

**MINUTES OF THE PROCEEDINGS
OF THE
COMMON COUNCIL**

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, JULY 13, 2023

The City Council met in Regular Session Thursday, July 13, 2023 at 6:00 P.M. in the City Hall Courtroom with Mr. DeBaun presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag
Calling Of the Roll**

PRESENT: Amy Auler, George Azar, Tammy Boland, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

Public Comment on Items Not on the Agenda

- a. Donald Hyde concerning the casino and police training
- b. Craig Henley concerning the mayor's executive order concerning audio and video recording in City Hall and at the Police Headquarters.
- c. Dustin Milligan concerning recording video in City Hall, constitutional rights and missing personal property.

No Corrections to the Journal of the Preceding Meeting

No Communication from the Mayor

No Reports from City Officials

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

Items Previously Tabled

Council President Curtis DeBaun passed the gavel to Council Vice President Tammy Boland.

**SPECIAL ORDINANCE 11, 2023 – Rezoning of property located at 4355 East Wabash Avenue <Elliott> -
DEFEATED 2 YES 6 NO 1 ABSTENTION**

SPECIAL ORDINANCE 11, 202, previously tabled on June 1, 2023, was read by digest. Motion was made by Councilperson and seconded by Councilperson to pass SPECIAL ORDINANCE 11, 2023. Motion was defeated with two (2) yes votes, six (6) no votes and one (1) abstention with Councilpersons Auler and Elliott voting yes, Councilperson DeBaun abstaining and Councilpersons Azar, Crossen, Garrison, Loudermilk, Nation and Boland voting no.

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 11, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

A parcel of land in the North West quarter of Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40, and more fully described as follows:

Beginning at the point of intersection of the south line of U.S. Highway 40 and the east line of Keane Lane (formerly known as Beecher Road), in the Northwest Quarter of Section 19, Township 12 North, Range 8 West, thence Northeasterly along the South line of said U.S. Highway 40, 187 feet; thence South parallel with said East line of Keane Lane 400 feet; thence Southwesterly parallel with said South line of U.S. Highway 40, 187 feet to the East line of said Keane Lane; thence North 400 feet to the place of beginning.

Subject to conditions and restrictions concerning heating plants, intoxicating liquors and intoxicating beverages, sewer systems, types of material used in construction and building set back lines contained in a deed from Louis H. Petzold and Gertrude Petzold and George Harvey Froderman and Mildred J. Froderman to Inez T. Hollis and Mary M. Hollis dated August 3, 1948 and recorded in Deed Record 258, Page 549 of the records of the Vigo County Recorder, as modified by a certain Agreement and release of restrictions recorded in the Miscellaneous Record 150, Page 91 of the records of the Vigo County Recorder.

Parcel No.:84-07-19-102-001.000.009

Commonly known as: 4355 E. Wabash Avenue, Terre Haute, IN 47803.

Be and the same is hereby established as an R-3 Multifamily Residential District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Earl Elliott, Councilperson

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Council Vice President Tammy Boland passed the gavel to Council President Curtis DeBaun.

**No Tax Abatements for Confirmation
No Items on Second Reading**

ITEMS ON FIRST READING

Appropriations

APPROPRIATION 6, 2023 - \$153,909.00 from Wastewater Utility #0620 to Overtime (WWTP), #0620-0061-01-412129 for \$35,626.00, to Operating Supplies (WWTP), #0620-0061-02-422005 for \$24,016.00, to Gasoline (WWTP), #0620-0061-02-422010 for \$2,433.00, to Diesel Fuel (WWTP), #0620-0061-02-422020 for \$13,372.00, to Services Contractual (WWTP), #0620-0061-03-432010 for \$73,025.00, to Rental of Equipment (WWTP), #0620-0061-03-438010 \$5,243.00, and to Purchase of Equipment (WWTP), #0620-0061-03-444010 for \$194.00 <Elliott>

APPROPRIATION 6, 2023 was read by digest. Motion was made by Councilperson Crossen and seconded by Councilperson Nation to take action on APPROPRIATION 6, 2023. Motion carried unanimously. Motion was made by Councilperson Crossen and seconded by Councilperson Nation to pass APPROPRIATION 6, 2023. Motion carried.

