

AGENDA OF THE COMMON COUNCIL
City of Angola, Indiana

Tuesday, September 7, 2021 – 7:00 p.m.

CALL TO ORDER BY MAYOR HICKMAN

1. Council Member roll call by Clerk-Treasurer Herbert.

Crum _____ Olson _____ Armstrong _____ Martin _____ McDermid _____

2. Remarks by Mayor Hickman.
3. Request approval of the August 16 minutes. (attachment)

UNFINISHED BUSINESS

1. Ordinance No. 1682-2021. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ANGOLA BY CHANGING THE LAND USE CLASSIFICATIONS OF THE CERTAIN AREA DESCRIBED HEREIN FROM SMALL TO MEDIUM GENERAL COMMERCIAL (C1) DISTRICT TO AGRICULTURAL (AG) DISTRICT and INSTITUTIONAL (IS) DISTRICT. (Angola Church of the Nazarene 255 and 345 N Gerald Lett Ave.) (second reading) (attachment)
2. Other unfinished business.

NEW BUSINESS

1. Public Hearing regarding the OCRA CDBG COVID-19 Response Program Phase 2 project closeout.
2. Ordinance No. 1683-2021. AN ORDINANCE AMENDING THE CITY OF ANGOLA, INDIANA EMPLOYEE HANDBOOK, EMPLOYEE BENEFITS – LEAVE PROGRAMS – SICK LEAVE AND EMPLOYEE BENEFITS – LEAVE PROGRAMS – SICK LEAVE DONATION PROGRAM. (first reading) (attachment)
3. Mayor Hickman presents the 2022 Budget.
4. Clerk-Treasurer Herbert presents the 2021 Budget Management Report.
5. Request approval of the Uniform Conflict of Interest Disclosure Statement for Street Commissioner Doug Anderson. (Street Department Salt Building Painting) (attachment)

6. Request permission to trade 2015 Dodge Charger (asset #0008659) with the Town of Orland for a 2016 Dodge Charger and dispose of vehicle by scrapping via Fire Department for training.
7. Reports:
 - Clerk-Treasurer
 - Department heads
8. Request approval of the Allowance of Accounts Payable Vouchers 53090 through 53438. totaling \$838,785.53. (separate attachment)
9. Other new business.

NEXT MEETING

The next Common Council meeting is Monday, September 20.

ADJOURNMENT

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least three business days ahead of scheduled meeting. Contact the Clerk-Treasurer, 210 North Public Square, Angola, IN 46703, (260) 665-2514 extension 7353, clerktreasurer@angolain.org as soon as possible but no later than three business days before the scheduled event.

August 16, 2021

The regular meeting of the Common Council of the City of Angola, Indiana was called to order at 7:00 p.m. at City Hall, 210 North Public Square with Mayor Richard M. Hickman presiding. Council Members Gary L. Crum, David A. Olson, Kathleen G. Armstrong, David B. Martin, and Jerold D. McDermid answered roll call. No Council Member was absent. Clerk-Treasurer Ryan P. Herbert recorded the minutes.

Among those present were Water Superintendent Tom Selman, City Engineer Amanda Cope, City Attorney Kim Shoup, Chief of Police Ken Whitmire, Fire Chief T.R. Hagerty, Street Superintendent Doug Anderson, Human Resources Administrator Sue Essman, Economic Development & Planning Director Vivian Likes, and Engineering Assistant Nick Gerber.

Also, among those present was Hailee Lepley of *The Herald Republican*, Colleen McNabb-Everage of the Downtown Angola Coalition, Latrielle Wheat, Tony Baker, and Josh Kline.

APPROVAL OF THE MINUTES

Council Member Olson moved to approve the August 2, 2021 minutes. Council Member Crum seconded the motion. The motion carried 5-0.

Minutes of the July 6 Board of Public Works and Safety meeting were presented for Council information.

