

City of Decatur
Board of Public Works & Safety Minutes
April 20, 2021

The City of Decatur Board of Public Works and Safety members met on Tuesday, April 20, 2021 at 6:00 P.M. Members present were Craig Coshow, Tyler Fullenkamp, and Mayor Dan Rickord. Also present were Clerk-Treasurer Phyllis Whitright and City Attorney Timothy Baker.

The Clerk-Treasurer had emailed the minutes of the April 6, 2021 meeting. Coshow made a motion to approve the minutes. Fullenkamp seconded the motion. Motion carried.

As discussed at the previous meeting in regards to AEP's request for power pole replacements and easements on south Winchester Street, 7th and 8th Streets to Dayton Street. Jeremy Gilbert, Operations Manager noted he had not heard anymore from AEP, but he and Don Bergdall, Civil Infrastructure Manager had met and neither had a problem with AEP's request to purchase certain easements, since it doesn't interfere with any City infrastructure. Gilbert shared that AEP will be pulling poles and replacing them. Coshow inquired about when all wires could be underground and Gilbert informed him that wires of certain voltage and that are higher up could not be placed underground. Gilbert recommended that AEP be allowed to purchase the necessary easements. City Attorney Tim Baker recommended that the easement agreements needed to include the fact that AEP could not authorize any additional users of the easements unless agreed to by the City. Coshow made a motion for the City Attorney Tim Baker to contact AEP to discuss the change he recommends to the easement agreements, and authorized Mayor Rickord to sign once the easement agreements include the change. Seconded by Fullenkamp, the motion was adopted.

Kevin Hackman, Utilities Auditor appeared before the Board regarding a transition contract with Kokosing Industrial to do work from the Berne Wells and along 500 west. The work was removed from the original contract and moved to the end to learn if savings as a result of the completion of the Winchester Water Plant Project were available for use. Work will be done at the guaranteed savings price with Phase 1 having a savings of about \$500,000 and Phase 2 at \$100,000 estimated. Hackman had talked with Midwestern Engineers and they will need an answer to give Kokosing Industrial by the end of the month to lock in the price. Hackman recommended moving forward with Kokosing Industrial. Hackman mentioned that bids could be taken but that could take a month to go through the process and with Kokosing's time schedule they wouldn't be able to bid, and since they are already here, there wouldn't be any additional cost for mobilization. Fullenkamp commented that if the project is put out for bids the cost could be more. Fullenkamp made a motion to proceed using Kokosing Industrial for the project of the Raw Water Transmission Line Replacement from Berne and the CR 500 W Loop Connection. Seconded by Coshow, the motion was adopted. The total contract amendment cost is \$1,886,204.

Fullenkamp made a motion to make the final documents of the Rules and Regulations and Lease Agreement for The HIVE a matter of record. Seconded by Coshow, the motion was adopted.

Max Miller, owner of the Famous Monster Pizza appeared before the Board as he sought permission to use the alley between Second and First Streets north of his new business for outside dining. He plans to fence in the area using seven (7) feet of the twelve (12) foot alley with plans to beautify the alley. The remaining five (5) feet of the alley would be used as a pedestrian path. Miller also sought permission to locate a handicap ramp from the alley rather than from the front of the building. Jeremy Gilbert who is the ADA Coordinator for the City has looked at the plans which are in ADA compliance. Miller explained that a removable fence would be installed, and that the outdoor dining area will only be

used in the summer time, and he will take care of snow removal and cleaning the alley. Lighting may also be installed on the outside at a later time. Mayor Rickord requested that Mr. Miller come back to the Board for approval before installing lights. The City Attorney suggested having a memorandum of understanding between the City and Miller, which can be reviewed on an annual basis, which can be renewed until the parties want to terminate, and also to have Miller provide a certificate of insurance to the City as an additional insurer. Fullenkamp made a motion to approve the use of the alley, and direct the City Attorney to prepare a memorandum of understanding which is to be renewed each year, and to have a certificate of insurance on file. Seconded by Coshow, the motion was adopted. Coshow made a motion to authorize Mayor Rickord to sign the memorandum of agreement following its drafting by City Attorney Tim Baker. Seconded by Fullenkamp, the motion was adopted. It was noted that the memorandum should include such things as Mr. Miller being responsible for the cleaning of the alley, the fence and other items to be removed at the end of the outdoor dining season, and the five (5) feet of the alley will remain as a pedestrian path.

Tony Lothridge, City Fire Marshal/Asst. Building and Zoning Supt. appeared before the Board regarding two (2) code enforcement violations. The first was for 437 Mercer Ave. owned by David Wilson. Lothridge reported that the first notification had been sent August 20, 2019. Numerous notifications had been sent and after the issue was brought before the Board on February 2, 2021 when it was decided to begin a fine of \$100 a day following a 30-day deadline. To date, the fine is \$1000. Lothridge noted a quick turnaround to clean up the property after two (2) years of waiting. Mr. Wilson was present and was questioned if the upkeep would continue and what he would see as a solution. He noted he would like the \$1000 fine waived. Following discussion Coshow made a motion for the City Attorney to prepare an agreement with Mr. Wilson for the fine to be suspended for a period of one (1) year and if no code enforcement violation is found within the year, the fine will be waived. However, if there is a code violation within the year, the fine will be reinstated. Seconded by Fullenkamp, the motion was adopted. Coshow also questioned when the trailer full of the trash will be removed from the property. Mr. Wilson agreed to have the trailer moved by the end of the week and will call the Building Dept. when completed.

The second location brought forth by Tony Lothridge, City Fire Marshal/Asst. Bldg. and Zoning Supt., was 804 Schirmeyer St. owned by Gary Meyer and William and Kylie Harvey. All three owners were notified by letters. No one was in attendance. It was shared that the process for this location began in November 2020, with numerous notifications and no action was taken. At the February 22, 2021 Board of Works meeting a fine was imposed of \$100 a day if no action is seen after thirty (30) days, the fine is now at \$1,200. Coshow made a motion directing Mr. Lothridge to contact the owners and define what exactly is expected of them regarding which items need to be removed from the property. If the items are removed, then the fines will be suspended for a year while they are on probation, and if there are any other code violations within that year, the fines will be reinstated, and to have them attend the next Board meeting on May 4, 2021. Fullenkamp seconded the motion. Motion carried.

There being no other business to come before the Board, Coshow made a motion to adjourn the meeting. Seconded by Fullenkamp, the motion was adopted.

Adjournment was at 7:15 P.M.