

REGULAR MEETING – MARION COMMON COUNCIL – OCTOBER 17, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 17<sup>th</sup> day of October, 2017 at the hour of 7:00 pm in the Council Chambers, City Hall.

Before the prayer was given, Councilman Brad Luzadder said they do want to remember a dedicated lady in our community who gave a number of years to this Council and to this city and she will greatly be missed. There was no one like Shirley Barbour. He remembers the name growing up and decisions she made then are still affecting us today and we certainly appreciate what her and her sacrifice was to our city. Luzadder then asked for a moment of silence.

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

Present: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner.

Absent: None.

The minutes of the previous regular meeting of October 3, 2017 were presented. On a motion by Councilwoman Deb Cain, 2<sup>nd</sup> by Councilman Steve Henderson, the minutes were approved as presented by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Luzadder and Brunner. Nay: None. Abstain: Batchelor.

**COMMITTEE REPORTS:** Councilman Dave Homer reported that the Ordinance Committee or the Code Enforcement Committee met yesterday evening. They were joined by Cindy Joyner who is with the Neighborhood Code Enforcement Division out of Ft. Wayne. They've been going over the minimum housing standards for the City of Marion. They are making progress. The Mayor was also there. They appreciate him taking the time to sit in on the meeting and ask questions. Their next meeting will be October 30<sup>th</sup> at 4:30 pm. They'll continue their discussion on that as well as moving forward to get something ready to present to the Council in the near future.

Councilwoman Lynn Johnson told the Council that the Compliance Committee had a meeting tonight at 5:30 pm. All the members of the committee were present. They had two news media present with Julie Flores and Deb Cain. They discussed the Dollar General Bond and they reviewed the minutes of the City Council for June 7, 2005. They set up a timeline. They had discovered that when they asked for bond copies, they received from the City Clerk Kathi Kiley, they did not receive the entire bond. They received 277 pages and then when they meshed them with Julie Flores' bond, they had 540 pages. So, after the bond was submitted to the Clerk, approximately 300 pages were issued (inaudible) were not held in the Clerk's possession. They also reviewed the resolution from a special meeting and the resolution was not included in the bond, however, the resolution was established to be July 11, 2005 and that was Resolution 12-2005 and that came in after the bond was voted on. They also have copies of Marion Common Council minutes where they have established a timeline and they have established the intention of the original bond counsel and they shared that. They have a recommendation from the point of view of the City Council and the Compliance Committee. They feel that once the Marion Common Council commits public dollars to a project, the Common Council has the right to know if they are used as stated by bond counsel and by the bond. They believe that their financial advice and that their advisors and the people that established this bond, they need to clarify the intentions and they also need to have, the committee also feels that they need to, as a group, decide that maybe they should have a bond counsel that is hired from the outside that won't cost very much money because it won't take them very long to determine exactly if our bond TIF revenue is being used according to the nature of the bond and as stated by bond counsel on June 7, 2005. This bond counsel, they'd also like to know from this bond counsel how they can implement the statute that's in the Resolution 12-2005 that is still effective and current today. So, this committee has decided to request that the City Council think about issuing or having revenue enough to temporarily pay a bond counsel to give them leadership and advice on this matter. With that being said, the meeting adjourned and they are going to have another meeting around the first of November right before the City Council meeting at 5:30 pm, Johnson said.

Councilman Brad Luzadder said, not a committee report per se but the past couple of years he's been asked multiple times, when are they putting the solar lights out on the graves at the V.A. National Cemetery. That day will be October 28<sup>th</sup> and they'll begin at 8:00 am assembling the lights. Last year they had just shy of 7,000. There are 13,000 graves currently in our National Cemetery. The group, Let My Light Shine, has continued to raise money all through this year

