

CITY OF DECATUR  
COMMON COUNCIL MINUTES  
AUGUST 21, 2018

The City of Decatur Common Council met on Tuesday, August 21, 2018 at 7:30 p.m. at City Hall in Council Chambers, 172 N. 2<sup>nd</sup> Street. The meeting was called to order by Mayor Ken Meyer. Roll call was taken to show Councilmen Craig Coshow, Matt Dyer, Tyler Fullenkamp, Scott Murray, and Wylie Sirk were in attendance. Also present was Clerk-Treasurer, Phyllis Whitright and City Attorney, Tim Baker.

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

The Clerk-Treasurer had emailed the minutes from the August 7, 2018 meeting. Dyer made a motion to approve the minutes as emailed. Murray seconded the motion. Motion carried.

Sirk made a motion to suspend the Council meeting for the purpose of a Public Hearing regarding the lease agreement between Biggs PC, LP and Biggs TC Development, LLC and the City of Decatur for the Second Street Lofts. Seconded by Coshow, the motion was adopted.

Sirk made a motion to open the Public Hearing to learn the specifics of the lease agreement for the Second Street Lofts of the 3,145 square feet space controlled by the City. Seconded by Coshow the motion was adopted.

City Attorney Tim Baker shared the lease would be for 30 years with the City having the option for two ten-year extensions for a total of 50 years. There would be no rent charged and if the open space is taxed, Biggs would refund the City. However, the City will petition the taxing authorities to request the area be tax exempt. The space can be used for any lawful municipal use with courtesy being shown to the tenants and not interfering with any of their rights. It was noted certain language was included as required by the tax credit financing. The City will be responsible for the inside of the open area while the landlord will be responsible for all maintenance and improvements for the outside of the building. The lease for the building is tied into the Redevelopment Commission's lease for the parking lot so both are of the same length. There are two (2) entrances to the lofts: one at the rear of the building from the parking lot and one along Second Street by stairs to the south of the open area. It was shared that the Board of Public Works and Safety members had approved the lease at their meeting earlier this evening. Kevan Biggs was available to answer any questions.

There being no additional input from the public, Coshow made a motion to close the Public Hearing. Seconded by Sirk, the motion was adopted.

Sirk made a motion to reconvene the Council meeting. Seconded by Coshow, the motion was adopted.

Dyer made a motion to make the publication of notification for the Public Hearing a matter of record. Seconded by Sirk, the motion was adopted.

Resolution 2018-17, a resolution of the Decatur Common Council which waives appraisals and approves the terms and conditions of the 2<sup>nd</sup> Street Lofts Building Lease and approves its execution and authorizes the recording of a memorandum of said lease was brought forth. Sirk made a motion to introduce Resolution 2018-17 by short title only. Seconded by Dyer, the motion passed.

City Attorney, Tim Baker read Resolution 2018-17 by short title only. Sirk made a motion to adopt Resolution 2018-17. Motion was seconded by Dyer. Motion carried. Mayor Meyer announce that Resolution 2018-17 is adopted. Thus, a memorandum of the lease agreement will be recorded.

Ordinance 2018-17, an ordinance which amends Chapter 78, Schedule I of the Decatur Code of Ordinances of 2015 to establish a no parking zone on the west side of Ninth Street between Monroe Street and Nuttman Avenue was brought forth for third reading. There were no comments from the public so, Sirk made a motion to place Ordinance 2018-17 on its third reading by short title only. Seconded by Dyer, the motion was carried. City Attorney, Tim Baker read Ordinance 2018-17 by short title only. Sirk made a motion to adopt Ordinance 2018-17 on its third and final reading. Seconded by Murray, the roll call vote then showed in favor by a 5-0 vote. None opposed.

City-Treasurer, Phyllis Whitright had two resolutions for action. The first resolution, Resolution 2018-18, was for the transferring of funds within the Department of Redevelopment Commission budget \$10,000.00 from Other Capital Outlays to Professional Services. The Commission members are wanting to hire a firm to do a feasibility study on 13<sup>th</sup> Street. Sirk made a motion to introduce Resolution 2018-18 by short title only. Seconded by Fullenkamp, the motion was carried. City Attorney Baker read Resolution 2018-18 by short title only. Sirk made a motion to adopt Resolution 2018-18. Seconded by Murray, the motion was adopted.

Resolution 2018-19, a resolution to transfer \$325,000.00 from the General Fund to the Rainy Day Fund was brought forward. Whenever the purposes of a general tax levy on all taxable property has been fulfilled and an unused balance remains, the Common Council shall order the balance of that fund to be transferred to the Rainy Day Fund. Sirk made a motion to introduce Resolution 2018-19 by short title only. Seconded by Dyer, the motion passed and City Attorney Baker read Resolution 2018-19 by short title only. Sirk made a motion to adopt Resolution 2018-19. Seconded by Murray, the motion was adopted.