UNFINISHED BUSINESS

Ordinance No. 1681-2021, AN ORDINANCE FIXING COMPENSATION OF ELECTED OFFICIALS OF THE CITY OF ANGOLA, INDIANA FOR THE YEAR 2022, was read by title and presented to Council on third and final reading. Council Member Martin moved to approve. Council Member Crum seconded the motion. The motion to approve on third and final reading carried 3-2. Council Members Olson and McDermid dissented.

Colleen McNabb-Everage from the Downtown Angola Coalition provided information for the request for funding toward the cost of a fulltime coordinator taken under advisement at the August 2nd meeting Council meeting. The proposal included \$40,000 in funding for 2022 and decreasing by \$10,000 each year through 2025. Discussion followed. Council Member Martin made a motion that the City will pledge \$60,000 over a two-year period, which would include \$40,000 in 2022 and \$20,000 in 2023, with the caveat that it does not come from any source of funds that can be used for public safety and it fits the mayor's budget plans. Council Member Olson seconded the motion. Discussion followed. The motion carried 5-0

NEW BUSINESS

Ordinance No. 1682-2021, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ANGOLA BY CHANGING THE LAND USE CLASSIFICATIONS OF THE CERTAIN AREA DESCRIBED HEREIN FROM SMALL TO MEDIUM GENERAL COMMERCIAL (C1) DISTRICT TO AGRICULTURAL (AG) DISTRICT and INSTITUTIONAL (IS) DISTRICT, was read by title and presented to Council for first reading. Council Member Martin moved to approve. Council Member Crum seconded the motion. the motion to approve carried 5-0. (Angola Church of the Nazarene 255 and 345 N Gerald Lett Ave.)

Resolution No. 2021-810, A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE CITY OF ANGOLA FOR THE GENERAL FUND AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18.6, was read by title and present to Council for approval. Council Member Martin moved to approve. Council Member McDermid seconded the motion. The motion to approve carried 5-0.

The Clerk-Treasurer's Depository Statement and Cash Reconcilement for month ending July 2021 was presented for Council review and information.

CLERK-TREASURER AND DEPARTMENT HEAD REPORTS

Clerk-Treasurer Herbert reported to Council the upcoming dates regarding 2022 budget presentation, workshop, and adoption. These dates include September 7th budget presentation, September 14th budget workshop, September 20th budget ordinance first reading, October 4th public hearing and second reading, and October 18th budget third reading and adoption. Discussion followed.

Economic Development & Planning Director Likes reported that there would be a Board of Zoning Appeals meeting Monday August 23rd regarding a sign variance for Farmers State Bank.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

Council Member Armstrong moved to approve the Allowance of Accounts Payable Vouchers 52840 through 53089 totaling \$1,185,095.58 which includes interfund transfers of \$89,503.94. Council Member McDermid seconded the motion. The motion carried 5-0.

ADJOURNMENT

There being no further business, the meeting was considered adjourned at 7:32 p.m.

Richard M. Hickman, Mayor
Presiding Officer

Attest:

Ryan P. Herbert, Clerk-Treasurer

DRAFT

**AN ORDINANCE AMENDING THE ZONING MAP OF THE
CITY OF ANGOLA BY CHANGING THE LAND USE CLASSIFICATIONS
OF THE CERTAIN AREA DESCRIBED HEREIN FROM
SMALL TO MEDIUM GENERAL COMMERCIAL (C1) DISTRICT TO
AGRICULTURAL (AG) DISTRICT and
INSTITUTIONAL (IS) DISTRICT.**

345 N. Gerald Lett Ave. (existing residence-Proposed Lot 4) and
255 N. Gerald Lett Ave. (church building/premises-Proposed Lot 3)
Angola, Indiana

Be it hereby ORDAINED by the Common Council of the City of Angola, Indiana,
that:

Pursuant to a favorable recommendation from the City of Angola Plan Commission, certified to the City of Angola Common Council, Council hereby adopts the proposal to amend the zoning map (incorporated by reference) and the following zoning classifications on the area is hereby changed from Small to Medium General Commercial (C1) District to Agricultural (AG) District and Institutional (IS) District.