and they are looking at putting out another large amount of lights out on to the graves. If they've never had the opportunity to come out, assemble and place those, they've had city leaders, they've had boy and girl scout troops, motorcycle and veterans, all shapes and sizes, families come out and he would like to invite his fellow Council members to join them out on October 28<sup>th</sup>. Our firefighters have always made a great stride and there were, he thinks, between 17 and 20 of them that showed up last year to help put them out. Our police has always come forward. It's a great way in which to honor our veterans during their Veterans Recognition, especially on November 11<sup>th</sup> which is Veteran's Day. So, the solar lights are reminiscent of the eternal flame which was placed on President Kennedy's grave and so they believe that each and every light that is out there has a light that needs to continue to shine. They have been greatly impacted by our men and women who continue to defend our freedom and who also paid the ultimate sacrifice. So, if they would like to join them on the 28<sup>th</sup> at 8:00 am, they would love to have each and every member as well as any of our citizens are always encouraged to come and there will be a huge turnout of people as there was last year, Luzadder said.

Council President Jim Brunner said, before they move on to the actual business of the meeting, would the Mayor please come forward? He asked the Mayor if he could speak real quickly about the ribbon-cutting and the dedication coming to Barnes Park this weekend. Mayor of Marion Jess Alumbaugh told Brunner, you know, he could be the one to speak on that but it somehow seems inappropriate. We have a diamond in our community that takes on a lot of responsibility for her neighborhood and ownership. He hopes that we have others like that rise up from other neighborhoods in the city. So let him bring the star of that, what's happened at Barnes Park, up here. She's going to come up later but this ribbon-cutting, this is her child. She's worked with the city, they've worked with her, but this was her dream, she wanted to make it happen, she wanted to improve her neighborhood so he'd like her to come up and talk about the ribbon-cutting. Linda Wilk told the Council, it's all part of her power point but she would invite everyone to be there Sunday at 2:00 pm for the ribbon-cutting and dedication of Barnes Park and then she'll go into much more detail in a little bit.

## UNFINISHED BUSINESS

### APPROPRIATION ORDINANCE NO. 3-2017 3<sup>RD</sup> READING AS AMENDED

The City Clerk read Appropriation Ordinance No. 3-2017 by title only. Budget for the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council, as she reminded them last week, when she informed Umbaugh that they had passed the budget on the 3<sup>rd</sup>, they said they couldn't do that. There has to be 10 days between the public hearing and the adoption so they need to readopt the budget this evening. Being no questions or comments for Mrs. Flores, motion was made by Councilman Alan Miller to approve Appropriation Ordinance No. 3-2017 on 3<sup>rd</sup> and final reading as amended. Motion was seconded by Luzadder and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

Council President Brunner told the Council, at this time, before they move to New Business, they are going to bring Linda Wilk back up to the podium and she has requested some time to address the City Council about the Barnes Park renovation. Mrs. Wilk told the Council what she wants to do is give them about, hopefully it's only about a 10-minute presentation about Barnes Park and kind of all the background behind it. For the past five years, as part of the Delta Focus Project that began in March of 2013, Hands of Hope, a division of Family Service Society, Inc., has been working to think broadly about how they can work to ensure safe, stable and nurturing relationships and environments in various segments of the community. For her, living in an inner city neighborhood and always being interested in ways to improve neighborhoods, the Delta Focus Grant gave her an opportunity to combine her passion for neighborhood work and domestic violence prevention together. She's always been fascinated and focused on the broken windows theory which is a criminological theory of the norm sending a signaling effect of urban disorder and vandalism on additional crime and anti-social violence. As she saw the neighborhood's physical appearance declining, along with the park, she wanted to see what they could do to turn things around. Barnes Park was desolate and, for the most part, unused except for crime and violence. It was in August 2013 at a neighborhood association picnic at Barnes Park that the idea to work on the neighborhood as one piece of the Delta Focus Project began. At that picnic, she met