APPROPRIATION NO. 6, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	Wastewater Utility #0620	\$153,909.00	\$153,909.00
TO:	Overtime (WWTP) #0620-0061-01-412129	\$ 35,626.00	\$ 35,626.00
TO:	Operating Supplies (WWTP) #0620-0061-02-422005	\$ 24,016.00	\$ 24,016.00
TO:	Gasoline (WWTP) #0620-0061-02-422010	\$ 2,433.00	\$ 2,433.00
TO:	Diesel Fuel (WWTP) #0620-0061-02-422020	\$ 13,372.00	\$ 13,372.00
TO:	Services Contractual (WWTP) #0620-0061-03-432010	\$ 73,025.00	\$ 73,025.00
TO:	Rental of Equipment (WWTP) #0620-0061-03-438010	\$ 5,243.00	\$ 5,243.00
TO:	Purchase of Equipment (WWTP) #0620-0061-03-444010	\$ 194.00	\$ 194.00
	TOTAL	\$153,909.00	\$153,909.00

Introduced by: O. Earl Elliott, Councilperson
Passed in open Council this 13th day of July, 2023.
Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 14th day of July, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 14th day of July, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

APPROPRIATION 7, 2023 - \$5,600,000.00 from ARPA Fund #0199 to Contractual Services, #0199-0006-03-432010, for \$1,000,000.00, to Contractual Services, #0199-0006-03-432010, for \$150,000.00, to Donation for Capital Improvement, #0199-0006-03-432028, for \$1,000,000.00, to Donation for Capital Improvement, #0199-0006-03-432028, for \$250,000.00, to Principal on Notes/Leases, #0199-0006-03-439178, for

\$2,405,000.00, to Interest on Notes/Leases, #0199-0006-03-439179, for \$5,243.00, and to Purchase of Equipment, #0199-0006-04-444010, for \$31,000.00 <Elliott>

APPROPRIATION 7, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Nation to take action on APPROPRIATION 7, 2023. Motion was defeated with one (1) no vote with Councilperson Crossen voting no. Councilperson Crossen stated she was changing her vote. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to take action on APPROPRIATION 7, 2023. Motion carried unanimously. Motion was made by Councilperson Crossen and seconded by Councilperson Boland to amend APPROPRIATION 7, 2023. Motion was defeated with two (2) yes votes and seven (7) no votes with Councilpersons Boland and Crossen voting yes and Councilpersons Auler, Azar, Elliott, Garrison, Loudermilk, Nation and DeBaun voting no. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass APPROPRIATION 7, 2023. Motion carried.

APPROPRIATION NO. 7, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	ARPA Fund #0199	\$5,600,000.00	\$5,600,000.00
TO:	Contractual Services #0199-0006-03-432010	\$1,000,000.00	\$1,000,000.00
TO:	Contractual Services #0199-0006-03-432010	\$ 150,000.00	\$ 150,000.00
TO:	Donation for Capital Improvement #0199-0006-03-432028	\$1,000,000.00	\$1,000,000.00
TO:	Donation for Capital Improvement #0199-0006-03-432028	\$ 250,000.00	\$ 250,000.00
TO:	Principal on Notes/Leases #0199-0006-03-439178	\$2,405,000.00	\$2,405,000.00
TO:	Interest on Notes/Leases #0199-0006-03-439179	\$ 31,000.00	\$ 31,000.00
TO:	Purchase of Equipment #0199-0006-04-444010	\$ 764,000.00	\$ 764,000.00
	TOTAL	\$5,600,000.00	\$5,600,000.00

Introduced by: O. Earl Elliott, Councilperson
Passed in open Council this 13th day of July, 2023.

Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 14th day of July, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 14th day of July, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

General Ordinances

Motion was made by Councilperson Nation and seconded by Councilperson Azar to take action on GENERAL ORDINANCES 5, 6, AND 7, 2023. Motion carried unanimously.