The properties are described as follows:

LEGAL DESCRIPTIONS OF REAL ESTATES AND PROPOSED LOTS:

b) Address: 345 N. Gerald Lett Ave. (existing residence-proposed Lot 4) current zoning of Small to Medium General Commercial (C1) District and to Rezone to Agricultural (AG) District. Legal Description to be rezoned from "C1" Small to Medium General Commercial to "AG" Agricultural: A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 13 EAST, PLEASANT TOWNSHIP, STEUBEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 28; THENCE SOUTH 01°02'14" EAST (BEARINGS BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM NAD83, INDIANA ZONE EAST) ON THE EAST LINE OF THE NORTHEAST QUARTER A DISTANCE OF 1396.23 FEET TO A MAG NAIL AT THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 01°02'14" EAST ON SAID EAST LINE A DISTANCE OF 408.03 FEET TO A MAG NAIL ON THE NORTH LINE OF THE ENTRANCE STREET TO SUMMIT HILL CEMETERY AS RECORDED IN PLAT BOOK 1, PAGE 103 OF THE RECORDS OF THE STEUBEN COUNTY RECORDER; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE BOUNDARY OF SUMMIT HILL CEMETERY: THENCE SOUTH 88°56'11" WEST 353.25 FEET TO A #5 REBAR STAKE; THENCE NORTH 01°02'14" WEST 82.50 FEET TO A #5 REBAR STAKE; THENCE SOUTH 88°56'11" WEST 133.50 FEET TO

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A #5 REBAR STAKE; THENCE SOUTH 01°02'14" EAST 99.00 FEET TO A #5 REBAR STAKE; THENCE DEPARTING SAID PLAT OF SUMMIT HILL CEMETERY SOUTH 88°56'11" WEST 898.22 FEET TO A #5 REBAR STAKE; THENCE NORTH 01°02'14" WEST PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER A DISTANCE OF 435.73 FEET TO A #5 REBAR STAKE; THENCE NORTH 89°23'59" EAST 1385.01 FEET BACK TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 13.239 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS OF RECORD.

c) Address: 255 N. Gerald Lett Ave. (church building/premises-proposed Lot 3) current zoning of Small to Medium General Commercial (C1) request to rezone to Institutional (IS) District.

Legal Description for to be rezoned from "C1" Small to Medium General Commercial to Institutional "IS": A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 13 EAST, PLEASANT TOWNSHIP, STEUBEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAS CORNER OF THE NORTHEAST QUARTER OF SECTION 28; THENCE NORTH 01°02'14" WEST (BEARINGS BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM NAD83, INDIANA ZONE EAST) ON THE EAST LINE OF THE NORTHEAST QUARTER A DISTANCE OF 354.71 FEET TO A #5 REBAR STAKE AT THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID EAST LINE SOUTH 88°56'11" WEST 1185.67 FEET TO A #5 REBAR STAKE; THENCE NORTH 01°02'14" WEST PARALLEL TO SAID EAST LINE A DISTANCE OF 486.79 FEET TO A #5 REBAR STAKE; THENCE NORTH 88°56'11" EAST 1185.67 FEET TO A MAG NAIL ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 01°02'14" EAST ON SAID EAST LINE A DISTANCE OF 486.79 FEET BACK TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 13.250 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS OF RECORD.

This ordinance shall be in full force and effect from and after its passage and adoption by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Angola, Indiana, on this _____ day of _____, 2021 by the vote of _____ ayes and _____ nays.

Richard M. Hickman, Mayor and Presiding Officer

ORDINANCE NO. 1682-2021

Attest:

Ryan P. Herbert, Clerk-Treasurer

This ordinance presented by me, the Clerk-Treasurer of the City of Angola, Indiana to the Mayor at the hour of _____ a.m./p.m. this _____ day of _____, 2021.

Ryan P. Herbert, Clerk-Treasurer

This ordinance signed and approved by me, the Mayor of the City of Angola, Indiana this _____ day of _____, 2021.

