

CITY OF DECATUR
COMMON COUNCIL MINUTES
JULY 19, 2016

The City of Decatur Common Council met on Tuesday, July 19, 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 July 5th meeting. There were no corrections. Dyer made a motion to approve the minutes. Coshow seconded the motion. Motion carried.

Collier made a motion to make the legal notice for a public hearing for a federally funded CDBG project for Madison Street Plaza and streetscapes revitalization a matter of record. Sirk seconded the motion. Motion carried.

Sirk made a motion to suspend the council meeting for a Public Hearing. Dyer seconded the motion. Motion carried.

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

Community Coordinator, Melissa Norby and Kevin McCrory from Jones, Petrie, Rafinski (JPR) presented a proposed plan for Madison Street and 2nd Street streetscapes project. The City intends to apply for a grant from the Office of Community and Rural Affairs Main Street Revitalization Program of the State Community Development Block Grant (CDBG) program. These funds are to be used for a community development project. The total amount of CDBG funds are \$500,000. The City's portion of the grant is \$100,000, Adams County Community Foundation's portion is \$200,000, and Decatur Main Street's is \$1,000. The City will be notified in December if awarded the grant. Norby and McCrory showed drawings of the proposed streetscapes. The estimated cost for Phase I - Madison Street is \$552,000. To streetscape one block on the east side of 2nd Street to the alley, going north and south, each would cost \$122,000. Norby asked for any comments from the public. Councilman Sirk mentioned this will be a gateway to the riverfront development that the city is pursuing. Cecil Kruse remarked Madison Street isn't visible from Monroe Street/Highway 224 when driving into the City, and suggested to include improvement to be done on Monroe Street. Board of Works member/City Code Enforcer, Bill Karbach commented that he has seen in other communities that use a canopy over the street where the events are held. Norby responded that there were some concerns for fire trucks accessibility, and having a canopy would add cost to the project, but could be added at a later time. McCrory mentioned that there will be permanent anchoring for tents without damage to the asphalt. He also informed the public that this project is a concept, not a concrete plan. There were no other questions or comments, so Councilman Coshow made a motion to close the Public Hearing. Sirk seconded the motion. Motion carried.

Dyer made a motion to reconvene the Council meeting. Sirk seconded the motion. Motion carried.

Mayor Meyer announced New Prime, Inc. had stated their case at the last council meeting for the real estate tax abatement filed on June 2, 2016. New Prime requested to submit an amended CF-1 form with additional information before making a decision. Council approved the request and tabled the Resolution until the next meeting. The Mayor received the amended CF-1 form dated July 7, 2016 along with additional information to support the amendment from New Prime, then provided copies to the Council members. No one attended the meeting that was from New Prime. Mayor Meyer asked for any comments from the public. No comments were received. The City Attorney mentioned the revised CF-1 provided by New Prime, shows only 23 employees or 60% of what was projected. New Prime should have included payroll that was paid to non-Indiana residents, which the revised CF-1 did not, which would increase the payroll totals. Mayor Meyer added that New Prime stated that they do plan on adding more refrigeration trucks and employees. The City Attorney advised Council that the Department Local Government Finance (DLGF) gives Council wide latitude on abatement issues, and it's entirely within the discretion of Council to determine whether New Prime has substantially complied with its Statement of Benefits (SB-1). The City Attorney recommended for Councilman Collier to abstain from voting, since he was not present for the Public Hearing. The Mayor asked for a roll call vote. The vote was Councilmen Coshow, Dyer, Fullenkamp and Sirk voted in favor to deny the real estate abatement since reasonable effort to comply with the statute was not made, and for the CF-1 and supporting documentation submitted did not demonstrate substantial compliance with the SB-1. None opposed.

Councilman Dyer made a motion to Introduce Resolution No. 2016-8 by short title only. A Resolution of the Common Council, which determines New Prime Inc has not made reasonable effort to comply with the Statement of Benefits (SB-1 Form/Real Property) filed with the City in regards to abatement of real estate taxes, and did not timely file the CF-1 form in 2016, and that such abatement should not be allowed in 2016. Fullenkamp seconded the motion. Motion carried. The City Attorney read Resolution No. 2016-8 by short title only. Councilman Fullenkamp made a motion to Adopt Resolution No. 2016-8. Coshow seconded the motion. Motion carried. The Clerk-Treasurer will notify New Prime, and the Adams County Auditor and Assessor of Council's decision.

Attorney, Stacy Somers of Miller, Burry & Brown had prepared a Joint Petition for Voluntary Annexation for the Adams County Correctional Facility into the City of Decatur. The Petitioners of the annexation are, the Board of Commissioners of Adams County, and the Adams County, Indiana Building Corporation, who have engaged the services of Miller Land Surveying, Inc., a land surveyor to conduct a survey and to produce a survey report of the territory. The surveyor has completed an Affidavit regarding the contiguity requirement prescribed by Indiana Code, which is attached to the petition. The City has requested the territory be rezoned to Commercial 2 (C2) within 45 days following the completion of the annexation into the City. The Petitioners request the City to adopt an ordinance thereby annexing the Territory into the City of Decatur. Councilman Sirk made a motion to make the Joint Petition for Voluntary Annexation a matter of record. Dyer seconded the motion. Motion carried.