GENERAL ORDINANCE 5, 2023 - Amending City Code, creating Chapter 2, Article 9, Sections 2-110, Capital Asset Policy <Elliott>

GENERAL ORDINANCE 5, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Elliott to pass GENERAL ORDINANCE 5, 2023. Motion carried.

GENERAL ORDINANCE NO. 5, 2023

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 2 OF THE TERRE HAUTE CITY CODE BY ESTABLISHING A CAPITAL ASSET POLICY.

WHEREAS, the Common Council of the City of Terre Haute, Indiana (the “Council”) desires to establish a Capital Asset Policy for the City of Terre Haute, Indiana (the “City”) and its various departments and utilities as required by the Indiana State Board of Accounts: and

WHEREAS, the Council remains committed to ensuring compliance with various accounting and financial reporting standards, including Generally Accepted Accounting Principles (GAAP), Governmental Accounting, Auditing, and Financial Reporting (GAAFR), and the Governmental Accounting Standards Board (GASB) and to meet any applicable State and Federal capital asset regulatory reporting requirements;

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Terre Haute, Indiana as follows:

SECTION 1. *Terre Haute City Code* shall be modified with the insertion of following:

CHAPTER 2. CITY ADMINISTRATION

ARTICLE 9. FUNDS AND FISCAL PROCEDURES

...

Sec. 2-109 Capital Asset Policy.

a. **General Information.** The Capital Asset Policy will be effective January 1, 2023. The Capital Asset Policy documents the minimum value of capital assets to be reported on the City of Terre Haute’s Annual Financial Report. The Capital Asset Policy follows the Government Accounting Standards Board (GASB) Statement 34. The City will be required to depreciate capital assets. The capital asset threshold will be \$10,000. An asset valued less than \$10,000 will be expensed in the year of the purchase.

b. **Definition of Capital Assets.** Capital assets include land, infrastructure, buildings, improvements other than buildings, machinery, equipment, and vehicles, construction in progress, and other capital assets. All

capital assets will have useful lives of more than one year and a per unit or aggregate cost of \$10,000 or more. All land will be capitalized but not depreciated.

Items costing less than \$10,000 which are permanently installed as a part of the cost of original construction or installation of a larger building or unit of equipment will be included in the cost of the larger unit.

Purchases made with grant funds must comply with grant requirements if the grant requirements are more restrictive.

The following table contains the capitalization thresholds for capital assets:

Land	All - Not Depreciable Asset
Buildings	\$10,000
Improvements Other Than Buildings	\$10,000
Machinery, Equipment, and Vehicles	\$10,000
Infrastructure	\$10,000
Construction in Progress	All - Not Depreciable Asset
Other Capital Assets	\$10,000

c. **Valuation of Capital Assets.** Capital assets should be recorded at actual or estimated historical cost. The cost normally includes the purchase price or construction costs of the asset, but it also should include any reasonable and necessary costs incurred to place the asset in its intended location and its intended use. Such costs could include the following: freight, site preparation, fees (architectural, engineering, legal, appraisal, and surveying), demolition, interest, and other reasonable costs.

Donated or contributed assets should be recorded at fair market value on the date of acquisition.

Historical amounts that are difficult to estimate will use the Consumer Price Index calculation methodology, as outlined in the Indiana State Board of Accounts March 2020 County Bulletin page 11-12.

d. **Asset Definition by Major Category.**

Land. Specified land, lots, parcels, or acreage including rights of way owned by the City of Terre Haute, its various departments, boards, or authorities, regardless of the method or date of acquisition.

Improvements Other Than Buildings. Assets such as parking areas, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items.

Buildings. Permanent structures designed and erected to house equipment services or functions are included. This includes systems, services, and permanent fixtures within the buildings and attachments such as porches, stairs, fire escapes, canopies, lighting fixtures, flagpoles, and all other such units that serve the building.