Richard M. Hickman, Mayor

AN ORDINANCE AMENDING THE
CITY OF ANGOLA, INDIANA EMPLOYEE HANDBOOK,
EMPLOYEE BENEFITS – LEAVE PROGRAMS – SICK LEAVE AND
EMPLOYEE BENEFITS – LEAVE PROGRAMS – SICK LEAVE DONATION
PROGRAM

BE IT HEREBY ORDAINED by the Common Council of the City of Angola, Indiana that the Employee Handbook is being amended by the text of existing provisions in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~:

Section 1. Employee Benefits – Leave Programs – Sick Leave and Employee Benefits – Leave Programs – Sick Leave Donation Program is amended to read as follows:

Sick Leave

The City provides a sick leave program for all full-time employees. The sick leave program is designed to assist the employee with the continuation of wages in the case of illness or injury. Employees are expected to manage their sick leave effectively to ensure a positive balance to provide a safety net if illness or injury should occur.

Employees will be credited with one (1) workday of sick leave for each full calendar month of work. Earned sick leave is credited to your “sick leave account” on the first of each month and current balances are shown on your payroll stub. Newly hired employees are awarded sick time beginning on the first of the month following one (1) full month of employment.

For the purposes of this policy, a workday is equal to the number of hours an employee would work on a routinely scheduled workday.

Employees may take paid sick leave in increments as little as one-quarter (1/4) hour. Approval of leave requests is the responsibility of your supervisor.

Use of Paid Leave with FMLA: Generally, FMLA leave is unpaid, however, if an employee has accrued paid leave available and the employee’s leave request meets the requirements for use of that paid leave, the employee must use the available paid leave as the same time as the FMLA leave. Similarly, if an employee requests accrued paid leave for a purpose that is also covered by the FMLA, the employee must use FMLA leave at the same time as the paid leave.

The maximum balance allowable in an employee’s sick leave account is ninety (90) workdays.

Paid sick leave may be requested for the following circumstances:

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- Illness, injury, pregnancy or childbirth-related conditions of the employee which renders the employee unable to work,
- To provide care for a member of the employee's immediate family during illness, injury, pregnancy or pregnancy-related condition,
- Adoption or adoption-related obligations where the employee's presence is reasonably required, or
- Exposure of the employee or a member of the employee's immediate family to a contagious disease which could potentially jeopardize the health of the employee or others in the workplace.
- Medical, dental, vision or other health-related exams or appointments of the employee or a member of the employee's immediate family where the employee's presence is reasonably required, and the appointment could not be made during an employee's non-work time.
- In the event of a declared emergency. Refer to Page 30 of the Employee Handbook for information.

For the purposes of this policy, immediate family is defined as the employee's spouse, child or stepchild, parent or stepparent, brother or brother-in-law, sister or sister-in-law, parent-in-law or child-in-law, grandparent or grandchild or in legal guardianship cases.

At the request of your supervisor, employees should complete a Request for Leave form 11-018. Forms are available in your department or on the Common Drive in the Human Resources folder.

The City reserves the right to request any and all appropriate documentation to substantiate any request or to investigate in order to approve payment of sick leave. Should investigation reveal improper, misleading or fraudulent use or paid sick leave, the employee will be subject to disciplinary action, up to and including discharge.

Employees who resign or retire from employment with the City are eligible to receive payment for any unused sick time. Retiring employees will receive ten dollars (\$10.00) for each full day of unused sick time up to a maximum of ninety (90) days. Failure to meet the requirements for notification of retirement in Section B of this handbook will cause forfeiture of any payment for unused sick time.

Sick leave is not considered work time and does not apply toward the calculation of overtime.

Sick Leave Donation Program

The City of Angola provides a *sick leave donation program* available for full-time employees who have been stricken with an ~~extended~~ illness or injury that have exhausted their sick time hours.

