in hand at this point. Can a copy of that quote be forwarded to all of them? Loftis answered, absolutely. He sent an email out. Fouce said, that's the quote from Miracle Playgrounds of Indiana.

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Cain said he did not get that. Fouce asked Councilman Luzadder if he had a question. Councilman Brad Luzadder said he was just going to say, James, if anybody else would have stood before him and asked for this amount of money for a playground, he would look at them and go, yeah, right. But he knows his passion and when he came to them, he was direct with them and if we're going to do it, we've got to do it the right way. And so, because of him, he trusts him. His word is great and the actions in which he's seen put forth has been done correctly with everything in which he has his hands in. And so, he's going to give his support to the project, not only for it to benefit the community but because of the work in which he and his gentlemen have done and his workers have done in that area and he (Loftis) earned his respect and he wants him to know, he's doing this because he thinks it's the right thing to do and because he (Loftis) has taken the time and researched it, he trusts every word in which he has said. So thank you very much, Luzadder said. Mr. Loftis told Luzadder, thank you, sir. That means a lot. Council President Fouce asked, any further question or comment? In reviewing this, she believes he perhaps received her request for additional information regarding Appropriation Ordinance 2-2023 and she did not get it. They do have that initial quote from the manufacturer but based on the dollar amount, she believes they're legally required to open a bid process for such a financial undertaking and so she would not want to vote or make a decision. Certainly, they want to meet their needs. She appreciates him, James. It has nothing to do with questioning his integrity but there are steps to this expenditure and she believes waiting for the bid process, receiving that and going through the proper channels to get that done then coming back before them to seek their approval is the proper thing to do. Counsel, would he have anything to say regarding such, Fouce asked. Council attorney Martin Harker said, no, she's correct. He believes the bid threshold is \$150,000 which triggers a requirement. As far as a matter of timing, it's the Council's choice whether to appropriate the money now or after the bid process is completed. Councilman Cain said, Madam President? Fouce said, yes? Cain said, and one thing that he will mention, that, you know, even though, if they do decide to open up and take bids, they're not required to take the lowest bid. They're required to, of course, study the bids but pick the best bids for our needs. So with that being said, if that company is what we feel is the best or what he (Loftis) feels is the best, then that's the one you choose. Even though there might be one that's \$15,000 or \$20,000 cheaper, it may not be one that fits our needs. So, he'll interject that comment, Cain said. Ms. Fouce said, absolutely, this is not a no. This is just us meeting our obligation and then revisiting it with everything done. So, she'll entertain a motion to, what do we do, table this to Budget Committee or pass to 2nd reading and get the bids? Will we be able to get the bids that soon? Cain said, Madam President, Mr. Loftis, does he have companies to reach out to quickly? Loftis told Cain he does not. He went with Miracle because they're the original installers and they get all of their playground equipment from them. All the (inaudible) they've put in through the last two years, they've just worked directly with them so that's why they went right with them because they knew what we wanted and everything. He'd have to actually research some more. He knows there's some out of state and he's sure that cost goes up, the more they travel. But, he can actually, it doesn't hurt him to do the more legwork, Loftis said. City Engineer Mike Graft asked, can he interject something real quick? So, this is not new to him, this process, the bid process that they're talking about. He'd be glad to sit down with James, write up the bid specs. They'll get them advertised and basically just shoot out a webmail because if you don't know who the players are, you can't specifically try to point to them. So they'll get that best case scenario to whoever they can using the means media wise. But, again, if it's non-responsive and you get one bidder, but you've done your due diligence. So he'll be glad to sit down with James because that process is kind of new to him, sit down with him, they'll draw up the specifications, they'll get it advertised and they'll go from there. Cowgill asked, can they have it done within two weeks? Graft said yes. We'll have to advertise it. It takes, once we get it in, you have to advertise it twice. Fouce said, so, she thinks they can pass it to 2nd reading, public hearing, and if they have that information for them, they're still on the timeline for their process but it's paramount that at that second reading that that's submitted by the deadline for the Council agenda, those bids, if any, and then they can move forward with 2nd reading and public hearing. Would that be agreeable, Fouce asked. Okay, she'll entertain a motion. She's sorry, did she want to speak on it? City Controller Julie Flores said, if she could. She was just going to say, just because he didn't have the bids at this time, we could still move forward. We're still going to need the appropriation, no matter what the bid is. That's all she was going to say, so thank you. Fouce said, so they will move forward and she will entertain a motion regarding #2-2023. Councilman Brian Cowgill said, Madam President, he makes a motion that they pass Appropriation Ordinance No. 2-2023 on to 2nd reading and public hearing. Motion was seconded by Councilman Mike Cline. Council President

