

REGULAR MEETING – MARION COMMON COUNCIL – JUNE 6, 2023 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 6<sup>th</sup> day of June, 2023 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

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

Present: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill (was in attendance on Zoom), Cain, and Fouce.

Absent: Cline.

**NEIGHBORHOOD SPOTLIGHT:** Council President Robin Fouce said they didn't have anyone coming in today for the Neighborhood Spotlight but she did want to acknowledge our wonderful Marion High School. They had the graduation this weekend. It was phenomenal. We have some really talented, smart, committed kids coming out of our Marion High School. We need to taut that. We say the things that aren't so great, we need to taut that. A lot of the kids graduated with Associates Degrees toward nursing, different things, as well certifications. So, they did that along with completing their high school requirement. She forgets how many they had in their class. And she wanted to mention the Class Valedictorian was Beck Vermilion. So they want to honor the kids that graduated, the students, the teachers, and the community that embrace them always.

**FIRST RESPONDERS SPOTLIGHT:** Council President Robin Fouce said they hired two new police officers. They weren't able to be here tonight. They actually swore in two new police officers that weren't able to be here tonight but they do want to welcome them to Marion and get to know them.

**CONSIDERATION AND RATIFICATION OF PRE-APPROVED CLAIMS:** Council President Robin Fouce said, they move now to consideration and ratification of the pre-approved claims. She will entertain a motion. Councilman Gary Fordyce said he would make a motion to pass the pre-approved claims. Councilman David Cain seconded. Fouce said a motion's been made by Councilman Fordyce to pass the pre-approved claims. That motion's been seconded by Councilman Cain. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said that passes.

**CONSIDERATION OF CLAIMS:** Council President Robin Fouce said now they have consideration of the regular claims. They have yet to get their requested invoices and vouchers to substantiate the claims. She will entertain a motion for consideration of the claims. Councilman David Cain said, Madam President, he will move that they table those claims until they pass, in particular, the amendment #5-2023. Fouce said she has a motion on the floor. Does she have a second? Councilman Brian Cowgill seconded. Fouce said a motion's been made by Councilman Dave Cain to table the claims. It's been seconded by Councilman Cowgill. Any question? Roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce. Ms. Fouce said those claims have been tabled. She will move to committee reports. Do they have any committee reports?

**COMMITTEE REPORTS:** Council President Robin Fouce said she had a few things. Just to let them know, she attended the AIM Budget, 2023 Budget Conference this last week. It was a Zoom meeting, very informative. AIM stands for Associated Indiana Municipalities she believes is what it stands for, and great information about things they need to consider as a Council going into this year's budget process. She will share with them and ask that they download for their viewing AIM 2023, it's called AIM 2023 Budget Bulletin. Download that. It has a plethora of information and always a good thing for them. She is working on a budget schedule. She received a request from the controller to determine the dates. She'll be working with each and every one of them to get the dates that they're available for this year's budget process. It's important that they have those detailed conversations as they've done in the last three to four years. They intend to continue that and she will be following up with the controller on those dates as they say they are available. Secondly, they did have an Executive Session. They did have an Executive Session today. The Budget Committee convened last week to discuss the proposed state required LIT Tax Proposal. LIT stands for Local Income Tax. LIT took the place of LOIT, Local Option Income Tax, and there was a formula where

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the state is... Where people got credits, etc., the state's mandating that that be leveraged now so the county did pass the proposed LIT Tax Proposal. They hired a consultant, that consultant came up with a formula and she believes they talked about it before but to share a few things from it. The county did pass it. They did not, however, pass it unanimously. Because it wasn't passed unanimously, the next process, there's a 30-day waiting period. After that period, they have to have a second public hearing at the county level and from that second public hearing, it does not have to be a unanimous vote, it needs to be a majority vote. And so that will be, she believes, at this next upcoming County Council meeting. So look out for that date. She thinks it's good for everybody to try to go and get their own information. They had a really good session with their Budget Committee and was able to ask their questions. Who takes a loss in this are the townships, the school, and the library. Marion, Jonesboro, and Gas City come out not in the red in terms of this. So, she wanted to mention that to them. That concludes her committee report. Do they have any further committee, comment reports? Thank you, Fouce said.

