

City of Decatur  
Board of Public Works & Safety Minutes  
July 16, 2019

The City of Decatur Board of Public Works and Safety members met on Tuesday, July 16, 2019 at 6:00 P.M. at City Hall in Council Chambers, 172 N. Second Street. Members present were Craig Coshow, Bill Karbach, and Mayor Ken Meyer. Also present were City Attorney, Tim Baker and Clerk-Treasurer, Phyllis Whitright.

The Clerk-Treasurer had emailed the minutes from the July 2, 2019 meeting. Karbach made a motion to approve the minutes. Coshow seconded the motion. Motion carried.

The first item on the agenda was the contract with Taylor Gage of TG Concrete for sidewalk work for the Second Street Streetscape Project. Clerk-Treasurer, Phyllis Whitright noted there are a few clerical issues that needed to be amended. Karbach made a motion to authorize Mayor Meyer to sign the contract after the corrections have been made to the contract by Taylor Gage. Seconded by Coshow, the motion was adopted.

Coshow made a motion to make a matter of record the Certificate of Appointment and also the Conditional Employment Contract with Eric Mitchel who was hired on July 15, 2019 as a patrolman of the Decatur Police Department. Seconded by Karbach the motion was adopted.

Curt Witte, Building and Zoning Supt., appeared before the Board regarding various issues. The first item was the situation with the D&D Time Saver Car Wash at 509 Belmont Road, Decatur. The owner had planned to sell the property and while getting a survey completed, several issues came forth. It was learned the facility is in the flood plain and Surveyor Bill Wemhoff felt the situation could be settled in a Letter of Map Amendment (LOMA), which would allow the new owner not to be required to get flood insurance. However, as a result of the LOMA application, FEMA has responded. Mayor Meyer shared that Witte, City Attorney Tim Baker, and MRBC Director, Rod Renkenberger, had looked into the situation. To date, no proof of City or State building permits for the building have been found. The owners have obtained legal counsel and City Attorney Baker has shared the fact that no building permits had been obtained for the construction of the facility, which was in 1989. The result could affect the City's flood insurance rating or the application for any further flood mitigation funding. The City Attorney noted the cost could be in the 10's of thousands of dollars to make the repairs. There are two main issues regarding the mechanical room, the floor is below elevation and would need to be two feet higher, and also modeling issues. The only records the City has are those regarding the rezoning of the area. The City impact for flood insurance could mean an increase for all residents having flood insurance. The City is now waiting to see if the owners can provide any documents. City Attorney, Tim Baker is trying to work with FEMA regarding the situation.

Karey Fuelling, Wastewater Superintendent, reported she has responded to the violation letter from IDEM. American Structurepoint is assisting as they look over the areas suggested where funds need to be spent for needed improvements, and are also looking at assets and what needs to be replaced over time. Fuelling noted everything was great for June regarding compliance and also was in compliance so far in July. The City needs to have three (3) months with no violations.

Councilmen Matt Dyer and Tyler Fullenkamp joined the Board of Works meeting for input and information reasons only.

The second issue brought up by Curt Witte, Building and Zoning Superintendent, was the entrance off US Highway 27 for the new Farmer's Merchant Bank. INDOT says the entrance is too close to the intersection. The City has not heard from Farmer's Merchant representatives regarding their plans. The issue was brought up to keep everyone aware of the situation.

It was shared that June 28, 2019 was a busy day for the Building & Zoning Supt., Curt Witte. First he was called regarding a home at 128 S. Ninth Street regarding a complaint of a bad odor coming from the garage. Upon arrival, Witte found 35-40 snakes located in a bedroom and numerous Rubbermaid containers in the garage filled with mice and rats. The owner told health department personnel that he was selling mice and rats which was non-compliance with City Code. City ordinance does not allow for snakes and there are also numerous State laws being violated. The owner has been ordered to attend the August 6, 2019 Board of Works meeting.

Later on June 28, 2019, Witte was called to 1223 S. 14<sup>th</sup> Street. When he arrived he found paramedics and fire department personnel present and found a woman being taken from the home on a gurney. It was shared the woman had not been off her couch for six (6) months, her diabetic son needed meds, and there was black mold over bathroom walls and no working plumbing. The woman has since died. Witte shared they were literally walking on garbage. The residence has been condemned by both the Board of Health and the City. The son has been sent a letter noting he has 30 days to clean up the residence. If no response, then Witte will request at the Board of Works to proceed with demolition.