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Fouce said it's been moved by Councilman Brian Cowgill, it's been seconded by Councilman Mike Cline that they move forward to 2nd reading and public hearing on Appropriation Ordinance 2-2023. Any discussion? Councilman Luzadder said the only question he has, Madam President, would be the \$300,000 is a maximum that we're looking at so, as long as we stay underneath that price tag, this body should have no problem supporting it. So, if that's the way that he is reading it, we're allotting \$300,000, doesn't mean we have to spend that. So, that money is there that then could be worked on even through the bidding process, Luzadder said. Ms. Fouce said, well she doesn't want to pigeonhole us in to any dollar amount. She wants to get the bids. We'll still be moving this forward and we'll look at what we get and we'll go from there. We'll consult with James, he does great. She likes his work and she appreciates him. It's nothing to do with him. It's just we want to meet our responsibility. But she doesn't want to be pigeonholed to any dollar amount. That's what the bidding process is for. At that time, we may arrive back at \$300,000 and that'll be what we arrive at. So, any further discussion? Fouce said it's been moved and seconded regarding Appropriation Ordinance 2-2023 for 2nd reading, public hearing. She'll entertain a vote. Roll call please. Motion then carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Fouce said it has passed thank you. Loftis said, thank you guys, have a great night. Councilman Gary Fordyce said, thanks, James.

APPROPRIATION ORDINANCE NO. 3-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 3-2023 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. From the EDIT Fund to Heating & Cooling the amount of \$127,000. Julie Flores, City Controller, told the Council this is a request for funds, appropriating the EDIT Fund, for the heating and cooling bill. This is a lease that began back in 2012. They've been paying this out of the EDIT Fund since 2017. She believes they submitted the invoice as well as the payment schedule from Capital One so she'll entertain any questions they have, Flores said. Council President Robin Fouce said, Controller Flores, thank you for that discussion or that explanation. With this, she additionally, in addition, requested additional information supporting this document. While she believes they got some, she doesn't believe they got what they asked for. This is a lease instead of a bond that you advised and she actually asked for the, gotta look and see what she asked for, amortization schedule regarding, she stated bond but it would be the amortization schedule regarding the lease. Today, she (Flores) submitted, around 3:30 pm, 4:00 pm, a schedule of payments but she doesn't believe it fully encompasses the amortization schedule that we have on Gateway. And so, would she care to explain that, Fouce asked Flores. Mrs. Flores told Fouce the amortization schedule she provided them was from Capital One. It's not the amortization schedule, it's a payment schedule. They have to put their leases and their bonds in Gateway. Unfortunately, the leases are combined with the bonds, the way they have to report those. There is an amortization schedule. It's not from Capital One. It's something that we created off of that schedule so it looks identical but the schedule she gave, payment schedule she gave them is from Capital One. The amortization schedule is something we created. Fouce said, that's fine, that's what she asked for regarding this matter. She thinks, excuse her for a moment, regarding this matter, she asked for the amortization schedule. Their goal here is efficient, informative process that they have. They don't want to go back and forth and be combative about basic information that should be or could be requested and rightfully should be received. She actually went into Gateway herself. She (Flores) did send her a schedule of payment from the bank, however, the amortization schedule in Gateway lends a little bit different detail for them and maybe just a simple question that could be answered and they could move forward with it. But for her, what she saw is, she doesn't want to take over before everyone gets a chance to discuss but she'll start with this because, you know, it is will they continue this or will this be tabled? She'd rather not table it. She talked to the mayor today about it. She gave him her word, even though there was a late submission of information. She wanted them to do business, she wants them to move forward, but they cannot do that without adequate information. They have a right to be informed to make the decisions that they are called upon to make regarding money. On Gateway, it says in a particular area, debt rating. It talks about that. It specifies the source of payment. They're here today about an appropriation that was submitted out of the EDIT Fund, approved in the budget out of the EDIT Fund and submitted. On Gateway, what's put in Gateway, she said she herself submits that. It says source of payment, property tax primary. TIF revenue, no. COIT, no. Motor Vehicle Highway, no. CAGIT, no. Stormwater