**COUNCIL APPOINTMENT:** Marion Utility Service Board – Council President Robin Fouce said they will table today's Council appointment for the Marion Utility Service Board. Her sincere apologies to any of the applicants. They need to do a little more discovery regarding such and so they appreciate their time, their application, their effort. Everything stays. They will reconsider these hopefully at their next Council meeting. So, the Council appointment is tabled, Fouce said.

### UNFINISHED BUSINESS

#### APPROPRIATION ORDINANCE NO. 9-2023 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 9-2023 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 Miscellaneous Contractual Services the amount of \$15,000. Mayor of Marion Jess Alumbaugh told the Council they talked about this at the last meeting two weeks ago. They talked about the amazing impact this event has on the retail stores, really on their entire community, particularly restaurants, retail stores, and hotels, and they're hoping that we can support this with that \$15,000. But not only will they have a four-year contract, which they are honoring right now, but the NAIA, the last time they hosted, hoped that IWU would continue to host the event. They chose not to because of the cost and the effort involved. He thinks this time they're kind of leaning towards maybe extending that contract if offered that opportunity again. That's why he thinks it's really important that we match what the county did and support them with \$15,000 because the event is just a boom to our local business. Thank you, and he does have Steve Gidley and he sees he has the Athletic Director, Dean Webb, here that would probably like to speak on this as well, Alumbaugh said. Council President Robin Fouce said, thank you, Mayor. Please step to the podium if you'd like to have a word. Mr. Gidley told the Council he just wanted to thank them for their time, more importantly, they do have their Athletic Director here tonight, Dean Webb. He can share a little bit about the event and just a little bit of a recap as they are still waiting on financial economic dollars take time as the event just ended last Friday. So they don't have a full slate of numbers right now, Gidley said. Dean Webb told the Council, thank you all for your time this evening. They did have a great event a couple of weeks ago. They had approximately 2,000 people that were participants in the event between athletes and coaches that stayed in their dorms, stayed on campus. The bigger help to the city as a whole would be all the fans. Most of those participants, they had almost 1,400 athletes, almost all of them brought parents, grandparents, friends, some people that were celebrating them and their achievement and, as the mayor mentioned, those people were staying in local hotels, were eating in local restaurants. So, they had some initial numbers. They'll wait until they have real numbers so as they're not incorrect in sharing those but they certainly expect the numbers to be north of \$1,000,000 on the impact to the local economy. If they have any questions or there is any way they can assist, he's certainly glad to do so, Webb said. Fouce said, thank you for coming before them. She'll open the floor for any comment. They are at a second reading, public hearing regarding this matter, 9-2023, and so would they like to wait for comment until after the public hearing? Councilman Jim Brunner said, Madam Chairman, he doesn't think in his 53 years he's been to too many events like that event that Steve and Dean were talking about. When you have people from South Africa sit down next to you and share their thoughts about track and field and then

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the next, that gentleman got up and then a lady sat down next to him from Seattle, Washington and then he got a chance to watch one of our student athletes win the discus throw, which was incredible, and you know how many sporting events he covers, it was one of the tops. And if anybody had a chance to get out there, it was phenomenal. So, he is more than wanting to get this passed. Thank you, Brunner said. Fouce said, thank you, councilman. Any further comment? Councilman David Cain said, Madam President, he will piggyback on Mr. Brunner's comments that he received many, many comments throughout the community, where in the world are all these people coming from? Down the bypass, where are all these cars coming from? The restaurants were full. So, it was obvious. It'll be interesting to see what those numbers are at the end but it's quite obvious by the citizenship of Marion that there was certainly an impact that IWU brought to Marion and Grant County. They thank them for doing that, Cain said. Fouce said, thank you, councilman. Any further comment? They are entering their second reading, public hearing portion of this meeting. Please, if you have a comment in favor of or against this General Ordinance No. 9-2023, please step to the podium, press the red button, speak in the mike their name and their address and they'd love to hear any input they have regarding this particular matter. They'll have three minutes to speak. Their counsel, if he would, will time that and, unless you are at the podium, please have a seat in the Council Chambers during this public hearing. She will open for public hearing. Going once, going twice, this concludes their public hearing regarding this matter for General Ordinance No. 9-2023. Is there further comment by anyone on the Council? Barring none, she'll entertain a motion regarding such, Fouce said. Councilman Cain said, Madam President, he moves that they suspend the rules on Appropriation Ordinance No. 9-2023. Motion was seconded by Councilman Brunner. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Brunner to suspend the rules on General Ordinance No. 9-2023. Is there any question? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Cain then said, Madam President, he moves that they pass Appropriation Ordinance No. 9-2023. Brunner seconded. Ms. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Jim Brunner to pass General Ordinance No. 9-2023. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said General Ordinance 9-2023 is passed. Congratulations on a phenomenal event. They're looking for even greater and she will say that, between the City of Marion and Indiana Wesleyan, they're looking to collaborate beyond the scope of what they've ever imagined and make magic happen here in their city, both for the university and primarily for the City of Marion. Thank you all, Fouce said.