Building Improvements. Plumbing systems, lighting systems, heating, cooling, ventilation, and air handling systems, alarm systems, sound systems, surveillance systems, elevators, escalators, fixed shelving, and other fixed equipment are included with the building. All items in this category should be non-movable items.

Machinery, Equipment, and Vehicles. Assets that are primarily movable items. Included in this category are office equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, and park equipment, laboratory equipment, vehicles, road maintenance equipment, emergency response equipment, earth-moving equipment, and data processing equipment. All supplies are excluded and should be recorded separately as inventory if material in quantity or cost.

Infrastructure. Assets that are long-lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than most capital assets. Examples include roads, alleys, multi-use pedestrian trails, sidewalks, streetlights, traffic signals, sewer lift stations, sewer pumps, and stormwater drainage systems.

Other Capital Assets. Capital assets that do not fit into any of the other major categories listed above. Examples include but are not limited to; certain licensed software, intellectual property, and K-9 animal(s).

e. **Depreciation Methods and Salvage Value.** Depreciation represents the recognition of the cost of an asset over time by calculating its estimated loss in value during each year. Generally, at the end of the asset's life, the sum of the amounts charged for depreciation in each year (accumulated depreciation) will equal the original cost less salvage value.

The salvage value of an asset is the value it is expected to have when it is no longer useful for its intended purpose. The City assumes a salvage value of zero dollars (\$0) but may evaluate on an asset-by-asset basis.

The City of Terre Haute depreciates the majority of its capital assets using the Straight-Line Method. Under this method, the same amount of depreciation is deducted from the value of an asset every year for its useful life. The City takes the full year of depreciation of a capital asset in the year of acquisition and recognizes no salvage value (book value of a capital asset after all depreciation has been fully expensed). Land and Construction in Progress are capital asset categories that are not depreciated. Construction in Progress assets become another category of assets once the asset is substantially ready to be placed in service. Construction in Progress will be capitalized as of December 31 of each fiscal year.

The City depreciates its infrastructure capital assets using the group or composite methods of depreciation. The group or composite methods of depreciation apply a single straight-line depreciation rate and average useful life to the calculation of depreciation for a group of assets.

Estimated Useful Depreciable Lives

- Land – N/A
- Improvements Other Than Buildings – 20 years
- Buildings – 50 years
- Building Improvements - 20 years
- Machinery, Equipment, and Vehicles - 5 years
- Infrastructure - 50 years
- Other Capital Assets - 5 years
- Construction In Progress - N/A

f. **Capital Asset Acquisition.** The method of acquisition of a capital asset is not a determining factor. Each department shall report capital assets acquired by any of the following:

- (1) Regular purchases
- (2) Construction by City personnel
- (3) Construction by an outside contractor
- (4) Resolution/Condemnation
- (5) Donation/Contribution (see Appendix B)
- (6) Addition to an existing asset (see Appendix B)
- (7) Transfer from another department
- (8) Trade/Barter
- (9) Annexation
- (10) Lease Purchase (title transfer only aka “Capital Leases”)

Leased equipment should be capitalized if the lease agreement meets any one of the following criteria:

- (1) The lease transfers ownership of the property to the lessee by the end of the lease term.
- (2) The lease contains a bargain purchase option.
- (3) The lease term is equal to 75% of the estimated economic life of the leased property.
- (4) The present value of the minimum lease payments at the inception of the lease (excluding executory costs) equals at least 90% of the fair-value of the leased property.

Leases that do not meet any of the above criteria are considered operating leases.

g. **Asset Transfers and Dispositions.** Capital assets should not be transferred, sent to auction, or disposed of without prior approval of the Department Head and consent from the appropriate board. A list of the capital assets being transferred or disposed of should be sent to the City Controller prior to transfer or disposal. Notification should be given if the asset changes location or is retired/disposed of. (See Appendix B)

h. **Periodic Inventories.** A physical inventory of all capital assets will be conducted in each department annually. The inventory will be conducted on or before December 31 each year by the Department Head or a designee. Department Heads will be accountable for the capital asset inventory of their department by verifying a list of capital assets prior to year-end. Once every two years a physical inventory and audit of capital assets will be conducted to verify lists.