Bob Aronson (sp?), a Taylor University Professor, who had been hired to begin a public health program at Taylor University. The first step taken was to gather Taylor University students to do a comprehensive walk-through and survey of the neighborhood to see what neighbors thought of the area. Their focus was on social cohesion and their assumption was that neighbors didn't know each other and would not have anyone in the neighborhood to turn to in time of crisis. What they found is that most neighbors knew someone in the neighborhood they could turn to for help but they were concerned about crime and wanted an improved quality of life. Specifically, they wanted a reduction in crime, violence and trash, along with more opportunities for youth. In the fall of 2016, a group of Indiana Wesleyan University design students selected Garfield Neighborhood Association as one of its projects, which in turn refocused her attention on Barnes Park. During the focus group, neighbors reported that someone had driven through the open area at Barnes Park, leaving ruts in the park's open area. And actually, the vehicle was left there so the police were able to hold the person accountable and she believes has paid restitution for that damage. To work to eliminate the possibility of vehicles driving and doing donuts in the park, the design students put together a conceptual plan using old tires as a border for the park. The students created a makeover of the park that included a conceptual design that included car parts for children to play with and in. After seeing what the students came up with, she reached out to Marion Parks Director Belinda Hussong about having the students present it at a Park Board meeting. That took place on February 6<sup>th</sup>. While the Park Board found the students' design work to be unrealistic, it did open the door for her to begin the dialogue about improving Barnes Park. In the spring, the Marion Parks Department removed the dangerous merry-go-round from the park. A group from a local alternative school took a half day and repainted the existing playground equipment. Belinda Hussong knew that there was a large piece of park equipment valued at around \$30,000 at the old go-cart park that wasn't being used. Belinda offered it to them if they could find a way to relocate it. On July 15<sup>th</sup>, a group of community volunteers came together and began the process of taking all the pieces of the playground equipment that they could, such as the tornado slide, ladders and monkey bars, so just the core was left. The pieces were stored at Family Service Society and the two benches and three metal spring-loaded toys that were also at the go-cart area were taken to a volunteer's house for repainting. While the original plan was to then have a local contractor remove the remaining structure, due to his business booming, she turned to the Mayor for a possible solution. Within 24 hours of her conversation with the Mayor, Jerry Foustnight, the Building Commissioner, and James Loftis, Street Department Director, were at the go-cart area, strategizing how to relocate the structure. That took place on August 24<sup>th</sup>. It was quite a scene to see it moved with that crane from one park to their little neighborhood park. In another attempt to beautify the park, they approached the homeowner whose fence separates his property from the park and asked if they could paint the fence. As part of Indiana Wesleyan University's freshman orientation, they had students and neighborhood volunteers come together on September 1<sup>st</sup> and paint the fence with paint from the Marion Parks Department. The result is a colorful border next to where the new playground equipment will be located. Sunday, October 1<sup>st</sup>, volunteers returned to the park to install two repainted benches and began installation work for the spring toys, digging holes and pouring concrete and putting in footers. On October 15<sup>th</sup>, the spring toys were put in place so those were at the old go-cart, they were rusty, the bench was old and needed repairs. Currently, Comfort Landscapes is installing a berm with fill dirt and topsoil to create a natural barrier so vehicles can't drive in the park and do donuts. The berms will include wildflowers, trees and other shrubs to encourage people to walk and play in the park. At the entrance of the park is a bicycle rack that was installed by the Marion Parks Department, a welcoming sign and two large boulders have been donated by (inaudible), again trying to keep people from having a way to come in. The Parks Department also installed picnic tables. Prior, they didn't have any picnic tables there, trash cans, grills, a (inaudible) sign. So again, they're trying to find ways they can improve. And then, her daughter made a mini-library as part of a 4-H project and that's been installed and will be unveiled on Sunday and they're hoping that will increase literacy for the people in the park because it'll be a free library they can take and bring books. As they look forward, there's still more work to be done, the completion of the installation of the relocated playground equipment and the possibility of adding other equipment with money from the Delta Focus Grant and other resources. The work that's been done has gained national attention as she has presented on two national webinars for the Prevention Institute and the park renovation will be featured in their magazine. So she thinks they should really be proud of Marion and the work they've done. The work in the park could not have been done if it were not for several individuals from the City of Marion, local universities and the community and they can see there were some that were from the neighborhood, many that weren't and a lot of city officials that helped and local companies. She thinks the work that's been done can