APPROPRIATION ORDINANCE NO. 10-2023 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 10-2023 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 Insurance Fund Payment the amount of \$250,000. City Controller Julie Flores told the Council, as they will recall, they have in past years budgeted money in the EDIT Fund to send to the Insurance Fund to help them take that out of the deficit that it was in. In previous years, it's been \$500,000. This year, they reduced it to \$250,000. It is time now to get those funds transferred. She believes she gave them a balance as of the end of the year last year. They started the year with \$303,845. That balance is close to being zero so they would like to get these funds transferred so they will not be in the negative again. So, she will entertain any questions they may have, Flores said. Council President Robin Fouce said, thank you, Controller Flores. They've heard her comment regarding the transferring of \$250,000 from the EDIT Fund, from the Economic Development Fund, to the Insurance Fund. So, if we have any comment or question, she will entertain that at this point. Okay, they'll enter the public hearing portion of it, thank you. Please step to the podium, press the red button, state your name, your address, and any comment you have regarding whether we should or should not transfer money to the Insurance Fund from the Economic Development Fund. You have three minutes to speak. Their counsel will time it. Do we have any public comment? Going once, going twice, this will end their public hearing portion of the meeting. She would like the Council to have or share any discussion regarding this matter before they entertain a motion. So, she will start with she was on this AIM Conference and her question to AIM was should we pay the, should we transfer dollars from the Economic Development Fund to the Insurance Fund and they said a couple of things about it. They said basically no. It can be done by appropriation,

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which is what we're here today under the appropriation for that, but they contend that those dollars should be paid and budgeted out of the General Fund, that we should not use economic development dollars for, to pay your expenses, your normally budgeted expenses. Now, you can do it because of the rules that they've (inaudible) on this but their recommendation was that you not do it, that you do it out of the General Fund, which is where you would pay all of your other expenses. So she just wanted to communicate that to them. If anyone has a comment, otherwise thank you, Fouce said. Mrs. Flores asked if she may respond to that. The state statute says it can be used for any lawful purpose. If they were here the other evening when Mr. Bates was here, he also reiterated that people think economic development, the EDIT Fund, has to be used for economic development and it does not have to be. He reiterated that. She will also say that the reason their General Fund has the nice cash reserve that it has, the 25% last year and close, she thinks it's 24-1/2 this year is because they relieve the General Fund of some of those expenses to take over to the EDIT Fund which is, by state statute, for any lawful purpose that you would use any of your other funds for. So, when Baker Tilly came to help us, Umbaugh at the time, with their budget, they a lot of times moved some of these kind of expenses over to the EDIT Fund to relieve the General Fund for police, fire, any other departments under the General Fund to give them more dollars to work with. Thank you, Flores said. Fouce said, thank you. Okay, we're having the Council make any comments or statements they have regarding this matter. Furthermore, she would entertain a motion regarding this matter. Councilman Gary Fordyce said he would make a motion they suspend the rules on Appropriation Ordinance No. 10-2023. Councilman Jim Brunner seconded. Fouce said a motion has been made by Councilman Fordyce to suspend the rules on General Ordinance No. 10-2023. It's been seconded by Councilman Brunner. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said she will entertain another motion. Fordyce said he would make a motion to pass General Ordinance No. 10-2023. Brunner seconded. Ms. Fouce said a motion's been made by Councilman Fordyce, it's been seconded by Councilman Brunner to pass General Ordinance No. 10-2023. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Brunner, and Cowgill. Nay: Henderson, Cain, and Fouce. Fouce said, thank you, General Ordinance No. 10-2023 passes 5 to 3. Now we'll move to New Business, thank you.

