

REGULAR MEETING – MARION COMMON COUNCIL – JULY 18, 2023 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 18th day of July, 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, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce.

Absent: None.

Council President Robin Fouce said they don't have a Neighborhood Spotlight or First Responder. They look forward to anyone making suggestions for these, to fill these spots during their Council meeting. She said they will have the approval of the July 5th Executive Session minutes. She will entertain a motion. Councilman Steve Henderson said so be and Councilman Mike Cline seconded. Fouce said a motion's been made by Councilman Henderson, seconded by Councilman Cline to accept the July 5th Executive Session minutes. Any question? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce then said July 5th, 2023 regular meeting minutes, she'll entertain a motion. Councilman Cline said he moves they approve them, Councilman Henderson seconded. Fouce said a motion's been made by Councilman Cline, seconded by Councilman Henderson for approval of the July 5, 2023 meeting minutes. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

CONSIDERATION AND RATIFICATION OF PRE-APPROVED CLAIMS: Council President Robin Fouce said now they'll consider and ratification of pre-approved claims. She'll entertain a motion. Pre-approved claims, she will entertain a motion. Councilman Gary Fordyce made a motion to approve the pre-approved claims. Fouce said a motion's been made by Councilman Fordyce. Who was the second by? Councilman Henderson, to approve the ratification of the pre-approved claims. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

CONSIDERATION OF CLAIMS: Council President Fouce said they still did not receive the legally requested information from the Controller or the administration to substantiate the claims. They still did not receive the legally required information from the Controller or the administration to substantiate the claims. She'll entertain a motion. Councilman David Cain said he moves they table the consideration of claims. Motion was seconded by Councilman Brian Cowgill. Ms. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Cowgill to table the consideration of the claims. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline. Fouce said that motion passes 7 to 2 to table those claims.

COMMITTEE REPORTS: Council President Fouce said she will hear any committee reports. Councilman Cowgill? Councilman Brian Cowgill said he went to the Board of Works meeting yesterday. There wasn't a lot on the agenda. They had Jason from the Building Department speak on the mowing contracts and where they are on that. They had originally thought that they had hired a part-time person to work three days a week to do just city lots and mow and they thought that as well but the day that he was supposed to show up, he never showed up, never been there. So, they don't have a part-time person. They had some pretty good discussion about it. They, you know, we're just not competitive with our wages. We're just going to have to pay these people some more money. You know, when they're going to McDonald's and making \$15/hour, they're not going to get out in that sun and cut grass for \$12.00. So, he doesn't know what the answer's going to be from right here on but he knows that they are trying to still hire people. They're doing their best to get people in there. They've put this in the paper a number of times. And then they also did talk, Jerry spoke on having somebody do city lots for the \$50/lot wage, what they've been paying. They do have a person, he's actually a city employee, a firefighter, that's willing to do that but, as of this time right now, he guessed they've got to repost it. Someone in the audience said it's already been done. Cowgill asked, it is done? So he's going to do it? Okay, thank you guys, thank you guys. So they do have a guy and he'll do it for \$50 per lot. He's going to be busy because they've had nobody up until now so those lots are really tall and everything so, you know, good luck to

