



February 19, 2024
Common Council

Present:

Mike Hartman, Mayor
Tracey Hawkins, Council District 1 and Council President
Kristie Laub, Council District 2
Darren Alloway, Council District 3
Bill White, Council at Large
Angela Eck, Clerk-Treasurer
Jimmie Eck, Fire Chief
Scott Lanning, Wastewater Superintendent
Vivian Likes, City Planner
Donald Stuckey, City Attorney
Matt Traster, Police Chief

Absent

Gale Ryan, Council District 4

Mayor Hartman opened the regular session of the Common Council at 7:25 pm at 215 South Broadway.

Pledge of Allegiance

The minutes from the February 5th meeting were presented. Council Member Alloway made a motion to approve the minutes and Council Member Laub seconded the motion. The motion passed with all in favor.

Mayor Hartman asked for comments or questions from the audience pertaining to the agenda items. There were none.

Proposed Ordinance 1787, An Ordinance to Repeal Ordinance 1682, Ethics Policy, was presented for its second reading by title.

Council Member Hawkins stated that she has been researching ethics in the State of Indiana and would like to table the second reading. She reported that the State of Indiana is pushing for each municipality to have their own Code of Ethics. She has spoken with Council Member Gale Ryan and he would also like to table this ordinance on second reading.

Council Member Hawkins made a motion to allow further discussion on proposed Ordinance 1787 and Council Member White seconded the motion.



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City Attorney Don Stuckey stated that he can do some more investigating on what the State of Indiana is looking for and then make modifications to the existing policy.

Council Member Hawkins stated that having an ethics policy is for everyone's protection. She also stated that most organizations in our area have their own code of ethics.

Mayor Hartman asked where all of the red ink on the proposed employee handbook came from, particularly the pages for the Ethics Policy. Clerk-Treasurer Eck stated that most of it came from herself. She stated that the current Ethics Policy started out as a class project in either 2018 or 2019 when she and several other City employees took the Ball State Public Management Course. The Council at that time wanted to make it a part of the City Code and did so by passing Ordinance 1682.

Mayor Hartman stated that this is the first he had heard of it. He said that the Clerk-Treasurer should have said that she authored it.

Clerk-Treasurer Eck stated that the Ethics Policy was adopted before he took office and is part of the Codebook. She didn't know that Mayor Hartman had no idea that it existed. Clerk-Treasurer Eck also stated that if it had been put in the Employee Handbook to begin with, there would be no question that it existed. It is much easier for people to be aware that things pertaining to employees exist if they are all contained in one document.

Council Member Alloway asked if there was a Code of Conduct already in the Employee Handbook. Clerk-Treasurer Eck said that there is, but it is different from the Ethics Policy. The Code of Conduct covers fighting and arguing for example. Council Member Alloway stated that it is the same thing.

Council Member Hawkins stated that the Code of Conduct doesn't cover working as a City official.

City Attorney Stuckey stated that his problem with the current Ethics Policy is legally applying it to elected officials. It suggests that elected officials can be removed from office for violating it. Mr. Stuckey went on to state that he could make changes to the current Ethics Policy to make it match current state law.

Council Member Alloway stated that there is no way to make enough changes to the Ethics Policy to make everyone happy.

Mayor Hartman stated that he feels that the Council is stating that the City Attorney is wrong. Mr. Stuckey was hired for his legal opinions, none of the Council are lawyers.

Mr. Stuckey reiterated that he, number one, has problems with certain parts of the Ethics Policy. Number 2, he can rewrite it to eliminate those problems.

Mayor Hartman requested a motion to table the repealing of the Ethics Policy or to not table it.



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Council Member Hawkins made a motion to table proposed Ordinance 1787, an Ordinance to Repeal the Ethics Policy, in order to make adjustments to the policy and meet the concerns of the City Attorney. Council Member White seconded the motion.

Council Member Hawkins	Aye
Council Member White	Aye
Council Member Alloway	Nay
Council Member Laub	Nay

Mayor Hartman stated that is a tied vote and that he will break that tie by voting Nay. Motion did not pass.

Council Member Alloway made a motion to approve Ordinance 1787, an Ordinance to Repeal the Ethics Policy, on its second reading and Council Member Laub seconded the motion.

Council Member Alloway	Aye
Council Member Laub	Aye
Council Member Hawkins	Nay
Council Member White	Nay

Mayor Hartman stated that he will break the tie by voting Aye. Motion passed.

Mayor Hartman asked City Attorney Stuckey if the third reading could also be done this evening. Mr. Stuckey stated that the Council's rules allow two readings in one meeting but do not require it.

Mayor Hartman asked for a motion to approve Ordinance 1787, An Ordinance to Repeal the Ethics Policy, on its third reading.

Council Member Alloway made a motion to approve Ordinance 1787, an Ordinance to Repeal the Ethics Policy, on its third reading and Council Member Laub seconded the motion.

Council Member Alloway	Aye
Council Member Laub	Aye
Council Member Hawkins	Nay
Council Member White	Nay

Mayor Hartman stated that he will break the tie by voting Aye. Motion passed.

City Planner Vivian Likes reported that she is continuing to work on updating the City's website. She also reported that a Community Vision for the Bohn Aluminum site will be held next Monday from 6 to 8 pm. The Park Board will hold their monthly meeting on February 27th at 5:30.



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Mrs. Likes is also working on sending a letter to the owner of a home located in the 200 block of North Pearl. The High School is preparing to start their construction project and will be requesting permits soon. There is a new business located in the Fuentes building on Depot Street. Nana's will be closing soon. The United Way Day of Caring is also approaching.

Police Chief Matt Traster reported that he is working with Flock to get the license plate readers installed. This includes obtaining approval from AEP to mount the cameras on their poles. DeKalb County held a Crisis Intervention Training class last week and two Butler officers completed it.

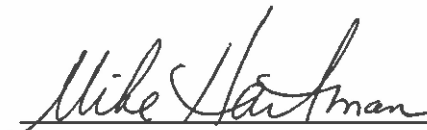
Street Superintendent Mark Cline reported that he has been contacted by a resident on Independence Street requesting center lines be painted on High Street. Mr. Cline stated that only two streets in the City actually have center lines painted. There was discussion. Chief Traster reported that Indiana Code does not seem to require they be painted.

City Attorney Don Stuckey reported that he will finish up the changes in the Employee Handbook now that a decision has been made on the Ethic's Policy. He will have the Employee Handbook draft ready for the next meeting.

Clerk-Treasurer Angela Eck requested that the Park Board discuss the Emerick Donation at their meeting next week.

City Planner Vivian Likes stated that there is one vacancy on the Economic Development Commission.

Council Member Hawkins made a motion to adjourn at 7:50 pm and Council Member White seconded the motion. The motion passed with all in favor.



Mayor



Common Council



Clerk-Treasurer