Kristi Sturtz of Sturtz Public Management Group prepared a Fiscal Plan of the Adams County Correctional Facility annexation. The property is located in Washington Township and is generally bound by City boundaries to the west and east, agricultural land to the north, and east, and US 33 to the south. The annexation area is approximately 160 acres, and has no population or residences located within the proposed annexation area. The property currently is zoned A-Agricultural, and R2-Multi-Family. The Fiscal Plan shows no anticipated impact to taxpayers as a result of the annexation, and recommends that after passage of the annexation ordinance, and approval from the Mayor, this area be annexed into the City of Decatur on or before December 31, 2016.

Councilman Collier made a motion to Introduce Resolution No. 2016-9 by short title, which adopts the Fiscal Plan for the Adams County Correctional Facility/Miller Farm Supervoluntary Annexation. Sirk seconded the motion. Motion carried. The City Attorney read Resolution No. 2016-9 by short title. Collier made a motion to table adopting Resolution No. 2016-9 until September 6th council meeting. Sirk seconded the motion. Motion carried.

The Mayor then asked for a motion to Place the Ordinance for the Adams County Correctional Facility/Miller Farm Property Annexation on First Reading. Collier made a motion to Place Ordinance No. 2016-8 on First Reading by short title only. Dyer seconded the motion. Motion carried.

The City Attorney read Ordinance No. 2016-8 by short title. Collier made a motion to Pass the Ordinance on First Reading. Sirk seconded the motion. Roll call vote was Collier, Coshow, Dyer, Fullenkamp and Sirk voting in favor, none opposed.

Collier made a motion to Table Ordinance No. 2016-8 for Second Reading until the August 16th meeting. Sirk seconded the motion. Motion carried.

The Mayor asked for any comments from the public. A couple of the residents who live near the Adams County Correctional Facility asked if other properties will be annexed into the City. They were informed that the Adams County Correctional Facility/Miller Farm Property is a Supervoluntary annexation, which the property owners requested to be annexed into the City. No other property owners in this area have requested to be annexed into the City at this time. If any other property owners would want to be annexed, the City would have to do a Fiscal Plan for Council to determine whether it would be beneficial to the annex the property. One of the residents in the area, Cecil Kruse asked who maintains the sidewalks and snow removal. Kruse was informed that this will be a joint effort between the County and City.

The City Attorney gave a timeline for the annexation. A public hearing will need to be advertised, then after the public hearing, the ordinance will be read on second reading. On Sept. 6th will be the final reading of the ordinance and adoption of the resolution. The annexation ordinance will be published, and then after 30 days the appeal period is over. The Clerk-Treasurer will then record the annexation and notify the appropriate parties.

Councilman Dyer made a motion to schedule the Public Hearing for the annexation to be at the August 16th Council meeting. Collier seconded the motion. Motion carried.

The Mayor received a letter from the Office of Community and Rural Affairs (OCRA) stating that grant (CF-09-600) for the demolition of the former street garage project is officially closed. The Clerk-Treasurer also received an email from Matt Vondran, who was the grant administrator for this project stating that this property will remain green space until January 30, 2019. Councilman Dyer made a motion to make the letter and email a matter of record. Coshow seconded the motion. Motion carried.

The Board of Works members approved at their June 7th meeting to enter into an agreement with the Town of Monroe for the City to provide services for mosquito spraying. The City Attorney recommended the Council members also approve the agreement. The agreement is for the Town of Monroe to reimburse the City of Decatur \$1,500 a year, to cover the cost for mosquito spray, equipment, fuel and labor. Councilman Coshow made a motion to approve the terms of the agreement. Dyer seconded the motion. Motion carried.

The Mayor received a letter from the Callithumpian Committee to request \$1,000 to support the 2016 festival. If this is not possible, the committee request \$500 as donated last year. After discussing, Councilman Fullenkamp made a motion to donate \$500 and match up to \$250 with other sponsorship. Coshow seconded the motion. Motion carried.

The Mayor read a notice of withdrawal of tax abatement from Keith Gerber, President of Hoosier Patter, Inc. and Attorney, Jeremy Brown. On April 27, 2016 and May 17, 2016 Hoosier Pattern had requested to seek a tax abatement for both personal and real property. Hoosier Pattern intended to acquire a new 3-D printer for their business. Due to recent developments, this printer will not be acquired at their facility. The real estate improvements will not be made as anticipated for the new equipment. It is likely Hoosier Pattern will acquire a different printer in the future, at that point they will likely again pursue a tax abatement if appropriate. Councilman Sirk made a motion to make the letter a matter of record. Dyer seconded the motion. Motion carried. The Clerk-Treasurer will also file a copy of the letter with the Adams County Auditor and Assessor.

Community Coordinator, Melissa Norby requested \$5,000 to apply for a Hometown Collaboration Initiative grant. The grant is a 50-50 match and is for volunteers to help with community projects. Councilman Sirk made a motion to approve \$5,000 subject to grant approval to be paid from the committed capital project funds. Dyer seconded the motion. Motion carried.

The City Attorney, Tim Baker reported on recent state law changes, mentioning the City needs to be careful with utility locates on projects, since penalties can be assessed. Also mentioned local income tax being consolidated and renamed, which City Council needs to express their concerns with the Local Income Tax Council when setting the 2018 budgets.

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

There being no further business, Dyer made a motion for adjournment. Sirk seconded the motion. Motion carried. Meeting was adjourned at 8:58 p.m.