COMMITTEE REPORTS Continued

him. He hopes he keeps on doing it for the rest of the summer as well. And that was really about it. It was a pretty quick meeting, Cowgill said. Council President Robin Fouce said, thank you, councilman. Do they have any further committee reports? So, for District 4, she did hear from the Metal Source area and was beckoned to to not, in other words, not (inaudible) or trust Metal Source with their proposals before them. This person said she was kept up all night. They've been doing some late night activity that has kept her up and just impacted her quality of life. And so, they still have the Metal Source issue. She wanted to report that out publicly. High grass, as councilman said, is a challenge for them. She's disappointed, if she could be just really honest with them, about just take the last four years where this Council has served. They've brought (inaudible) every year around this time that they have to find a management, a way to manage the city lots and the grass overgrowth in the city. Yet, this is her fourth year and they are perhaps worse off than they were before with the management of that. And so, she believes it's an administration challenge. Certainly, they have offered and attempted on many occasions to try to help get that matter resolved. And so, it's just disappointing because every day, as a Councilwoman, she gets those calls and complaints. Or even she doesn't have to get them. She can see, she walks down the street in her district, across from the middle school, they have mega weeds across from the elementary school in her district. They have mega weeds, overgrowth on to the street, the sidewalks, where their kids, their most precious asset, emulate daily. And so, she'd like to see them send a better message in that way. There's been a lot of illegal burning and she brings it up for a couple of reasons. One, she can't breathe. Two, there's a lot of people that are having respiratory challenges because of the air that's coming from wherever, Canada, you know, (inaudible), the worst air quality in quite a while. And then they have people doing illegal burning. And so she wanted to just bring that up before this body. Maybe it's a conversation they need to have in a committee meeting or something. She believes their Burn Ordinance, actually know their Burn Ordinance is being violated. She's worked and talked with the Fire Chief and other folk on the Fire Department regarding it. She'd like to see certainly the behavior cease but more education to the community, more imposition of what their rule is regarding it and more fines. They spend, she doesn't just want to fine citizens but if they have citizens that aren't following their rules and it's causing some problems, they're burning wire, different stuff that can cause some damage to property, etc., etc. And so, they spend, as a city, our police, our fire, our dispatch to these things from time to time. Last week there was a neighbor dispute, like they were getting ready to be in fisticuffs because one neighbor gets trees and leaves and wire and everything and burns it in an open lot that impacts the neighbor next door. He's asked him not to do it, they got into it. So, she thinks they could manage that better as a city and really think about the resource that they're sending, spending on not managing it, maybe have a system that they manage it better and they recruit some of their resource that they're spending on people breaking the rules here in the city. The Development Committee met today regarding Appropriation Ordinance 12-2023. There was a decision made to table that ordinance and they look to add that to the Development Committee schedule for Tuesday, August 1st at 5:30 p.m. They have another meeting on Tuesday, August 1st for Appropriation Ordinance 11-2023, that meeting is at 6:00 p.m. They did get some coverage with the Controller here today. They'd like to talk to the department head on this 12-2023 at 5:30 p.m. on that day. They believe they can make some headway and get the information that they need. Again, she will be forwarding out the hearing, the Budget Hearing schedule to all. They should have it. Does anybody not have it, on the Council? So they will.... She will be resending that and also she will send that to the department heads. Looking forward to a good discussion with their departments about their proposed budget, Fouce said.

Councilman Jim Brunner said he was very, very proud of this city last night because they did something that was long overdue. They honored an 89 year old man by the name of Jim Sutter who he thinks everyone in this room knows. He was taken by surprise because they had a board meeting with virtually almost a brand new Board of Directors at the Y and he came walking in right at the end and had no idea that he was going to be the gentleman who the evening was set up for. And, after Charlie Meyers said some very nice things about him, they read a Proclamation that the Governor made for Jim and then he walked to the microphone and he's not sure if they've ever seen an 89 year old man come to a microphone but they were all wondering what will Jim have to say. And he took that microphone for 20 minutes and John F. Kennedy never spoke better. He was absolutely incredible. Got about three standing ovations and he just wanted to say, if they have not heard about that evening last night, it was one of the top five things he thinks he's ever seen in Marion, Indiana. He was very, very proud of this community. So, God bless Jim Sutter and what he's done for

the Y and what he's done for this community. Thank you, Brunner said. Council President Fouce said, thank you, councilman. Always good to celebrate individuals in their community and their years of service. Do they have any further committee reports? Okay, they'll move on to the Council appointment for the Marion Utility Service Board.