Employees who have been stricken with an ~~extended~~ illness or injury, **pregnancy, or childbirth-related conditions of the employee which render the**

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employee unable to work, that are without accrued sick leave may receive a sick leave donation from other City employees. Sick leave donations will only be granted upon approval of the Office of the Mayor.

An employee may be eligible to *receive donated sick leave* equivalent up to the number of hours the employee is normally scheduled to work each pay period by meeting the following criteria:

- has no accrued paid leave (including sick, vacation, PTO or compensatory time);
- has no abuse or patterned use of sick leave as determined by the Mayor or Clerk-Treasurer for employees of the Clerk-Treasurer's Office;
- has provided acceptable verification that the ~~illness~~ **need** exists;
- agrees to accept the leave under the terms of this policy; and
- completes an Application to Receive Donated Sick Leave form 11-020.

An employee may *donate sick leave*, if the donating employee:

- voluntarily elects to donate sick leave,
- retains a sick leave balance of at least four (4) weeks, and
- completes a Sick Leave Donation form 11-021.
-

Department heads must ensure that no employee is forced to donate leave. The donation of sick leave will occur on a voluntary and confidential basis.

Employees found to abuse the intended use of the paid sick leave program or habitually max out their sick time may be deemed ineligible to receive donated sick leave.

~~In the case of an employee who is stricken with a life-threatening injury or illness and has exhausted all paid leave time including vacation, PTO sick leave and donated sick leave, a *sick leave extension* may be granted for up to forty five (45) days. Medical certification is required and must be substantiated by the City's physician and carry the approval of the Board of Public Works and Safety.~~

This ordinance shall become effective following passage and adoption by the Common Council and approval by the Mayor.

DULY PASSED AND ADOPTED by the Common Council of the City of Angola, Indiana, on the _____ day of October 2021 by the vote of _ ayes and ____ nays.

Richard M. Hickman, Mayor
Presiding Officer

ORDINANCE NO. 1683-2021

Attest:

Ryan P. Herbert, Clerk-Treasurer

This ordinance presented by me, the Clerk-Treasurer of the City of Angola, Indiana to the Mayor at the hour of _____ a.m./p.m. this _____ day of October 2021.

Ryan P. Herbert, Clerk-Treasurer

This ordinance signed and approved by me, the Mayor of the City of Angola, Indiana this _____ day of October 2021.

Richard M. Hickman, Mayor



UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT
 State Form 54286 (R / 6-12) / Form 236
 STATE BOARD OF ACCOUNTS

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-1-4. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. Name and Address of Public Servant Submitting Statement: DOUGLAS ANDERSON
2. Title or Position With Governmental Entity: STREET COMMISSIONER
3. a. Governmental Entity: CITY OF ANGOLA
 b. County: STEUBEN
4. This statement is submitted (check one):
 a. as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or
 b. as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.
5. Name(s) of Contractor(s) or Vendor(s): DOUGLAS ANDERSON
5. Description(s) of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.):
PAINTING OF CITY OF ANGOLA SAULT BUKHANS
ICE TO LAST APPROXIMATELY ONE MONTH TO
BE PERFORMED BY DOUG ANDERSON AND WIFE
TERMINA ANDERSON.

7. **Description of My Financial Interest** (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.)

PROCEEDS FROM PAINTING BID.

(Attach extra pages if additional space is needed.)

8. **Approval of Appointing Officer or Body** (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university.)

I (We) being the Richard M. Hubman of _____
(Title of Officer or Name of Governing Body)

City of Angola and having the power to appoint
(Name of Governmental Entity)

the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44.1-1-4; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

Elected Official: _____ Office: _____

9. **Effective Dates** (Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.)

Date Submitted (month, day, year) _____ Date of Action on Contract or Purchase (month, day, year)

10. **Affirmation of Public Servant:** This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____
(Signature of Public Servant)

Date: _____
(month, day, year)

Within fifteen (15) days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E41B, Indianapolis, Indiana, 46204 and the Clerk of the Circuit Court of the county where the governmental entity took final action on the contract or purchase.