

City of Decatur  
Board of Public Works & Safety Minutes  
August 21, 2018

The City of Decatur Board of Public Works and Safety members met on Tuesday, August 21, 2018 at 6:00 P.M. at City Hall in Council Chambers, 172 N. Second Street. Members present were Councilman Bill Karbach, Craig Coshow, 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 August 7, 2018 meeting. Coshow made a motion to approve the minutes. Karbach seconded the motion. Motion carried.

Karbach made a motion to suspend the Board of Public Works and Safety for the purpose of holding a Public Hearing. Seconded by Coshow, the motion was adopted.

Karbach made a motion to open the Public Hearing for the purpose of looking at the terms and conditions of the lease agreement with Biggs PC, LP and Biggs TC Development, LLC (Landlord) and the City (Tenant) for the Second Street Lofts. Seconded by Coshow, the motion was adopted.

City Attorney, Tim Baker shared highlights of the lease agreement which included the fact that the lease was for thirty (30) years with the City having the option to agree to two (2) ten-year extensions for a total of fifty (50) years. There will be no rent per year, the City is responsible for the 3,145 square feet controlled by the City and the landlord is responsible for the maintenance and improvements on the outside of the building, and if taxes are assessed for the City's portion, the landlord will reimburse the City. The City will petition the taxing authorities to request the area be tax exempt. The City can use their space for any lawful municipal uses and will be certain the tenants are treated in a courteous manner and will not interfere with any of their rights. Other items included insurance limits, a clause related to the tax credit side of the transaction, mechanic liens, subletting, and so forth. Once the lease is signed, a memorandum of the lease will be recorded.

Attorney Mike Blee and owner Kevan Biggs, owner of the Second Street Lofts landlord, were in attendance to answer any questions. Mr. Blee mentioned that no common spaces would be shared and that the closing is expected to take place on September 14, 2018. It was noted the lease is tied to the lease with the Redevelopment Commission for the parking lot.

City resident Mary Byer inquired about subletting of the facility. Melissa Norby, Community Development Coordinator, informed her that the plans could include space for the artists to display their work to sell their art. No charge would be placed on the artists for the display area and perhaps they would be asked to work the area a few hours each month.

Also discussed was that there wouldn't be any profit made by the City for this space, the City would only make the space available to the artist.

Board member, Bill Karbach asked about security and how the tenants enter the lofts. Kevan Biggs shared that the City's area is totally separate from the lofts, and tenants could enter in the back from the parking lot or a secondary entrance on Second Street via a stairs to the south of the City's area.

There being no further discussion a motion was made by Coshow to close the Public Hearing. Motion seconded by Karbach, the Public Hearing was closed.

Coshow made a motion to reconvene the Board of Public Works and Safety meeting. Seconded by Karbach, the motion was carried.

Councilmen Matt Dyer, Tyler Fullenkamp, Scott Murray, and Wylie Sirk joined the remainder of the Board of Works meeting for discussion and information purposes only.

Karbach made a motion to make the publication of the notification of the Public Hearing a matter of record. Seconded by Coshow, the motion was adopted.

A resolution had been prepared for presentation which waives appraisals and approves the terms and conditions of the lease agreement between the City and Biggs PC, LP and Biggs TC Development, LLC for the Second Street Lofts for the 3,145 square feet of ground level space in the building to be known as the 2<sup>nd</sup> Street Lofts Building located at 118 N. Second Street, subject to Common Council approval, and authorizes the recording of the memorandum of lease agreement. Coshow made a motion to introduce the Board of Public Works and Safety Resolution 2018-16 by short title only. Seconded by Karbach the motion was carried. City Attorney Tim Baker read Resolution 2018-16 by short title only. Coshow made a motion to adopt Resolution 2018-16. Seconded by Karbach, the motion was adopted.

Chief of Police, Lennie Corral appeared before the Board with Sgt. Kevin Gerber and Officer Joel Jackson in order to share with the board their new tactical vests and clothing. Sgt. Gerber and Officer Jackson shared how the vests are used for various pieces of equipment. Sgt. Gerber shared the location for the radio gear was much more easily seen for operation compared to it being located at the waist. It was also shared it was good to have a pouch to hold such items as gauze and band-aids which were readily available for use. Also, it was noted there was a strap on the back making it easier to grasp and pull someone out of danger. Both emphasized the positive that the weight was reduced around their waist. Officer Jackson shared that when he is totally equipped and dressed he is carrying an extra 30 pounds.

Chief Corral shared the Ford Taurus vehicles are being phased out as police cars in 2019, and they will probably be going with the Ford Explorer. He shared Ford has been great at giving the Department good service.

Chief Corral announced that the 18 candidates for a position in the Department will be undergoing the physical agility testing on Saturday, August 25, 2018. He also shared he plans to use a new concept for the selection of officers as he plans to visit their homes and talk with their neighbors. He also shared that the Allen County Sheriff has agreed to provide at no cost, five (5) polygraph tests.

The next item on the agenda was the approval of two (2) new utility forms. The first form (Property Owner Authorization) is the one the landlords are to complete listing all their rental properties. The second form (Utilities Application) is one the landlords will sign and provide to each tenant to bring the form and proper ID to City Hall in order to have the billing placed in his/her name. Coshow made a motion to approve the two (2) forms. Seconded by Karbach, the motion was adopted.

Mayor Meyer gave an update on the work at Cottonwood Estates. He reviewed that Mr. Kos had sent funds and the City had torn down and disposed of two (2) mobile homes to know what demolition cost would be. Mr. Kos had been contacted and agreed to continue and sent some money. However, he then called and asked the City to stop as he would hire a company from Huntington to do the work as he would not need to pay them until the work was completed.

The Mayor reported that Mr. Kos had informed him that the potential buyer of his property had backed out. He hinted that he wants to continue the disposal of the mobile homes but action seems to have been halted as of today. The trailers have been crushed, but not removed yet nor the meters for electric and gas. The City Attorney commented that if the trailers aren't removed, the City may have to go back to the Hearing Officer to get them removed through a court order.

Plan/Building Supt., Curt Witte mentioned that Mr. Kos had planned to appear before the BZA board, which he has paid \$300 for each of 6 sites for a total of \$1,800.00. Mr. Kos decided not to appear and requested a refund for the fees. It was noted that the City has incurred expenses for publication and mailings. No decision was made on the refund at this time. The City Attorney, Tim Baker suggested the BZA and Plan Commission boards should establish a policy for refunding any amount of application fees. Attorney Baker recommended for Building and Zoning Superintendent, Curt Witte to check to see if the City has given refunds in the past and to also check with other communities to see how they handle refunds.

City Attorney, Tim Baker shared he had a copy of the architect contract with MKM for the design work to be done in the City's open space in the Second Street Lofts building. No action was taken as changes need to be considered for the contract.

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

Adjournment was at 6:55 P.M.