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revenue, no. CEDIT, no. Electric revenue, no. Water, wastewater, grant revenue, other, no. So it implicates that the property tax will be paid, that this funds will be paid primarily out of the property tax. Would she explain to them, do they have that option of choosing it out of the EDIT, just to clarify that. Also, in the amortization... Flores asked Fouce, can she answer one question at a time please? Fouce said, sure, let her finish her statement. Let her finish her statement. Flores said she hopes she remembers her question. Fouce said she believes both schedules talk about the date, the principal, the interest rate, the interest, period, capitalized interest, fiscal total, lease payment amount, and the remaining balance and it's a running schedule that is provided on both. Mrs. Flores said she was not here in 2012 when that got uploaded. They, the leases that she uploads look exactly like the payment schedule that the people give her. So, whoever, she doesn't know who was here in 2012 that uploaded that lease schedule and why it does not look like the Capital One lease schedule. She cannot answer that. She will say again that the lease payments that they put out there in Gateway, that is really for bonds. Unfortunately, they have to upload the leases that way too. A lot of the things don't apply to the leases that that particular form is asking for. It's asking for a QSIP number, cuspis (?) number, she forgets, but it asks a lot of things that don't even pertain to leases. Unfortunately, that's what they have to upload for the state reporting. Like she said, she did not upload that schedule. She doesn't know why it doesn't look like the Capital lease schedule. She thought they would want the Capital One actually from 2012 and that's why she gave them that. She believes that's probably more accurate because they send the bill. She would assume that that's going to be more accurate than whatever was uploaded into the Gateway System. They upload those but she honestly does not go back to look at those after they're uploaded. Only when they're retired does she go in to Gateway and say they're done paying this one, Flores said. Ms. Fouce asked Flores, so she hasn't uploaded or we have not, as a city, uploaded since 2012 regarding this particular lease? Flores told Fouce this gets uploaded, when you enter into a lease, you put it out on Gateway and then put out the payment schedules then. So, this payment schedule from Capital One came first and then whoever was here in 2012 that's obligated to upload into Gateway the bonds or the leases entered that into there. And no, they don't go back and look at those until the debt's paid off. Fouce said, so her question is, she as the Controller have not uploaded to Gateway regarding this in particular, or the City of Marion hasn't uploaded to Gateway regarding this in particular since 2012? That's her question. Mrs. Flores said this got uploaded in 2012 and it only gets uploaded, the schedules get uploaded once and you just go out and verify that yes, this is still their debt. She assumes that's the, she doesn't want to assume anything, she assumes she (Fouce) went out to the debt schedule on Gateway, so all of those debts are out there all the time. They're out there until they click them off and say this one's paid for already. So when it got uploaded in 2012, no, she hasn't looked at that particular debt, only to know that it's still ongoing. Fouce asked, so is that no, she has not uploaded to Gateway regarding this? Flores replied, she has not uploaded this one. She has uploaded bonds that we've done and leases that we've done since then but this one, she did not upload, no. Fouce said, okay, thank you. Pardon her for taking that time. She thinks this was important for all of them to consider. She'll open the floor for discussion regarding this ordinance in particular. Councilman Henderson? Councilman Steve Henderson asked, is it possible to go back in and revise that and change that so it matches up with what we're currently using? Flores told Henderson she's never done that. She could attempt to see if that can be done. She doesn't know what the state would say about that if they look at the amortization schedules, she doesn't know if they do, to ask why it was changed. It's been since 2012. They've budgeted for it in the EDIT Fund since she's been here. So, it said property tax. Like she said, once that gets uploaded, they don't revisit that until the debt schedule says are these still active? They verify that these are still active or if they've been paid off, which there's a couple bonds that she thinks will be paid off this year. They just go out there and check those off that those are complete, the payments. Fouce said, thank you, Councilman. Any further question or discussion? Councilman David Cain said, Madam President? Fouce told Cain, sure. Cain asked Mrs. Flores, this is for heating and cooling. Do they have an actual lease agreement spelling out what services are rendered for this money? Flores told Cain she's sure there's something somewhere. Cain asked, do we have a file? Do we have a physical file that somebody that signed a lease back in 2011 or 2012? Mrs. Flores said she's sure the janitor or, what does she want to say, the maintenance people probably have it in their files. She has the agreement from Capital One that was signed by, she believes they saw, Jonathan Perez signed the one she provided today. Cain said, well he would think that that would be an important document that should be kept somewhere or scanned to a file. Flores said, sir, she thinks she's told him before, Councilman Cain, they don't always get all the contracts upstairs. She's asked for that since she's been here that they

