CITY OF DECATUR COMMON COUNCIL MINUTES JUNE 7, 2016

The City of Decatur Common Council met on Tuesday, June 7, 2016 at 7:30 p.m. at City Hall in Council Chambers, 172 N. 2nd Street. The meeting was called to order by Mayor Ken Meyer. Roll call was taken to show, Councilmen Cam Collier, Craig Coshow, Matt Dyer, Tyler Fullenkamp and Wylie Sirk were in attendance. Also present was City Attorney, Tim Baker and Clerk-Treasurer, Phyllis Whitright.

The Mayor invited everyone to stand and recite the Pledge of Allegiance.

The Clerk-Treasurer emailed the minutes from the May 17th meeting. There were no corrections. Dyer made a motion to approve the minutes. Coshow seconded the motion. Motion was unanimous.

The Clerk-Treasurer emailed the minutes from the June 2nd Special meeting. There were no corrections. Fullenkamp made a motion to approve the minutes. Sirk seconded the motion. Motion carried.

Dyer made a motion to suspend the council meeting to hold a Public Hearing. Coshow seconded the motion. Motion carried.

Collier made a motion to open the Public Hearing regarding tax abatement application submitted by Hoosier Pattern, Inc. Fullenkamp seconded the motion. Motion carried.

Attorney Jeremy Brown representing Hoosier Pattern presented a statement for proof of filing notice to each taxing unit that has authority to levy property taxes in the geographic area where the economic revitalization area is located. Also submitted was the proof of publication for the public hearing, which was advertised in the *Decatur Daily Democrat* on May 25th. Sirk made a motion to make the proof of filing notice, and the proof of publication, a matter of record. Dyer seconded the motion. Motion carried.

Mayor asked for any comments from the public in regards to the tax abatement. No comments were received.

Attorney Jeremy Brown then submitted Resolution No. 2016-6, Confirming Resolution for the Designation of an Economic Revitalization Area upon the application of Hoosier Pattern, Inc. for a ten (10) year abatement for new manufacturing equipment estimating at a value of \$867,580.00, and retaining 45 full-time employees and adding 1 more full-time employee. Attorney Brown informed Council that he will hold another Public Hearing in the future for the real estate abatement when more accurate estimates are available. Tim Hartigan from Hoosier Pattern commented that Hoosier Pattern is ready for the new equipment to be installed.

Coshow made a motion to close the Public Hearing. Sirk seconded the motion. Motion carried.

Coshow made a motion to re-open the Common Council meeting. Sirk seconded the motion. Motion carried.

Collier made a motion to Introduce Confirming Resolution No. 2016-6. Sirk seconded the motion. Motion carried.

Coshow made a motion to Pass Confirming Resolution. No. 2016-6. Dyer seconded the motion. Motion carried.

Mayor Meyer introduced Derek Vrablic, owner of The Java Bean Café, to present a bike rack he has designed. The Mayor allowed Mr. Vrablic to present his idea to council first, so this wouldn't delay Mr. Vrablic to install the bike racks before July if approved by both Council and Main Street. Vrablic showed Council the bike rack, which has a Historic US 27 Route sign attached, which allows advertising at the bottom of the sign. Vrablic suggested charging \$100 for advertising, which would create revenues for Decatur Main Street. The Operations Manager, Jeremy Gilbert remarked to please keep ADA requirements in mind when locating the racks. The Mayor informed Vrablic that he will still need Main Street approval, but this will allow council a chance to see what is being proposed. Councilman Sirk mentioned the location of the racks will still need to be discussed and the Street Department to be involved in the discussion, but commented that this would be a good fund raiser for Main Street. Councilman Collier made a motion to approve the bike racks downtown contingent upon approval from Main Street and the Street Department. Coshow seconded the motion. Motion carried.

The City Attorney informed Council in regards to the Ordinance to vacate the alley for Pizza Hut be tabled, due to relocating easements for the new building being proposed by Pizza Hut. By consensus, the Ordinance was tabled for the July 5th council meeting.