i. **Responsibilities of City Controller.** The City Controller will ensure that accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and annually in subsequent years. The City Controller will further ensure that the capital asset report will be updated annually to reflect additions, reductions, and transfers. The City Controller will also report annual capital asset balances as required by the State Board of Accounts on the City Annual Financial Report.

j. **Responsibilities of Department Heads.** It is the responsibility of the Department Head to keep an accurate record of the department's capital assets. The Department Head or a designee will act as the contact during the physical inventory process. Someone within the department should be designated by the Department Head to record the receipt of the asset at time of acquisition and to follow the procedures above at the time the asset is transferred or disposed of. The Department Head or a designee should act as a steward for each capital asset while it is owned and used by the department. In addition, any damage or theft of a capital asset should be reported by the Department Head to City Controller within a reasonable amount of time. (e.g. within 72 hours)

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. This ordinance supersedes all other ordinances or parts of ordinances regarding capital asset policies which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: O. Earl Elliott, Councilperson
Passed in open Council this 13th day of July, 2023.

Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 14th day of July, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 14th day of July, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

GENERAL ORDINANCE 6, 2023 - Amending City Code, creating Chapter 2, Article 9, Sections 2-110, Investment Policy <Elliott>

GENERAL ORDINANCE 6, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Boland to pass GENERAL ORDINANCE 6, 2023. Motion carried.

GENERAL ORDINANCE NO. 6, 2023

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 2 OF THE TERRE HAUTE CITY CODE BY ESTABLISHING AN INVESTMENT POLICY.

WHEREAS, the Common Council of the City of Terre Haute, Indiana (the “Council”) desires to establish an Investment Policy for the City of Terre Haute, Indiana (the “City”) and its various departments and utilities as required by the Indiana State Board of Accounts: and

WHEREAS, the Council remains committed to ensuring compliance with various accounting and financial reporting standards, including Generally Accepted Accounting Principles (GAAP), Governmental Accounting, Auditing, and Financial Reporting (GAAFR), and the Governmental Accounting Standards Board (GASB) and to meet any applicable State and Federal capital asset regulatory reporting requirements;

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Terre Haute, Indiana as follows:

SECTION 1. *Terre Haute City Code* shall be modified with the insertion of the following:

CHAPTER 2. CITY ADMINISTRATION

ARTICLE 9. FUNDS AND FISCAL PROCEDURES

...

Sec. 2-109-1 Investment Policy.

a. **Purpose.** The purpose of this investment policy (the “Policy”) is to set forth the investment objectives and parameters for the management of public funds of the City of Terre Haute, Indiana (the “City”). This investment policy is designed to safeguard funds on behalf of the City, to assure the availability of funds when needed, and provide a competitive investment return.

b. **Scope.** This policy applies to the investment of all funds of the City including but not limited to, the general fund, special revenue funds, debt service funds, project funds and trust and agency funds.

The City may consolidate fund balances to increase investment earnings and to increase efficiencies with regard to investment pricing, banking fees and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

c. **General Objectives.** The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

(1) **Safety.** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. The objective will be to minimize credit risk and interest rate risk.

(a) **Credit Risk -** The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by limiting investments to the types of securities listed in Section VI of this Investment Policy.

(b) **Interest Rate Risk -** The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity.

(2) **Liquidity.** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, a portion of the portfolio may be placed in money market mutual funds or government investment pools which offer same day liquidity for short-term funds.

(3) **Yield.** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

d. **Standards of Care.**

(1) **Delegation of Authority.** The City Controller, hereinafter referred to as the Investment Officer, shall be responsible to oversee the day-to-day management of the City's investments pursuant to Indiana Code 36-4-10-4.5. Should the City elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

(2) **Prudence.** The standard of prudence to be used by the Investment Officer shall be the "prudent person" standard and shall be applied in the context of managing all funds of the City. The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

(3) **Ethics and Conflicts of Interest.** The Investment Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Investment Officer and employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

e. **Authorized Financial Institutions and Broker/Dealers.**

(1) **Authorized Financial Institutions and Broker/Dealers.** A list will be maintained of local financial institutions that are approved depositories for the receipt of public funds according to the State Board for Depositories. The City may pass a resolution pursuant to IC 5-13-9-5 expanding the list of approved financial institutions to include all Indiana depositories approved for the receipt of public funds according to the Indiana State Board for Depositories.