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get those. They don't always get them. She wasn't here in 2012. She can't answer where that paperwork is. Cain told Flores, okay, understood, understood. Flores said she's sure the maintenance people have that because they have to call Johnson Controls quite often and they're very aware that it's a lease and it runs.... Cain asked, so, what does this encompass? This building itself or multiple buildings? Flores said she thinks it's this building. Cain said, just this building? Flores told Cain she believes so. Cain asked, does anybody know? Council President Fouce asked, how do we know if we don't have that original paperwork? Mr. Cain asked, yeah, does anybody know? Fouce said that's kind of what we're trying to discover here today. Flores said she has a heating and cooling bill that's due in March and she doesn't know what happens if they don't pay that. That's all she's here, trying to get the payment. Cain said, he's not saying they're not going to pay it. Flores said she's trying to get the payment appropriated. She doesn't know anything about what it encompasses. Cain said he guessed when he pays a bill at home, he knows what he's paying for. It's shocking to him that they're paying \$126,000 or a total of \$1,300,000 and we don't know what we're paying. Flores said, sir, she's pretty sure it's for the equipment that's in this building. Cain told Flores, she said she thinks it's for this building and it probably is but..... So maybe we could contact the cleaning people and see if they've got it in a file. He would think that would be something important that we need to have. He'd like to see that. Flores said she just wonders why this has not come up before. She's just curious. We've been doing this since 2017. It's a lease payment. It's not anything that's made up. We need to pay the bill. Mr. Cain told Flores he doesn't believe this Council has ever seen this bill of \$126,000, have they? Flores told Cain, you've never asked for the bill but it's been in the budget since 2017 under the EDIT Fund. She went back and looked today, it's been there. Cain said, okay, no further questions. Ms. Fouce said, Councilman Cowgill? Councilman Brian Cowgill said he agrees with Mr. Cain, he's not saying we're not going to pay the bill either, we need to pay our bills. To answer her question of why this has never come up, he'll use the same logic as her, he wasn't here in 2012, he wasn't here before. He's here now. Flores said, it's been in the budget.... Cowgill said, excuse him, so, he's just saying, you know, we're just trying to be really, look at, so that we're aware of what we're paying since we're responsible for it. He means, he knows they put together a budget, we okay it, they go from there. But, there's been questions and he didn't think this was a big question, you know, what does this encumber and, you know, why are we paying this and he thinks it's appalling that she, as the Controller, has asked people for the contracts and they haven't given them to her. That's ridiculous. She should get everything that she's asking for as a Controller and so he thinks that's an issue in itself, Cowgill said. Fouce said, thank you, Councilman. Any further comment? Councilman Henderson? Mr. Henderson asked, so at this stage, is it possible that we can look for this or get a copy of that so we can see it? Is that possible? It has to be in somebody's file somewhere, hopefully, and if it's not, what do we do? Fouce asked Flores, does she have a response? Flores told Fouce, no ma'am, she doesn't. Mayor of Marion Jess Alumbaugh asked Fouce, would you send me an email with the details of what you're looking for specifically and he'll send it on to this company and see what they can provide and he'll ask them for documentation. Fouce said, happy to do that, Mayor, thank you for that. She thinks she expressed to him earlier, their goal here is just to do good business. We're at a place where we need to understand what and why we're paying for what, where we are with it, and do that assessment. We need to understand how much is in the EDIT Fund, what paying this bill or \$600,000-something worth of bills, what will that impact be or the balance be in that fund. For this particular, she wants to know have we ever paid it, Gateway eludes to it should be paid out of the General Fund. Have we ever paid it out of the General Fund or have we always paid it out of the EDIT Fund? The Controller does have that information. She believes it was uncooperative not for us to get that but she certainly will be happy to specify to her what is needed. She doesn't know if we want to table this or go to 2nd reading and public hearing but if we don't get that information, we would not be able to move forward until we get the information we're requesting, Fouce said. Alumbaugh said, and include in the email that he wants to request that we get a copy of the lease that they have because they signed it before we came in office. It's the same company though so they should have something for us. Fouce told Alumbaugh she'll be happy to do that. Councilman Cain said, Madam President? Fouce said, yes. Cain said he just wanted to be clear, he's not picking on any particular person. He understands that they've inherited some files and so forth that might be incomplete. But we, as a Council, we also need this information so, if we could, Mr. Mayor, if he can contact the company, he's sure they've got a signed lease that we can take a look at that specifies that information. Mrs. Flores told Cain she's sure we have one here. We just need to find out who has it. She may have it upstairs. She just doesn't know, she's never looked for it. She will look for it tomorrow. She will ask our maintenance