The City Attorney, Tim Baker, then apologized to Council for an oversight on his part. Baker explained that he had completed a Conflict of Interest Disclosure Statement back in January which he intended to file to disclose his part ownership in Professional Land Title Company and the fact that he would benefit from work Professional Land Title Company was going to be doing regarding acquisition of various real properties along 1st St. Baker explained that following the 2nd meeting of Council in May, he discovered the form was still in his briefcase and had not been filed as he had thought. In the meantime, work had been done by and bills had been paid to Professional Land Title Company. Baker immediately informed the City Clerk-Treasurer and the Mayor that the form he found in his briefcase should have been filed, and was not, and that the State Board of Accounts should be notified. Gary DeWitt from State Board of Accounts (SBOA) was contacted and Baker explained what had happened. Mr. DeWitt recommended that Baker go ahead and file the Conflict of Interest form and then explain to Council what had happened. He also suggested contacting the SBOA Attorney, Paul Lottes, which Baker did. Mr. Lottes, concurred with what Mr. DeWitt suggested and also suggested that if Council was so inclined, work done by and payment to Professional Land Title Company could be ratified by Council under IC 36-1-4-16. Mr. Lottes also suggested Baker may wish to contact the local prosecutor to inform him of the situation as well since it is a crime to not comply with the Conflict of Interest statute. Baker explained that he had contacted the Prosecutor and that the Prosecutor had provided Baker with a letter determining that failure to comply was inadvertent based upon information provided to the Prosecutor. Baker then requested that the Conflict of Interest form submitted to Council be approved and made a matter of record and that work done and payments made prior to such submission be ratified under IC 36-14-16. Baker also shared that in light of internal control changes effective July 1, 2016, the Conflict of Interest form filed covered both the title company and his law firm and that in the future he intended to file an annual statement at the beginning of the year for both, regardless of whether any work would be done. Thereupon, Councilman Sirk made a motion to approve the Conflict of Interest form submitted, and to ratify work done by and ratify any payments previously made to DeVoss, Johnson, Zwick, Baker & Ainsworth, P.C., and also Professional Land Title Company. Dyer seconded the motion. Motion carried. Baker indicated that he would submit a copy of the letter from the Adams County Prosecutor to the SBOA Attorney, and Gary DeWitt and a copy of these minutes for their information as well. The Clerk-Treasurer will file a copy of the Conflict of Interest form with the Adams County Circuit Court Clerk and upload the form to Gateway as required by law.

At the April 19th meeting, Council had approved for Rod Renkenberger of Maumee River Basin Commission (MRBC) on behalf of the City to apply for a flood mitigation grant to acquire six flood prone properties. In order to apply for this grant, Council needs to approve by Resolution to authorize a local match commitment. If awarded this Pre-Disaster Mitigation (PDM) Program Grant, the City's local cost share is \$62,718.75 cash and \$45,000 in-kind match by utilizing Decatur's Street Department equipment and staff to perform the demolition of homes purchased via the FEMA Flood Mitigation Grant, totaling \$107,718.75. Councilman Sirk made a motion to introduce Resolution No. 2016-7 by short title. Coshow seconded the motion. Motion carried. The City Attorney read the Resolution by short title. Councilman Dyer made a motion to adopt Resolution No. 2016-6. Sirk seconded the motion. Motion carried.

Craig Coshow presented a completed event form requesting permission on behalf of Decatur Main Street to hold Summer Concert Series on Thursday evenings beginning on June 9th from 7:00 p.m. to 10:00 p.m. and closing Madison Street between 2nd and 3rd Street. Coshow mentioned he is anticipating five (5) shows this summer, with food vendors. Coshow handed out flyers for the first event, which will be John Hebein to sing Frank Sinatra songs. Dyer made a motion to approve the event and the street closure. Fullenkamp seconded the motion. Motion carried.

The City Attorney, Tim Baker explained effective after June 30, 2016 the Indiana Legislature passed a law which requires the Common Council to ensure that the acceptable minimum level of internal control standards and procedures is adopted. The minimum level of internal control standards and procedures must include 1) Control Environment 2) Risk Assessment 3) Control Activities 4) Information and Communication, and 5) Monitoring. An Internal Control Committee will need to be formed to review the current internal control system of the City and recommend to the Common Council for adoption a policy for the future internal control system to be effective after June 30, 2016, and perform an annual review. All City personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal and state government, political subdivision, or any other governmental entity shall be trained at least once during a calendar year and annually thereafter. The City's fiscal officer will certify to the State Board of Accounts that the training was received annually by the personnel as provided by law. If the internal control standards and procedures is not in place, the City's budget can be denied. The Internal Control Committee consist of the Mayor, Clerk-Treasurer, and a representative of the Common Council, together with City Department Heads. Mayor Meyer asked for a nomination for a council member to serve on the committee. Councilman Dyer nominated Councilman Wylie Sirk. Councilman Collier seconded the motion. Motion was unanimous. The

City Attorney prepared Ordinance 2016-5, an Ordinance of the Common Council which establishes and adopts a policy regarding internal control standards and internal control procedures for the City of Decatur, and also directs the training of appropriate personnel regarding such standards and procedures, and establishes a materiality threshold. Dyer made a motion to Place Ordinance 2016-5, on First Reading by short title only. Coshow seconded the motion. Motion carried.

The City Attorney read Ordinance No. 2016-5 by short title. Dyer made a motion to Pass the Ordinance on First Reading. Fullenkamp seconded the motion. Roll call vote was Collier, Coshow, Dyer, Fullenkamp and Sirk voted in favor, none opposed.

Collier made a motion to Place the Ordinance on Second Reading by short title. Dyer seconded the motion. Motion carried. The City Attorney read Ordinance No. 2016-5 by short title. Collier made a motion to Pass the Ordinance on Second Reading. Fullenkamp seconded the motion. Roll call vote was Collier, Coshow, Dyer, Fullenkamp and Sirk voted in favor, none opposed.