be best summed up by this saying that was posted on the bulletin board of the Marion City Planning Assistant, Lisa Todd, "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it's the only thing that ever has." And she really has taken that to heart. In closing, again, she wants to invite all of them to come to a ribbon-cutting ceremony Sunday at 2:00 pm at Barnes Park, located at 6<sup>th</sup> and E Streets and she does have handouts so everyone that's here in attendance can have that. Again, thank you very much and she sincerely, she'll tell them, when they started this project, she didn't know where it would go and it has been so rewarding and she so appreciates the city and all the department heads. Everybody has been so gracious, giving their time, their talents, their efforts. She means, it couldn't have been done if it wasn't for their partnership with the city, the community, the universities. She's just very thankful, Wilk said. Councilman Alan Miller asked Wilk, why doesn't she introduce Mrs. Bowen? Mrs. Wilk replied, yes, absolutely, Jan Bowen is like her right hand person. As she started this project, Jan and Mike McAllister (sp?) who isn't here, but she met Jan just coincidentally walking in her neighborhood and they have become the best crime fighters. They walk the neighborhood, they pick up trash. She's just been a blessing, Wilk said. Mayor Alumbaugh said he just wanted to express how thankful they are to the people that worked on Barnes Park. Did they see how many different entities came together to make this happen? That's how government's going to work nowadays, especially local government where the finances trickle down from federal to state and we get the leftovers. This is what made it happen because people were willing to put skin in the game without getting paid. Their heart and soul were there and they made it happen and this is what we need to do all over Marion. If we can do this and start spreading this ripple around, our community is going to look a lot different and we need to thank people just like these two young ladies right here because that heart and soul and that passion are game changers for Marion moving forward. Park Director Belinda Hussong said she, too, wanted to express her thank you to Linda and Jan. She loves these projects. These projects enhance our parks. Our parks are all about the quality of life. Part of their master plan is to partner with other organizations to make things happen in our parks. This is a perfect example of that. They have a great neighborhood association, they care for their neighborhood association and this is how we make things happen in our community and she just loves it, Hussong said. Miller said, one more question. He grew up in that park, playing tennis. To this day, he does not know who Barnes is or was. Wilk replied, actually, Mary Jane Downing, who is their 98 year old neighbor, she talked to her about that. It was a lady, in fact. Mrs. Bowen stated that she thought she (Downing) said she donated the money or maybe even the property was donated by her. Being no other questions or comments from the Council, Council President Jim Brunner thanked Wilk and said that he just checked the weather for Sunday, it's supposed to be perfect so be sure and come out between 2:00 pm and 4:00 pm for that Barnes Park ribbon-cutting and dedication. Thank you so much for what they've done, Brunner told Mrs. Wilk.

## NEW BUSINESS

### GENERAL ORDINANCE NO. 13-2017 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 13-2017 by title only. An Ordinance of the Common Council of the City of Marion, Indiana amending General Ordinances Sections 152.114 and 152.116 contained in the Code of General Ordinances for the City of Marion, Indiana regarding nature of storm facilities and erosion and sediment control. City Engineer Mike Graft told the Council what they have before them is a product of their latest audit from IDEM. When they came in and they reviewed the existing ordinances that we have in place, they noticed a couple of items that were in the ordinance that they no longer reference. They all have a copy of the two items that we're looking at. They could go through it page by page if they want but there's very little that has to be amended. Basically the number one part is the language as it refers to the use of a particular manual. The plan is they've red-lined those and once they get it approved through them, they will update the red-line and then submit that to IDEM for approval to finish up their audit. So, if they'd like to go through it, they can go through it but the biggest portion of it, where it talks about the Indiana Handbook of Erosion Control and Development, now they're using the Indiana Stormwater Quality Manual. So, that's the biggest portion of it. There are a couple of very small tweaks that were basically clerical issues and then a couple of them that talked about forestry and harvesting and agriculture, which were really slated more for the county. We kind of used the county's language when we brought this in to the city so that needs to be amended. If they have any questions after reviewing it, he'll be glad to answer them. Obviously, it's just the first reading and Kathi (Kiley, City Clerk) informed him it has to go to a 2<sup>nd</sup> reading, Graft said. Being no questions from the Council for Mr. Graft,

GENERAL ORDINANCE NO. 13-2017 Continued

motion was made by Councilman Homer to pass General Ordinance No. 13-2017 to a 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

GENERAL ORDINANCE NO. 14-2017 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 14-2017 by title only. An Ordinance to vacate a portion of a public way to the City of Marion, Indiana commonly known as a particular platted alley located between 9<sup>th</sup> and 10<sup>th</sup> Street and McClure Street and Branson Street, Marion, Indiana for St. Martin Deporres Center, Inc. Adrienne Rines, attorney for petitioners, told the Council they're here tonight for the first reading of the alley vacation surrounding St. Martin's. The reasoning behind this alley vacation, from their clients, it's an understanding that this has become a gathering area of sorts for alcohol and drug use and those sorts of activities so the goal of this alley vacation is to hopefully eliminate some of that activity. She believes they have a copy of the vacation request before them so at this time, for the first reading, they'd just simply respectfully request that they favor this alley vacation and pass it to a 2<sup>nd</sup> reading please. Councilman Alan Miller said, he drove down to look at this, he's not opposed to it, he's just trying to understand. The part that's going to be vacated runs from McClure Street west of the alley. Ms. Rines told Miller, there's actually two portions from her understanding. So if they're looking north south, there's an alleyway, she believes, there's a St. Martin's property north of that alley and south of that alley and she believes that's the east west running alley that would be vacated and then, if they look to the left of the St. Martin's property, there's also a north south alleyway she believes that is also requested to be vacated. So, in some situations, there's just an east west or a north south but she thinks in this case, they've got an east west and a north south alleyway requested to be vacated. Miller said, now the north south part where it is highlighted, there is no alley going north. There's a fence there and then the rest of that is parking lot and St. Martin's. So, between the T-shaped vacation to the north of the alley, there is no alley there. He guessed his main thing, why are they not vacating it all the way to 10<sup>th</sup> Street? Rines said, that's a good question that Joe Certain would be a great person to answer. Miller stated, oh okay. Like he said, he's not opposed to it. He's just trying to get his arms around it. When he drove in and looked at it, it looks different than what the diagram looks. Councilman Dave Homer said, if he can just chime in. He thinks he's familiar with this alleyway and it may be because there are properties, there are actually houses there where people park. Miller commented, well, there are a couple of garages. Homer stated, because everything else is owned by St. Martin's or Grant Blackford. Miller said, so the primary purpose is to get people to quit driving up into the alley and parking up in there. Ms. Rines replied, yeah, it's her understanding there are some not so good activity and, in other alley vacations that she has worked with, sometimes it technically is considered an alley but it hasn't necessarily been maintained as such so that may be part of it, what he's describing. Councilman Miller said, he was not aware but apparently Grant Blackford owns what used to be what he knew as the convent. He didn't know that was a Grant Blackford facility now. Is that a halfway house, he asked Homer. Mr. Homer told Miller, people stay there, yes. Miller commented, yeah, he's not opposed, just trying to understand it. Being no further questions of Ms. Rines from the Council, motion was made by Miller, 2<sup>nd</sup> by Homer to approve General Ordinance No. 14-2017 on 1<sup>st</sup> reading and send it to public hearing on the first Tuesday in November. Motion carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

Before the Council moved on to the next item of business, City Engineer Mike Graft told them, upon looking at the handout that they all received, they do not have a redline. Some of the wording is not, in the document that he made, he thinks it was the way that Debbie (Goodman, Deputy Clerk) probably copied it, it didn't get redlined so they can't see the red that he highlighted but there is wording in bold. So if they go through that, they'll see the words in bold that they'll be changing. He knows he referenced that he had red in his so he just wanted to make sure, if they were looking through that, look at the bold lettering.

RESOLUTION NO. 12-2017

The City Clerk read Resolution No. 12-2017 by title only. A Resolution of the Common Council of the City of Marion authorizing intervention in the request by Indiana Michigan Power Co. before the Indiana Utility Regulatory

RESOLUTION NO. 12-2017 Continued

Commission to increase the rates and charges to the city and its citizens. Chuck Binkerd, Utilities Director, thanked the Council for allowing him to speak to them this evening on this important issue. As they may or may not know, Indiana Michigan Power has requested before IURC to increase their rates. So, as being a significant energy user, the city itself along with the utility systems, they're a very significant user of electrical power. As a matter of fact combined, between the entities, we spend about \$1,000,000 a year on electrical power. So, when they found out that I & M was proposing to increase the rate, they wanted to take a good look at that, just to see what they felt like the impact to the community might be. And as they did, they began to talk to some other users, some other communities. The City of Ft. Wayne, City of South Bend are I & M users as well and so they began to take a look together to try to determine what those effects might be on our communities collectively and then, of course, individually. And as they did, they discovered that the potential for this increase could be significant. In I & M's material that they have put out regarding this potential increase, they're stating that, in general on average, the increase to be about 19% kind of across the board. But as they looked at it, there are very many complexities involved in a utility rate such as what they have and so there are a lot of tariffs, there are a lot of different categories of rates so when they looked at the actual tariffs that would apply to the utility and then to the city for things like street lighting and that kind of thing, what they determined and the other communities were in agreement with them that the potential could be as much as 25% and even as high as 30% if you include all the fees and all the potential services and all the potential charges. So, they've had several conversations with the Mayor and with their board and with others regarding this issue and it kind of came down to a point of timing where they needed to do something if they were going to have a voice in regards to their potential action. And so they have filed an intervention on behalf of the city and the utility with the Indiana Regulatory Commission, IURC, so they now have a place at the table to have a discussion in regards to these matters. They can bring some consultants in and actually really take a good hard look at what effect there truly might be on our community. And again, not only will this increase obviously effect the city, again, street lighting is a very substantial energy user, the utility is a very substantial energy user but the rate obviously will be effecting every resident in the community, every business in the community, our industrial users in the community. So, they felt like it was an important issue to be on top of and the purpose for the resolution this evening is just for the Council to have an opportunity to support their efforts in moving forward. The utility is engaging with some consultants in regards to their expertise on this matter and they'll be moving forward with that, obviously, in close discussions with the Mayor and with them (Council) as they learn and move forward in this issue. So, that's why they're here and that's the purpose of the resolution is that they might show their support and affirm the action in terms of moving forward before the IURC to plead their case for the community. Councilman Alan Miller told Binkerd, when they exchanged emails midweek, he (Binkerd) had mentioned he had also talked with Brad Lindsey. Does he know if the schools, are they going it alone, are they going with others or he never heard from them? Binkerd told Miller, he's sorry to say he hasn't heard. They did reach out and will continue to try to reach out and bring that to the table as well. Miller said, he means, perhaps all the school corporations are going together as they're trying to do. Mr. Binkerd said, he hasn't seen any filings by any particular school corporations but, again, the City of South Bend has filed, Ft. Wayne has filed, we're on record as filing, General Motors has filed. There's several other industrial entities have filed. It's a pretty significant list of folks who are concerned about this issue. Councilman Dave Homer thanked Binkerd for his call today and kind of giving them a heads up. He appreciates that. He guessed his question is, the IURC will meet, they'll have the hearings. Is that correct? Binkerd told Homer that was correct. Homer asked Binkerd if he knows when those will start and how long this process may take. Binkerd told Homer, they're in the process of some public meetings right now. We have to have our testimony filed by November 7<sup>th</sup>. He doesn't recall the date that IDEM is planning on having this approved but it is a fairly lengthy process but they had to be fairly quick in terms of getting their name at the table so that they could have a voice in that. But they have to have their testimony filed by November 7<sup>th</sup>, Binkerd said. Homer told Binkerd, thank you and they appreciate his diligence on this and keeping them posted along the way. Councilwoman Lynn Johnson told Binkerd, thank you and she thanked him for his call yesterday. She appreciates it. She's really proud of him and all his efforts to help the city and the fact that he's picking up the tab on this one. That's pretty great. What does he think our chances are, what does he think the response is going to be from I & M? Has anyone talked to him about the effectiveness of his movement and his challenge to these rates? Binkerd replied, well, obviously in any case, the utility company is going to come with a number higher than what they expect to get so just,

## RESOLUTION NO. 12-2017 Continued

by default, they feel like there will be some concessions maybe but he thinks, given the strength of the movement to have discussion on this matter by very several significant entities, many if not most of their large users have filed in this matter. So, he thinks there will be strength in numbers and he thinks there will be a pretty high chance that we'll see good success. He can't guess as to what that outcome might be but certainly he thinks that there's plenty of precedence in other types of matters like this that suggests that it could be fairly significant. Johnson asked, does he think that the EPA's decision about the coal fire generating coal plants will have an impact on I & M's decision may be able to reverse some of these charges? Binkerd answered, well that's obviously, they've had several discussions with lawyers and consultants already and that's certainly one of the points that they'll be trying to drive home is that that no longer seems to be the significant issue that it was. And so, that may be an area that they can take advantage of, yes. Johnson stated, well she wishes him the best of luck. They'll be thinking of him and praying for him and they hope he's successful. Councilman Steve Henderson told Binkerd he appreciates the call yesterday also but would he please share some of those numbers that he shared on the phone with him, the \$1,000,000 and how much that's going to raise so they can get a perspective? Mr. Binkerd replied, sure. As he mentioned, they, collectively, just the city as an organization pays about \$1,000,000 a year in electric bills. So if the increase is 20%, that's \$200,000. If it's 30%, that's \$300,000. And so, as it stands right now, again, as they said, it looks like it's probably pushing closer to the 30% range without any intervention and so they're hoping, of course, to minimize that impact. Again, there's no doubt that IURC will approve some level of increase but they're working hard to try to minimize that impact. So, it could be very substantial and obviously to budgets that are already strained, \$300,000 is a lot of money. And so, they feel like whatever investment they have in hiring the consultants and folks to help them work through this will certainly be money well spent. Councilman Henry Smith asked, what is the deadline for all this to take place? Binkerd told Smith, well they have to have their filing with all of their testimony in by November 7<sup>th</sup>, and so, again, it's a fairly short timetable that they're trying to get information put together. Consultants are working right now to try to study to be able to really determine the true impact to our community and to the other communities affected so that when they present it, they have good numbers and good information to present to IURC. So, that's all being done as they speak and November 7<sup>th</sup> will be the filing and beyond that, he can't tell him exactly what the schedule of meetings but there will be hearings and testimony. Smith asked, so do they have a schedule that they are going to let everybody know? Binkerd said, sure, yeah, it'll all be published, publicized. It's all public record and there will be advertisements regarding any of the hearings and any of the proceedings, absolutely. And they can make sure that they pass that along as they get that information too. Councilman Brad Luzadder told Binkerd, as he knows, even when they looked at a water rate increase, he voted against it. He would not be in favor of this at all and if it takes them, as a Council, to go with him, he would be thrilled to go down and let them know the impact it would have on our citizens and our community. A lot of times they forget where we are. Indianapolis and South Bend, they know where those places are. Marion, Indiana, our citizens are struggling now. This would be catastrophic for some of our citizens and so whatever we need to do to let them know that we are not in favor at all. That means we may look somewhere else for our energy. He says that we need to forge ahead strongly. And even when he (Binkerd) stood before them and said we need a wastewater increase, he still sat here and said no. He will continue to do that but he will say yes to joining him and our Administration and the rest of these communities to make sure that Marion is not railroaded by a system that has been unbalanced for a long time. Mr. Binkerd told Luzadder, absolutely. They felt equally as impassioned on behalf of our community and they felt like they couldn't miss the chance which is why they went ahead with the filing, again, with conversations with the Mayor's Office, the Mayor and their board (Utility Board), but they had to proceed with the filing prior to this meeting date and so they went ahead and did that in good faith that they all would join in with them, hence the resolution that they have before them. Council President Jim Brunner told Mr. Binkerd, if his service station begins to charge 30% more for gasoline so he can power his car, he thinks they all know what they would do at that time, go to another gas station. And backing up and asking that question Mr. Luzadder brought to light, down the line, is there resolutions of telling Indiana & Michigan, sorry, we can't afford you anymore? Binkerd told Brunner, that's a difficult one. Obviously, there aren't too many options in terms of being able to go across the street and purchase power from the next person but, that being said, and he can assure Rev. Luzadder that some of the rate increase that they did receive on the Wastewater Utility has been diligently invested back into opportunities for them to generate their own energy and so they currently have a system that they just put online fairly recently that they invested in that