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person if he has it in his files. This has been paid since 2017 out of EDIT. No one ever asked her to confirm that, just so they know, but she did check today, herself, it's always been paid out of the EDIT Fund since 2017. She believes it was paid out of the General Fund in 2016. She doesn't know where it was budgeted for because she did not prepare the 2016 budget. It was done before they got here, Flores said. Cain said, thank you. Thank you, Julie, thank you, Mr. Mayor. Councilman Brad Luzadder said, Madam President? Fouce said she's not finished, if you would still approach the podium. Yes, Mr. Luzadder, Councilman Luzadder, Fouce said. Luzadder told Fouce, just for clarification, as President, she is able to table any discussion or any ordinance in which she sees fit and the body does not have to make that decision. That is, she, as the Chair, can have that right in which to do so. You can pass it to the board in which to make that decision but she, as the Chair, has that right. Fouce asked, what's the date of this lease payment due date? Flores replied, it's due in March, will need to be paid at the second meeting in February. Fouce said, okay, she is going to table this particular ordinance under her authority as President. She looks forward to receiving that information timely and facilitating a timely payment once we garner all the information we've requested. Thank you, Fouce said. Flores said it has been advertised that the 2nd reading and public hearing will be at the February 7th meeting. That's already been advertised. Ms. Fouce told Flores, well we didn't approve a 2nd reading and public hearing so she might need to rescind that advertisement. Flores said, um, if she could..... Okay. To get it in the News Herald, Mrs. Goodman knows this, we have to do it ahead of time in order for it to meet the 10 days so that's why we advertised it ahead of time. She will say to this one like she did for James, could just move it to 2nd reading. They'll have the information to them. The bottom line is the money needs to be appropriated to pay the bill. So, they will get them that additional appropriation but she would ask that they please pass this to 2nd reading and public hearing on the 7th. Council President Fouce said this is why it's important that we get the timely cooperation of the documents that we requested. A mere email of two words was not adequate and not, to her, done in good faith. And so, she is going to table this today, she's making that decision to table it based on her response and their discussion. She will immediately send that to the mayor and they'll progress forward as they get the information that they need. General Ordinance 1-2023, Fouce said.