COUNCIL APPOINTMENT: Marion Utility Service Board – Council President Robin Fouce said they have two applicants, the first one being.... This appointment, if she could say, will last through December, so after December, January 1, the newly convened Council will have another appointment to make. This is just to complete the term of Erica (should be Mia Erickson) who moved away and resigned so this will be just through December. January 1st, the Council will get together and make another Utility Service Board appointment. So, she would ask Dr. Jayda Monteiro to step forward if she would please. She is their first applicant and the first application that she received, she believes, regarding this. Maybe not. She doesn't think that mike works. Does that mike work? City Clerk Kathleen Kiley said hers isn't tonight. Fouce said she thinks there was a problem the other day with it. Deputy Clerk Debbie Goodman said it's not working either. Fouce told Monteiro, so if she speaks in her mom voice, they can hear her. Welcome before them. Dr. Jayda Monteiro is a Marion native and has been.... Does she care to share any words with them this morning about mainly why she would like to serve on this board and anything about her that they'd like to hear, or that she'd like to share she should say. Dr. Monteiro said, thank you, thank you to the Council for having her tonight. Thank you, Council President Ms. Fouce. Yeah, so she, they heard her name a few times now. She's Dr. Jayda Monteiro. She likes to say that her family and her continuously choose Marion. It's been home to her her entire life, only away for a short stint during her college education. And they continuously choose Marion because they've always wanted to raise their daughter here. They wanted her to experience the amazing childhood that they experienced, living in separate areas of Marion. So they continue to invest their time, their talent here. She works. She's teaching for Indiana University on the Ft. Wayne campus and her husband maintains a business in downtown but they intend to continue to invest into Marion. They want to see the fruition of what's coming from innovation and hard work and dedication to this place. And thank you, thank you for listening to her and thanks for having her, Dr. Monteiro said. Fouce said, thank you, Dr. Monteiro. Does anyone have any questions for her? Any comments? Councilman Mike Cline said, if he may. First of all, thank you for giving a rip about Marion and being willing to serve. But he has to ask. Reading her resume and what she sent, he sees she's Campaign Manager for one of the people running for mayor. If that person wins and she's on the board, how, you know, how is she going to keep her objectivity? Dr. Monteiro told Cline she appreciates that, thank you. She appreciates that answer. So, as they know, she does serve as Campaign Manager for Morrell for Mayor. She does not intend to be a part of his administration. And she would answer that with she continues her objectivity as his Campaign Manager. It's actually one of the reasons he asked her to serve with him. He knows that she is dedicated to the well-being and safety of all people, as is evidenced by her resume, and she continues to advocate in that way and make decisions in that way, no matter the capacity. Cline said, thank you. Fouce asked, do they have any further question or comment for Dr. Monteiro? Thank you for sharing with them today. She's welcome to have a seat. Now she would like to invite up Tiffany Tracy, if she would like to come forward. They welcome her and appreciate her application for service and she has to talk in her mom voice as well. They apologize for the technology but she'd like to offer her the opportunity to share. Tiffany applied. It's always honorable, in her opinion, for anyone that has the heart to step up and serve and so she wants to thank her personally for that and give her an opportunity to share anything she cares to share with them today. Ms. Tracy told the Council her name is Tiffany. She currently works at Marion Community Schools as a principal's secretary. She has grown up at the Utilities. Her mom worked there and retired from there a few years ago so she is very passionate about everything that they do. She has always gone to their open houses and she has learned so much through the years and she would just love to be able to serve her community. And also model good citizenship for their students at Justice. Fouce said, thank you. Do they have any questions or comments for Tiffany Tracy? Do they have any questions or comments for this nice lady here? Barring no further questions, thank you for joining them today and they have a decision to make here before this Council. She, as the President, has the opportunity to make a recommendation but certainly this will be a joint collective decision and so she would, again, offer sincere gratitude to both candidates. She thinks there's work to do, whether it's on this board or another or other places in the community, there's always good work to do and they look forward to that. Her recommendation to the committee or the Council would be Dr. Monteiro for this appointment and she will entertain a motion to what their pleasure is. Councilman David Cain said, Madam President, he moves that