Collier made a motion to suspend the rules, and Place the Ordinance on Third & Final Reading by short title. Fullenkamp seconded the motion. Motion carried. The City Attorney read Ordinance No. 2016-5 by short title.

Collier made a motion to Adopt Ordinance No. 2016-5. Fullenkamp seconded the motion. Roll call vote was Collier, Coshow, Dyer, Fullenkamp and Sirk voted in favor, none opposed.

Community Coordinator, Melissa Norby gave an update on the Northeast Indiana Regional Partnership funding. The funding is 60% private, 20% public, and 20% Northeast Indiana Regional Partnership, which the local funding is 80% to receive 20% NIRP funds. Local funds have to be secured before receiving any NIRP funds. Councilman Collier mentioned if a loan is used for projects, then the City is required to back the loan. Mayor Meyer commented that most communities do not have 80%, plus 3% fee to fund these projects. Norby informed Council that the NIRP has only approved one project so far, and that she is in the process of putting together a good project to submit. Councilman Collier remarked an option is to do the project submitted ourselves, rather than go through NIRP for funding. Norby was thanked for pursuing this, and for keeping council informed.

Mayor Meyer informed Council that New Prime, Inc. has filed the required CF-1 form late a second time for their tax abatement on the real estate. Also, the number of employees and salaries are way below what was estimated when the tax abatement was granted for tax year 2011. The Clerk-Treasurer, Phyllis Whitright read an email from Adam Mulligan of New Prime, Inc. stating he first wanted to point out the \$4,569,918 is only capitalized assets and does not include any assets we expensed. He also mentioned one reason for the shortcoming of staff is their facility is to single source and handle Bunge business. Bunge produces hydrogenated soybean oil, and the FDA last year put a 3 year plan together to cycle out all hydrogenated oils (PHO) in 3 years. Most food manufacturers are making the switch. Thus our customers are working on a change as well. From what he is told, they are working on new products to adapt to the change but it takes time. The estimated numbers given on SB-1 form was 38 current employees, with actual at 14, and the estimated current salaries was \$1,580,800, actual at \$832,078.00. The City Attorney advised Council to review the CF-1 submitted to find that the property owner is in substantial compliance or is not in substantial compliance, if the property owner is not in substantial compliance, the property owner

shall receive the opportunity for a hearing. Council members discussed the numbers given, and the email from Mr. Mulligan. Councilman Sirk made a motion to find the property owner, New Prime, Inc. is not in substantial compliance due to the number of employees and salaries have not been met as estimated on SB-1 when the abatement was granted, and for filing the required CF-1 late a second time. Councilman Fullenkamp seconded the motion. Motion was unanimous.

Mayor Meyer reported that he is working on curbside recycling details.

The Mayor also congratulated Brian Hakes as an NAIA First-Team All American in baseball. The Bellmont graduate recently completed his fourth and final season at Indiana Tech in Fort Wayne.

Operations Manager, Jeremy Gilbert had several items to report: 1) the Decatur Parks Department will be having the Annual Touch-A-Truck event at Riverside Center on Saturday, June 18th from 8:30 a.m. to 10:30 a.m.

2) Cleaning of the catch basin and sewers have been completed. 3) The City crews will be helping with the sculpture tour this week. 4) Tuesday, June 14th, Brooks Construction will begin milling and paving various city streets. 5) Next week, City crews will begin patching and repairing Manchester Drive and 17th Street and 6) mosquito spraying begins next week. 7) City will be loading mulch on Tuesdays and Thursdays from 3:00 p.m. to 5:00 p.m. and also on Saturdays from 8:00 a.m. to 10:00 a.m. until the end of June.

Community Coordinator, Melissa Norby handed out welcome signs for Fleetwood Motorhome Association National Rally from June 8 – 12, 2016. She encouraged everyone to post the sign to welcome these people to our community. Norby also invited everyone to come downtown for the events on Friday, June 10th, also reminded business owners to stay open until 8:00 p.m. on June 10th, and to keep the sidewalks in front of their businesses swept.

The Clerk-Treasurer, Phyllis Whitright informed Council that there will be no rate increase for the health insurance renewal with PHP. The only increase was to the dental plan at 4.2%, an increase of approximately \$2,200.00 for the year. The benefits will stay the same, only minor change in the prescription drugs, which all employees receiving this benefit will receive a summary of the changes prior to the renewal date of August 1st. The Mayor thanked John Kintz of Kintz Insurance, who is our agent for negotiating with PHP for no rate increase.

Fullenkamp made a motion to allow the claims as presented. Coshow seconded the motion. Motion carried.

There being no further business, Dyer made a motion for adjournment. Fullenkamp seconded the motion. Motion carried. Meeting was adjourned at 8:51p.m.