Fire Chief, Les Marckel and Building and Zoning Superintendent, Curt Witte appeared before the Council regarding the need for an ordinance due to a new law that went into effect July 1, 2018 to designate advanced structural components for any 911 call and label each electric meter with a reflective sticker to identify materials used. Ordinance 2018-18 was brought forth. Sirk made a motion to place Ordinance 2018-18 on its first reading by short title only. Seconded by Dyer, the motion passed and City Attorney, Tim Baker read Ordinance 2018-18 by short title only. Sirk made a motion to pass Ordinance 2018-18 on its first reading, Seconded by Dyer, roll call vote showed 5-0 passage. Sirk made a motion to place Ordinance 2018-18 on its second reading by short title only. Seconded by Coshow, the motion passed and City Attorney Baker read Ordinance 2018-18 by short title only. Sirk made a motion to pass Ordinance 2018-18 on its second reading. Seconded by Coshow, the roll call vote showed 5-0 passage. Sirk made a motion to suspend the rules and place Ordinance 2018-18 on its third reading by short title only. Seconded by Coshow the motion passed and City Attorney Baker read Ordinance 2018-18 by short title only. Sirk made a motion to adopt Ordinance 2018-18 on its third and final reading. Seconded by Dyer, the roll call showed passage by a 5-0 vote. Mayor Meyer announced that Ordinance 2018-18 has been adopted.

Clerk-Treasurer, Phyllis Whitright shared that a Public Hearing would be held on September 4, 2018 for the 2019 Budget. Adoption of the Budget would be on September 18, 2018.

Coshow shared he did not have the name of the band available at this time, but asked for approval to schedule an additional concert on August 30, 2018. By consensus, permission was granted. Coshow also took the opportunity to thank all who had helped make the first Dekatur

Germanfest and Kekionga Festival a success. He thanked the Police Department for providing security.

#### Department Head Input:

Lennie Corral, Chief of Police shared the 18 candidates seeking a place on the force would be undergoing the physical agility tests on Saturday, August 25, 2018.

Mayor Meyer also commented that two (2) police officers attended the Board of Public Works and Safety meeting earlier this evening to model their new tactical vests and uniforms.

Les Marckel, Fire Chief, shared that of the four (4) new volunteers, two (2) were from other departments, and two (2) had started module training. It was shared that Deputy Chief, Jim Hitchcock had broken his arm this morning and could possibly be out 4-6 weeks.

Bill Karbach, Code Enforcement Officer shared that with the new street sweeper they are finding several cars parked on the street that have not been moved. He is issuing ten (10) day stickers and calling the vehicles inoperable. Most have been cooperative when they learn the reason they are being asked to move the vehicles. He has not given any 72 hours stickers to date.

In the absence of Jeremy Gilbert, Operations Manager, Mayor Meyer reminded people that with the amount of rain lately; residents are asked to keep lawn clippings out of the streets and thus out of the storm sewer drains.

#### Audience Input:

City resident Al Bedwell asked if the City has done anything regarding Animal Control and the railroads. Mayor Meyer shared he had contacted Wells County regarding their program for animal control. They have three (3) employees and the City and County share the costs of their program. Chief Corral reported that the Police Department will pick up dogs, and will post on Facebook to find the owners. It was shared that Chad Sprunger also picks up dogs and cats for the County and takes them to Charlie Bower for holding. The Mayor noted he didn't have an answer on the railroads and would check with Jeremy Gilbert at the next meeting.

City resident Bob Shraluka noted that as a resident who parks his car on the street, he would be happy to move it if there was a known schedule when the street sweeper would be on the street.

#### Mayor's Report:

Mayor Meyer shared that a little over a year ago Councilman Cam Collier had been deployed and Scott Murray had been named to serve on the Council in Collier's absence. He shared Scott had done an excellent job and thanked him for his service. City Attorney Tim Baker had prepared a resolution recognizing Scott Murray for his service to the City in the absence of Cam Collier. Murray's service will end on August 31, 2018. Sirk made a motion to introduce Resolution 2018-20. Seconded by Dyer, the motion was passed. City Attorney, Tim Baker then read Resolution 2018-20 in its entirety. Sirk made a motion to adopt Resolution 2018-20. Seconded by Coshow, the motion was carried. Mayor Meyer announced Resolution 2018-20 has been adopted and then presented Murray with a Key to the City.

Murray thanked the Council for the opportunity to serve and noted he had learned a lot. He shared he might stop by from time to time to see what's going on.

Sirk thanked Murray for 14 months of helping and supporting the Council and the City.

Coshow made a motion to pay the claims against the City. Seconded by Dyer, the motion was adopted.

There being no other business to be brought before the Council, Dyer made a motion to adjourn. Seconded by Murray, the motion passed.

Adjournment was at 8:18 P.M.