COUNCIL APPOINTMENT Continued

they pass and approve Dr. Jayda Monteiro to this position. Fouce said she has a motion by David Cain to approve Dr. Monteiro for the Utility Board appointment. Does she have a second on that motion? Councilman Brian Cowgill seconded. Fouce said it was seconded by Councilman Cowgill. Motion's been made and seconded. Any questions? Roll call please. The vote was then as follows: Aye: Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: Fordyce, Cline, Stodghill-Weeks, and Brunner. City Clerk Kathleen Kiley said, 5 to 4, it passes. Ms. Fouce said, thank you to both Ms. Terry, she's sorry, she's saying the wrong name, Tiffany Tracy, she apologizes. Thank you so much and they look forward to future opportunity. She certainly has the opportunity, if she wanted, to apply again in January and so they appreciate her greatly. To Dr. Monteiro, congratulations. This, again, is an until December of 2023 term and then she would need to be reappointed or decide maybe that was too much or she wants to move on to greener pastures but they appreciate her stepping up to serve as well. She will get with her and get the information regarding the meetings and (inaudible) Utility Service Board.

Council President Fouce told the Council, lastly, she wanted to talk about kind of where they are with this claims process. Today, they continue to not or continue to have to table claims based on not getting the information that they need. And so, where do they go from here? What is their fiduciary responsibility as elected officials to ensure this legislation is adhered to? That is clear what they need. What do they do? What are their next steps? She'd like to open up for any comments. She's not sure if they are paying those claims or not. She knows there were some earlier claims that were paid that were not approved by the Council, directly against their approval. The guideline states that the fiduciary body or the legislative body has to approve those claims before they are paid and so she'd like to see kind of where they are. She thinks they have two options here but tell her if there is a 3rd, 4th, or 5th. One of their options would be litigation, which the last thing she wants to do is that but what is she duty bound by? What are her duties? What is she bound by as a fiduciary agent of this Council and this city? The other would be just let it go, let them do what they want. Help her if there are additional options, she's open. This is an open and frank discussion. Councilman? Councilman Mike Cline said, Monday, it was during the Board of Works meeting, ironically, he came up and he looked at all the claims. Granted, it was a stack about yay high but the claims were there. He had a couple of questions and between Julie and Trixi and Lynda, he got his answers, and also, that is a ton of stuff to have to scan, including little, tiny store receipts that are stapled all together to make sure everything's in the same claim and where it should be. They can look at the claims, it can be done. He's done it. Fouce asked Cline, does he recognize the authority of this Council to legislate and is he familiar with the legislation they passed regarding this matter? Cline said yeah. Fouce asked, so he's in agreement that it should be adhered to or it should not be adhered to? Cline said he says they have some responsibility themselves, you know. That's going to create a ton of work for that department to scan and some of them are double-sided. Fouce said, but her question was.... Cline told Fouce he knows what her question was but that's his answer. Fouce said, he's not going to answer it then and Cline said oh yes he did. Fouce said, so he would say it took him a while to look through those claims? Cline said it did because he had some questions and asked them and they were answered. Fouce asked, and what were his questions? Would he care to share those with them? Cline said no. It was questions about why are we paying for this. Most of them, he thinks there were three, he said why are we paying for this and got the same answer from the three people and has to trust them. Fouce said, thank you, councilman. Cline said, you're welcome, thank you. Fouce asked, do they have anyone else that would like to make a comment regarding this important matter? Councilman Henderson? Councilman Steve Henderson asked, have we talked to the State Board of Accounts to see what their suggestion would be? Ms. Fouce said she will be happy to do that. The State Board of Accounts does not make their legislation however, councilor, he knows this. She's not saying that condescendingly to him, she's just saying they have made legislation for their local municipality that makes it legal and so if that is legal then it's perhaps not legal to go against it. But she will happily reach out to any organization to get support or direction. She'll be happy to do that. Do they have any further questions? Councilman? Councilman Brian Cowgill said he guessed his is more of a comment, and he appreciates Mr. Cline and what he said about that, but as far as it's going to create time and more work and everything. Technology, you can put a stack of papers on a scanner and hit it and it'll scan them through quick. He guarantees that takes a lot less time than nine of them going up there and looking through a stack of papers this thick. He doesn't have a lot of time to do it. He means he's, it's just he doesn't have a lot of time in his day and then work hours that Julie is there as well. And if he goes up there and if he