NEW BUSINESSGENERAL ORDINANCE NO. 5-2023 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 5-2023 by title only, an Ordinance amending and restating Ordinance No. 4-2023 establishing a procedure for the Common Council's approval of claims. Council President Robin Fouce said they may recall the last week or so, they passed General Ordinance No. 4-2023 and 3-2023 and that gave us the process for how we will do our claims. In that, we requested substantiating documentation from the controller and the administration to help us substantiate the bill. We asked for vouchers, we asked for invoices and there's been a refusal... We asked for those electronically and we have had refusal from them to cooperate with that matter. And so, today we're here with an amended ordinance, she believes it was 5-2023, which ordines or makes into law the mandate for us to receive those documents at the time of submission of the claims, also asking to carve out for us which claims are pre-approved claims. So you notice today we approved the claims, pre-approved claims. That's a mandate of law, they're pre-approved. The other piece of it is the claims which we don't have and haven't been able to obtain substantiating documentation. A mere invoice and a voucher. They would like to receive those electronically and that would modernize our process, as well as give us the information that we need to make a decision as to whether to approve the claims or not. Our goal is to approve the claims and pay the bills of the city timely. We've not been able to do that so for the last couple of meetings, the actual claims were not approved. This ordinance will afford us the opportunity and make it law that we receive that submission electronically and timely by the end of agenda. She'll open the floor up for discussion regarding this matter, Fouce said. Thank you. Barring no further discussion, this is the first reading on this ordinance. She'll entertain a motion regarding this ordinance. It would go to 2<sup>nd</sup> reading and public hearing. Councilman Cain? Councilman David Cain said, Madam President, he moves that they pass General Ordinance No. 5-2023 to a 2<sup>nd</sup> reading and public hearing. Councilman Brian Cowgill seconded. Fouce said a motion's been made by Councilman Cain to pass General Ordinance 5-2023 to 2<sup>nd</sup> reading and public hearing. It's

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been seconded by Councilman Cowgill. Barring no further question, she should say is there further question? Roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce. Fouce said General Ordinance 5-2023 passes 7 to 1. They will schedule that for 2<sup>nd</sup> reading and public hearing at their next scheduled Council meeting.

Council President Robin Fouce asked the Council, do we have any further comment or questions? Councilman? Councilman Jim Brunner said, if it would be proper, he would think it would be maybe needed tonight for Reverend Luzadder to say a prayer for Mike Cline. Obviously, for those who don't know, he's really been struggling with his health. So, Brad, he doesn't think anybody at this table would be better than he is to take care of that for them, Brunner said. Luzadder told Brunner, thank you, yes sir. Our gracious God, our Heavenly Father, we do come before you tonight, asking for your healing power to be upon Councilman Cline, Father, as he has went through open heart, we just ask, you've been with the doctors, now it's time for you to take over for the healing process, Father, it's not an easy way to go, the strength that it takes to make it through, Father, you're going to be the one that's going to be able to be there, you're going to be able to wrap your arms around him, you're going to send your comforter to him in which to be able to sustain the time, the strength, the pressure, and the pain, Father, we just ask right now that that loving hand will be upon him and his family. Again, it's not just one individual involved, Father, in the healing process. His family is there. Let him and them know that you are there, that that warmth and that feel, that touch, Father, that you can only give. You are the Great Physician and we do fully give our faith and our trust in you and God, right now, we just ask in the name of Jesus that you will touch Councilman Cline this evening, Father, and give him that peace that passes all understanding that can only come through the comfort that you give. We give you that praise and we will continue to pray for him and his healing power. In Jesus' name I pray, amen. Fouce said, barring any further comment, we will entertain a motion for adjournment. Thank you all for coming and a special thanks to the applicants for the Utility Board. Hold on, we're going to work with you. So thank you all, Fouce said.

On a motion by Cain, 2<sup>nd</sup> by Henderson, the meeting adjourned. Time being 7:36 p.m.