The next issue that Witte brought up was 928 Schirmeyer Street, where police had been called for a drug overdose, and as a result, the police had called Witte. Those adults there were told they could not stay in the home and it was required that someone be present at 9 a.m. the next morning. However, when the City arrived, no one was present and neighbors informed the City officials that the lady had left about 15 minutes earlier. A letter has been issued ordering the removal of all the trash. It was shared there was no electricity and the water utilities had been turned off. Residents were ordered to be out by midnight on July 20, 2019 unless the renters pay the electric and water bills. They had been cited last winter and did clean up and then a couple of months later they were cited again by the City Code Enforcement Officer, Bill Karbach.

The homes at 904 and 710 Schirmeyer Street to be demolished were next considered. It was shared that action from the County is being sought. Witte had talked with County Attorney, Mark Burry and Witte shared he wants to work with the County as much as possible. It is hoped that the County can take over the properties in lieu of taxes and then transfer the properties to the City. It was noted there is no solution yet for 925 Schirmeyer Street as Witte does not know what is going to happen there.

Karbach inquired on what the next move is regarding six (6) properties that have been cited for cleanup and nothing has been done. Witte shared if they have been cited and have not done anything, they would be sent a letter requesting them to appear before the Board of Works and noting a possible fine of \$500. If they do not do anything following that meeting or do not appear, City Attorney Baker would send a letter notifying the legal consequences.

Mayor Meyer noted that the bids for the first floor area of the Second Street Lofts Project had been opened and were taken under advisement. He shared he has talked with Corey Clark of MKM architecture + design and he has not offered any help. Mayor Meyer recommended to keep the bids under advisement a little longer. Mayor Meyer noted the options were the possibility of finding more funds for this year or rejecting the bids and rebidding the project at a later time with possible specification changes. Mayor Meyer noted it seems that Biggs is making some cuts from the original plans. A meeting is scheduled with Biggs for Thursday, July 18, 2019.

Mayor Meyer had received an email yesterday from Jeremy Gilbert, Operations Manager, regarding the number of trees for the Second Street Streetscape Project. The plan that the Council had adopted to modify the work put in by the Decatur Main Street Design Committee does not look symmetrical. Even though the City Department Heads are not in favor of more trees, Gilbert suggested a modification and Mayor Meyer felt that out of respect the Design Committee should be involved. The Design Committee had originally wanted more trees and it was felt they likely would not oppose the addition of trees, but still should be contacted. Mayor Meyer had received a phone call from a business owner in opposition to a tree being placed in front of her business. However, it was found the tree was actually to be located outside of her business frontage. Councilman Dyer commented that he had driven through Monroeville and they had the same lights and sidewalk design as what is being planned for Decatur and he was pleased with the look. Fullenkamp noted he did not want to start over but felt the Design Committee needed to have input regarding symmetry of the trees. Jeremy Gilbert, Operations Manager, and Don Bergdall, Civil Infrastructure Manager stressed they wanted to do things right. By consensus, it was decided not to bring the issue up at the Council meeting but for the Mayor to check with the Decatur Main Street Design Committee members.

The next item to be considered was the area along Monmouth Road across from Riverview Tap, approximately 5.38 acres. The owner of Riverview Tap, Gina Wenger, had given permission to put stone along the area in case there was a need to get into the area during the cleanup of Buckeye Pipeline's oil spill. Permission had been granted and now Ms. Wenger is asking if the City would like that area. Mayor Meyer had talked with Karey Fuelling and Verlin Butcher of the Wastewater Department who shared that the north side was not as much used as the south side would be. By consensus, Mayor Meyer will let Ms. Wenger know that the City is not interested in the property. Discussed was whether the City had easements on the property for the storm and sanitary sewer lines. City Attorney, Tim Baker recommended there be verification of the easements. The Utilities Auditor and Clerk-Treasurer will check their records for any easements for this location, and Civil Infrastructure Manager, Don Bergdall will check with Brett Miller of Miller Land Surveying to see if he has any records.

Karbach made a motion to accept the revised rules for the Madison Street Plaza which now includes the sound system. Seconded by Mayor Meyer, the motion was adopted.

There being no further business to be brought before the Board, Karbach made a motion to adjourn. Seconded by Mayor Meyer, the motion was adopted.

Adjournment was at 7:21 P.M.