In addition, the City will only use broker/dealers that meet the following requirements:

- Primary dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule);
- Capital of no less than \$10,000,000;
- Registered as a dealer under the Securities Exchange Act of 1934;
- A member of the National Association of Securities Dealers (NASD);
- Proof of state registration

f. **Suitable and Authorized Investments.** Consistent with Indiana Code 5-13-9, the following investments will be permitted by this Policy:

- (1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
 - (a) The United States Treasury.
 - (b) A federal agency.
 - (c) A federal instrumentality.
 - (d) A federal government sponsored enterprise.
- (2) Securities fully guaranteed and issued by any of the following:
 - (a) A federal agency.
 - (b) A federal instrumentality.
 - (c) A federal government sponsored enterprise.
- (3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase in accordance with IC 5-13-9.2.
- (4) Money market mutual funds rated AAAM, or its equivalent, by Standard and Poor's Corporation or Aaa, or its equivalent, by Moody's Investors Service, Inc. in accordance with IC 5-13-9-2.5.
- (5) Repurchase agreements in accordance with IC 5-13-9-3
- (6) Transaction accounts, certificates of deposit and deposit accounts issued or offered by a designated depository of the City's political subdivision. The investing officer making a deposit in a certificate of deposit shall obtain quotes from each designated depository in accordance with IC 5-13-9-4.
- (7) Certificates of deposit authorized by a resolution of the City in accordance with IC 5-13-9-5 and 5-13-9-5.3.
- (8) Local government investment pools in accordance with IC 5-13-9-11.
- (9) Consistent with Indiana Code 36-1-7, the City may pass a resolution to enter into interlocal cooperation agreements for the joint exercise of powers, including the investment of public funds.

g. **Investment Parameters**

(1) **Maximum Maturities.** The City's investments must have a stated final maturity of not more than two years pursuant to IC 5-13-9-5.6. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

The City Council may adopt an ordinance, pursuant to IC 5-13-9-5.7, authorizing its Investment Officer to make investments having a stated final maturity that is more than two (2) years but not more than five (5) years after

the date of purchase. The total investments of the City with maturities of two (2) to five (5) years outstanding at the time of purchase may not exceed twenty-five percent (25%) of its total portfolio of public funds invested, including balances in transaction accounts. Such ordinance expires on the date on which this Policy expires, which may not exceed four (4) years.

(2) Competitive Bids. The Investment Officer or its designee shall obtain competitive bids for investment with financial institutions in accordance with IC 5-13-9-4. The Investment Officer or its designee shall obtain bids from at least two brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

h. Policy Considerations

(1) Adoption and Expiration. This Policy shall be adopted by the City Council at a public meeting and shall expire four (4) years from the date of adoption in accordance with IC 5-13-9-5.7.

(2) Exemption. Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

(3) Amendments. This policy shall be reviewed periodically. Any changes must be approved by the Investment Officer and the City Council.

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. This ordinance supersedes all other ordinances or parts of ordinances regarding capital asset policies which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: O. Earl Elliott, Councilperson
Passed in open Council this 13th day of July, 2023.
Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 14th day of July, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 14th day of July, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

GENERAL ORDINANCE 7, 2023 - Amending City Code, Chapter 6, Section 6-89.7, Animal Control Commission – Establishment; Duties <DeBaun>

GENERAL ORDINANCE 7, 2023 was read by digest. Motion was made by Councilperson Crossen and seconded by Councilperson Boland to pass GENERAL ORDINANCE 7, 2023. Motion carried.