## RESOLUTION NO. 12-2017 Continued

can actually generate about 1/3 of their power requirements based on methane gas production from the Wastewater Treatment Plant. They reutilize that using a combined heat and power system which generates electricity, recovers heat so they can use the heat to heat their buildings in the winter, heat their campus there. The electricity goes back into their system. They have plans ongoing as they speak to determine ways in which they might increase that methane production even more. And as they do that, they've built their system so that they can add additional units and their hope is that someday, he may not see that day but as they work forward through this process, that they'll be able to be off the grid completely with their utility systems. So, even though those increases in rates do hurt the pocketbook, they are trying to be very diligent in terms of how they manage that and be very respectful in terms of the fact that it is a hardship on folks and they're trying to do their due diligence to make sure that they use that money in every way that they possibly can to the utmost benefit of our community. So that's just one way that they've done something a little unusual. They're not seeing too many communities pursuing that kind of an opportunity at that level. And so, they have some other plans in the works that they'll be able to share with them hopefully in the fairly near future and so they're continually trying to work, again, even though we can't go to another vendor and say "we want to buy electricity from you", possibly we can create some of our own and take some of that demand away so that we're not spending our money to serve them. Luzadder told Mr. Binkerd, just to reiterate, it was not his (inaudible) to go against a full rate increase. His problem was that it was 15 years in the future that, after taking the tours of his facility and the large big blue dome that they're collecting the methane gas in. By all means, we have some of the best tasting water anywhere and he'll put it up against anyone. They all have done a marvelous job. It wasn't that small increase, it was \$2.00. It was 15 years down the road that \$2.00 becomes \$30.00. Binkerd told Luzadder, absolutely. Those federal mandates are certainly out of their (Council) hands, they're out of their (Utility) hands and so he understands and respects his position on this. Luzadder stated, the mandates of the CSO's and stuff in which they are doing and continuing to work for, he can live with. Council President Jim Brunner told the Mayor, his signature will go on this resolution if it passes. Does he care to share anything with the Council or Mr. Binkerd at this time? Binkerd asked if he could just make a statement to that. That was an error and Mr. Stephenson has taken a look at that and they've corrected that document so the Council President's signature will be on the document rather than the Mayor. Mayor of Marion Jess Alumbaugh told the Council he didn't know Chuck when he was elected Mayor but it's been a real pleasure to work with somebody like Chuck. He's on top of his game, his employees are glad to be there as a part of that team. He does an outstanding job and they're trying to get to know each other and build a bridge. There were some rough waters prior to this Administration. They're learning to trust and he thinks they've really reached that point where they're working in unison. They both have the best outlook for the community and he really appreciates him. He's a very bright man and he's done a great job with our utilities. So kudos to Chuck and his team, Alumbaugh said. Being no further questions or comments from the Council, Mr. Brunner asked Mr. Binkerd if he had anything else he would care to add. Binkerd told Brunner, unless there's any other questions, he believes that's where we are. Brunner told Binkerd, thank you for a very good presentation. Motion was then made by Luzadder to pass Resolution No. 12-2017. Motion was seconded by Councilman Don Batchelor and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Brunner told Binkerd, good luck and if there's any way they can help him, be sure to let them know.

Before the meeting adjourned, Council President Brunner said that was the final item on their agenda tonight. A reminder, he thinks people get used to them meeting every two weeks. The way the calendar falls, two weeks from tonight is Halloween and Rev. Luzadder told him he always goes out and trick-or-treats at that time so they will be unable to meet. Their next meeting will be November 7<sup>th</sup>, just a reminder for everyone.

Being no further business to come before the Council, on a motion by Homer, 2<sup>nd</sup> by Batchelor, the meeting adjourned. Time being 7:58 p.m.