GENERAL ORDINANCE NO. 1-2023

The City Clerk read General Ordinance No. 1-2023 by title only, an Ordinance amending Ordinance #18-2022, "An Ordinance fixing the maximum salaries of appointed officers and employees; and annual payment of flex dollars (\$250.00) to non-contractual full time employees of the City of Marion, Indiana for the year 2023". Kathleen Kiley, City Clerk, told the Council she will be speaking on this and the appropriation that goes with it. She hopes they'll recall that at budget time, she did not get the chance to ask for a pay increase for her two employees. There was a mix up, if you will, and she stated then she would like to come back after the first of the year and request this. She truly believes that, and not just the people in the positions, although she does believe that they do warrant a pay increase but it is the type of job. She feels like it is very underpaid for the type of work that they do, the running of the court and the council, especially the court sometimes, they have it two days a week and she does believe that they are probably the only office in City Hall that if they make a mistake, somebody could end up in jail. So there's a lot of stress that comes with that alone. Or somebody's in jail, they don't get the paperwork across the hall to the Sheriff's Department and they don't get out, they're kept there where they shouldn't too. So it's the positions. She's very lucky to have two employees that fill those positions admirably. Debbie (Goodman, First Deputy Clerk) has been here 34 years. She thinks she deserves some type of an increase for all of her years of hard work. Vickie (Burns, Second Deputy Clerk) is just as detailed in the court stuff as Debbie is. She thinks they all know the type of work Debbie does for this body. The minutes that she does, coordinating getting their notices out for committee hearings and anything else that they've requested of her, she goes above and beyond. So she is asking for the pay increase for both those positions and requests that they pass this on to 2nd reading and public hearing. And, as always, come visit them. If they have any questions, get ahold of her. If there's anything they want from her, any information, she'd be glad to get it to them, Kiley said. Council President Robin Fouce said, thank you. Thank you, Debbie, for 34 years. Thank you for the first 34. They're looking for the second 34 from her. Goodman said she doesn't know if she has another 34 in her. Fouce said, if they (inaudible) experience with Debbie Goodman, let her just say what a sweet, kind, diligent, committed, knowledgeable, patient, after hour contact to her kind of a woman she is so she greatly appreciates that. They've heard

GENERAL ORDINANCE NO. 1-2023 Continued

from Clerk Kiley. She'll open the floor for any discussion regarding #1-2023, Fouce said. Councilman Brian Cowgill said he couldn't agree more. Debbie knows, under his time as President, he would have said dude, back off, quit calling me but she never did. She was, just like she (Fouce) said, the most kindest soul but he adores all three of them in there. He's known Kathi for many, many years and Vickie, he's known her because she's the wife of a firefighter. And Debbie, he's gotten to know her over the past four or five years or whatever and he just, you guys more than deserve it. He commends them for the job they all three do, Cowgill said. Mrs. Kiley said she feels like a proud mom right now. Fouce asked, any further discussion? Councilman Brad Luzadder said, just Madam President, it was discussed during the budget time when they were brought forward that it wasn't being done, it wasn't made in that direction, so they asked the Clerk to come back and do this so this should be a no-brainer on this side because it was already asked for, should have been taken care of. So, by all means, he thinks they can move forward with it without any hesitation. Fouce asked, any further comment? Barring no further comment, she'll entertain a motion to accept General Ordinance No. 1-2023. Councilman Cowgill said, Madam President, he would love to ask that they pass General Ordinance No. 1-2023 on to 2nd reading, public hearing. Motion was seconded by Councilman Brad Luzadder. Council President Fouce said it has been moved by Councilman Cowgill and seconded by Councilman Luzadder that they pass General Ordinance No. 1-2023 on to 2nd reading and public hearing. Any discussion? Barring no further discussion, she'll move to roll call please. Motion then carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None.

APPROPRIATION ORDINANCE NO. 4-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 1-2023 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. From the General Fund to City Clerk Regular Salaries, Social Security, and PERF accounts the total amount of \$8,881.00. Kathleen Kiley, City Clerk, told the Council we all know what this is for. This would cover the increase and the Social Security and PERF. Council President Robin Fouce said, thank you. They've heard Appropriation 4-2023 as presented by Clerk Kiley. She will open the floor for any discussion. Barring no further discussion, she'll entertain a motion to pass Appropriation Ordinance 4-2023 to 2nd reading and public hearing. Councilman Brian Cowgill said, Madam President, he will make a motion that they pass Appropriation Ordinance 4-2023 on to 2nd reading and public hearing. Motion was seconded by Councilman Brad Luzadder. Fouce said it has been moved by Councilman Cowgill that they pass Appropriation Ordinance 4-2023 to 2nd reading and public hearing. It has been seconded by Councilman Brad Luzadder. Any discussion? Barring no further discussion, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Fouce said 4-2023 is passed to 2nd reading and public hearing.

Council President Robin Fouce said, barring no further comment, do we have further comment, Councilmen, Councilwoman? She will entertain a motion to adjourn. Thank you all for your time. On a motion by Cain, 2nd by Henderson, the meeting adjourned. Time being 8:27 p.m.