has more than three questions or whatever and it's taking all three of those people in that office to answer his questions, well then how is that not...? He's taking three of them away from their job that they're supposed to be doing to ask questions, he doesn't see how that's any different than everybody saying it's just going to be hard to do and everything. He doesn't believe it's going to be hard to do. He believes this administration is so far behind in our technology that, you know, putting papers in boxes, we shouldn't be doing that nowadays. Everything should be on a computer, that anybody, and as far as the public, anybody can go and say they'd like to look at this and they ought to be able to bring that up, hit it, print it out, there you go. If it's put in their Council packet on Thursday, then they have three or four days at home at night to go through and look at them. If there's questions, they can prepare questions at that point. He doesn't know, and for them to, you know, they went through the right steps to do this legally and they still don't. It just shows him this administration thinks they're above the law. They feel like they do it how they want to do it. You take it or you leave it and too bad, Cowgill said. Fouce said, thank you, councilman. Councilman Cain? Councilman David Cain said, to say what he wants to say, he won't but he almost finds this laughable. A couple years ago, he had, his wife and he had four banker boxes of scanning to do and they probably completed that scan job of four boxes in probably two hours and that was four boxes that came out of this facility to scan. So, to scan a small stack of invoices, you know, most businesses are doing this on a daily basis. To use that as an excuse that they're going to have to hire more people and it's going to take hours upon hours and they won't be able to get their work done, he's not buying it. They need to comply with what they passed. But it's the attitude, it's an attitude. You can have the attitude of wanting to do your job and do it to the best of your ability or you can thumb your nose at people and think you're better, have a better idea. But he would suggest that they comply. It would be much easier. Mr. Cline went up there, times nine, times nine Council members, and they all have to ask questions. So what good does that do and what time does that save, other than it discourages transparency when they're asking nine Council members to come. And some of them work, some of them work five and six days a week during the day. And so that creates a problem when they could do this in a matter of a few minutes. That's his comments, Cain said. Fouce said, thank you, councilman. Did she miss his hand, Councilman Brunner? Nothing? Did they have any further comments, suggestions, options, ideas? So, what she will do is definitely contact State Board of Accounts and any other entities to get some direction. She believes they'll confirm that the legislation that they have put into effect and voted on and followed the legal pathway to will be upheld, however, they want to make sure and they'll do that. Also beckon to the mayor to come to have a conversation about, you know, let's try to get this worked out. To spend dollars, to be forced, she says this, forced is the key word, to be forced in her fiduciary capacity to have to spend taxpayer dollars on a matter that, listen, the public elected this administration. They have a responsibility and accountability to the public. What is in the invoices and the vouchers that they do not want them to see? And if there's nothing in there, why do they not want to produce that public information? Is there some way they can get this resolved and get compliance according to their laws? Right now, they have, she just talked about citizens not following the rules. Well we have a leader in the administration not following the rules. That's unacceptable. But she still is open to having a conversation and trying to see if they can get some cooperation before their next steps, whatever they decide those will be. So, she will follow up with them all. She wanted to have this discussion open in the public and on the record. It's frustrating. Their goal is not to approve paying the claims but they do want to substantiate that approval and that's what she'll say about that. Do they have any further comment on this? Barring that, she will entertain a motion to adjourn, Fouce said.

On a motion by Cain, 2nd by Henderson, the meeting adjourned. Time being 7:38 p.m.