GENERAL ORDINANCE NO. 7, 2023

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE*, CHAPTER 6, TO AMEND THE COMPOSITION OF THE ANIMAL CONTROL COMMISSION.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute that the *Terre Haute City Code* shall be modified as follows:

SECTION 1. *Terre Haute City Code*, Chapter 6, Sec. 6-89.7 is hereby amended by inserting the underlined text and deleting the striking text as follows:

Sec. 6-89.7 Animal Control Commission – Establishment; Duties.

a. There is created and established an Animal Control Commission of the City of Terre Haute which shall have the authority and responsibility to make recommendations to the Common Council and the Board of Public Works and Safety as to the necessary ordinances concerning control of dogs, cats and other animals.

b. **Animal Control Commission - Membership, Terms, and Meetings.** The Animal Control Commission shall consist of five (5) members as follows:

(1) Two (2) members shall be residents of the City of Terre Haute selected by the Common Council who are knowledgeable of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same.

(2) One (1) member of the Common Council shall serve as a non-voting member of the Commission in an ex-officio capacity.

~~(2)(3)~~ The Director of the Terre Haute Humane Society shall serve as a non-voting member of the Commission in an ex-officio capacity. (Gen. Ord. No. 15, 2009, 7-8-10)

~~(3)(4)~~ Three (3) members shall be residents of the City of Terre Haute selected by the Mayor of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same. (Gen. Ord. No. 15, 2009, 7-8-10)

...

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: Curtis DeBaun, Councilperson
Passed in open Council this 13th day of July, 2023.
Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 14th day of July, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 14th day of July, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

Special Ordinances

SPECIAL ORDINANCE 13, 2023 – Rezoning of property located at 2620 and 2626 Jackson Street <Auler>

SPECIAL ORDINANCE 13, 2023 was read by digest. Area Plan Commission certified this ordinance to the Council on July 5, 2023 with a Favorable With Conditions Recommendation. Motion was made by Councilperson Auler and seconded by Councilperson Crossen to take action on SPECIAL ORDINANCE 13, 2023. Motion carried unanimously. Motion was made by Councilperson Auler and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 13, 2023. Motion carried.

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as “Comprehensive Zoning Ordinance for Terre Haute Indiana.”

SECTION I. BE IT ORDINATED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lots Numbered Three Hundred Thirty-two (332), Three Hundred Thirty-three (333), Three Hundred Thirty-four (334), Three Hundred Thirty-five (335), Three Hundred Thirty-six (336), and Three Hundred Thirty-seven (337) in Krumbhaar Place Land Company’s Second Subdivision being a Subdivision of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21 and 22 in Krumbhaar Place a Subdivision of part of the South West Quarter of Section 33, Township 12 North of Range 9 West.

Parcel Nos. 84-06-33-308-001.000-002 and 84-06-33-308-002.000-002

Commonly known as: 2620 Jackson Street, Terre Haute, Indiana 47802 and
2626 Jackson Street, Terre Haute, Indiana 47802

Be and the same is hereby established as a C-2 Community Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Amy Auler, Councilperson

Passed in open Council this 13th day of July, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 14th day of July, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of July, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Richard J. Shagley, II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SPECIAL ORDINANCE 14, 2023 - Rezoning of property located at 1728 North 8th Street <Garrison>- NO ACTION TAKEN

SPECIAL ORDINANCE 14, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Crossen to take action on SPECIAL ORDINANCE 13, 2023. Motion was defeated with three (3) no votes with Councilpersons Azar, Crossen and Nation voting no. No action was taken.

Tax Abatement Compliance of Benefits Forms not filed

Tri-Aerospace (Fast Track LLC) Resolution 19, 2017

Motion was made by Councilperson Loudermilk and seconded by Councilperson Boland to find Tri-Aerospace NOT IN SUBSTANTIAL COMPLIANCE. Motion carried.

Hearing will be held August 3, 2023 at 5:30 p.m.

Motion was made by Councilperson Azar and seconded by Councilperson Nation that the meeting be adjourned. Motion carried.

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk