

CITY OF DECATUR
COMMON COUNCIL MINUTES
SEPTEMBER 3, 2019

The City of Decatur Common Council met on Tuesday, September 3, 2019 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 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 20, 2019 meeting. Dyer made a motion to approve the minutes as emailed. Collier seconded the motion. Motion carried.

It was announced that earlier this afternoon the Decatur Plan Commission had met with NK Decatur Holdings 1, LLC, and passed a recommendation to rezone the .921 acre parcel made up of lots 682, 683, 684, and 685 that was previously Cottonwood Estates from R-1 to C-3 located between South 13th and 11th Street.

Sirk made a motion to suspend the City Council Meeting and open a Public Hearing regarding the vacating of an alley along the Cottonwood property. Seconded by Dyer, the motion was passed. Attorney, Justin Wall, was present representing Nic Kos of NK Decatur Holdings 1, owner of the lots. ProFed Federal Credit Union is the potential purchaser of the land. It was noted that the vacating of the alley was necessary for ProFed Federal Credit Union to purchase and close on the lots as they needed the property for the building and parking.

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

The Mayor mentioned that the building ProFed is currently using across the street is being leased by ProFed. City Attorney, Tim Baker remarked that the alley vacation would not be recorded until the sale was finalized by ProFed Federal Credit Union. Mr. Wall shared that ProFed is doing soil testing on the area this week. Mr. Wall commented that if the closing with ProFed doesn't go through, he doesn't want to vacate the alley. There being no other person to speak for or against vacating the alley, Sirk made a motion to close the Public Hearing. Seconded by Coshow, the motion was adopted.

Fullenkamp made a motion to reconvene the Council Meeting. Seconded by Sirk, the motion was adopted.

Coshow made a motion to make a matter of record the Decatur Plan Commission's recommendation to rezone lots 682, 683, 684, and 685 (previously Cottonwood Estates) from R-1 (Single Family Residence) to C-3 (Roadside Business). Seconded by Sirk, the motion was adopted.

Thus, Ordinance 2019-9, an ordinance amending Chapter 150 of the Decatur Code of Ordinances of 2015 to rezone lots 682, 683, 684, and 685 (formerly Cottonwood Estates) from R-1 (Single Family Residence) to C-3 (Roadside Business) located between S. 13th Street and 11th Street was brought forward. Sirk made a motion to place Ordinance 2019-9 on its first reading by short title only. Seconded by Collier, the motion was passed and City Attorney, Tim Baker read Ordinance 2019-9 by short title only. Sirk made a motion to pass Ordinance 2019-9

on its first reading. Seconded by Dyer, a roll call vote was taken and passed by a 5-0 vote. Sirk made a motion to place Ordinance 2019-9 on its second reading by short title only. Seconded by Dyer, the motion was carried and City Attorney, Tim Baker read Ordinance 2019-9 by short title only. Sirk made a motion to pass Ordinance 2019-9 on its second reading. Seconded by Collier, a roll call vote showed passage by a 5-0 vote. Sirk made a motion to suspend the rules and place Ordinance 2019-9 on its third reading by short title only. Seconded by Dyer, the motion passed and City Attorney Baker read Ordinance 2019-9 by short title only. Sirk made a motion to adopt Ordinance 2019-9 on its third and final reading. Seconded by Coshow, the motion passed and a roll call vote showed passage by a 5-0 vote. Mayor Meyer announced that Ordinance 2019-9 has been adopted.

Next, Ordinance 2019-10, an ordinance to vacate a portion of a platted alley, which alley was dedicated in the Plat of Eliza J. McConnehey's subdivision of Outlot 261 in Cook's addition containing Lots 684 and 685 as petitioned by Nic Kos of NK Decatur Holdings 1 and ProFed Federal Credit Union was brought forth. Sirk made a motion to place Ordinance 2019-10 on its first reading by short title only. Seconded by Dyer, the motion passed and City Attorney, Tim Baker read Ordinance 2019-10 by short title only. Sirk made a motion to pass Ordinance 2019-10 on its first reading. Seconded by Collier, a roll call vote showed a 5-0 passage. Sirk made a motion to place Ordinance 2019-10 on its second reading by short title only. Seconded by Collier, the motion was adopted and City Attorney Baker read Ordinance 2019-10 by short title only. Sirk made a motion to pass Ordinance 2019-10 on its second reading. Seconded by Dyer, a roll call vote showed passage by a 5-0 vote. Sirk made a motion to suspend the rules and place Ordinance 2019-10 on its third reading by short title only. Seconded by Dyer, the motion passed and City Attorney, Tim Baker read Ordinance 2019-10 by short title only. Sirk made a motion to adopt Ordinance 2019-10 on its third and final reading. Seconded by Dyer, a roll call vote was held and passed by a 4-1 vote with Coshow voting no. Mayor Meyer announced that Ordinance 2019-10 has been adopted.

It was noted the applicant had asked that the vacated alley not be recorded until the sale to ProFed Federal Credit Union had been completed.

City Attorney, Tim Baker gave an update regarding the DNR grant requirement for a restricted covenant for the River Greenway. It was shared the Board of Works had approved that City Attorney, Tim Baker proceed with the paperwork needed to gain the necessary easements and other work needed to follow through with the restricted covenant not finalized in 1985 when the trail was established, but are now being required by DNR since it was found when doing the Nature Preserve that the restricted covenants for the River Greenway were missing.

City Attorney, Tim Baker gave the time table for the refunding of the 2008 SRF Sewer Bond would be moved up to be able to take advantage of lower interest rates. The bond ordinance will likely begin at the September 17, 2019 meeting rather than waiting until December, 2019, with closing early November. As a result, there may be more savings than was originally projected.

Dyer made a motion to amend the 2020 proposed budget and the proposed 2020 salary ordinance by making the new individual for overseeing of Hanna Nuttman Park a Public Works Employee. Seconded by Coshow, the motion was adopted. This individual will be paid a portion of the MVH-Street budget and the remaining portion to be paid from utilities.

Ordinance 2019-11, an ordinance fixing the salaries and wages for City employees for the year of 2020 was brought forward. Sirk made a motion to place Ordinance 2019-11 as amended on its first reading by short title only. Seconded by Dyer, the motion was carried and City

Attorney, Tim Baker read Ordinance 2019-11 by short title only. Sirk made a motion to pass Ordinance 2019-11 on its first reading. Seconded by Dyer, the motion passed, and a roll call vote show passage by a 5-0 vote. Sirk made a motion to place Ordinance 2019-11 as amended on its second reading by short title only. Seconded by Dyer, the motion passed and City Attorney, Tim Baker read Ordinance 2019-11 by short title only. Sirk made a motion to pass Ordinance 2019-11 on its second reading. Seconded by Dyer, a roll call vote showed passage by a 5-0 vote. Sirk made a motion to table Ordinance 2019-11 until the next regular meeting on September 17, 2019. Seconded by Dyer, the motion was adopted.

Ordinance 2019-12, an ordinance establishing the salaries to be paid to the elected officials for the year 2020 was brought forward. Sirk made a motion to place Ordinance 2019-12 on its first reading by short title only. Seconded by Collier, the motion passed and City Attorney, Tim Baker read Ordinance 2019-12 by short title only. Sirk made a motion to pass Ordinance 2019-12 on its first reading. Seconded by Collier, the roll call vote showed passage with a 5-0 vote. Sirk made a motion to place Ordinance 2019-12 on its second reading by short title only. Seconded by Collier, the motion was carried and City Attorney, Tim Baker read Ordinance 2019-12 by short title only. Sirk made a motion to pass Ordinance 2019-12 on its second reading. Seconded by Coshow, a roll call vote was held and passed by a 5-0 vote. Sirk made a motion to table Ordinance 2019-12 for its third reading until the next regular meeting on September 17, 2019. Seconded by Dyer, the motion was adopted.

Dyer made a motion to make a matter of record Mayor Meyer's appointment of V. Jane Drummer as a member of the Decatur Housing Authority for the position left open with the resignation of Brian Andrews. Seconded by Fullenkamp, the motion passed and it was noted that Drummer's term will be from August 14, 2019 to December 31, 2020.

Department Heads Input:

Police Chief, Lennie Corral reported that Officers Dan McGill and Nathan Hunter will graduate from the Academy this Thursday and when they begin work on Monday, the Department will be fully staffed. Chief Corral shared that two (2) staff members have been trained regarding the proper fitting of car seats and is working well.

Kevin Hackman, Utilities Auditor shared that the new water plant was coming along nicely and that the building could be started in the near future.

Fire Chief, Les Marckel announced the Department had received a \$3,000 grant from Walmart for the smoke detector program. Encouraged people to contact the Fire Department for participation in the program.

Jeremy Gilbert, Operations Manager, shared that next week, September 9-13, would be Heavy Trash Pick-up Week. Bill Karbach, Code Enforcement Officer, added that if there is something in your yard that you have not touched in a year, take it to the curb for Heavy Trash Pick-up. Gilbert reported that the concrete work on Second Street Streetscape was going well. The paver bricks would be delivered tomorrow and the rest of the street lights would go up. He also reported that work on Hanna Nuttman Park is going along well, but a lot more to go.

Council Input:

Coshow thanked the Fire Department for putting up the flags for Germanfest. He thanked all who had helped in making the Germanfest event successful. Coshow than announced that the concert series would begin on Sundays with this Sunday being the first Sunday Concert with one band from 2-3:00 P. M. and a second band from 4-6 P.M.

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

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

Adjournment was at 8:14 P.M.