

CITY OF DECATUR  
COMMON COUNCIL MINUTES  
DECEMBER 18, 2018

The City of Decatur Common Council met on Tuesday, December 18, 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 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 December 4, 2018 meeting. Sirk made a motion to approve the minutes as emailed. Collier seconded the motion. Motion carried.

Dyer made a motion to suspend the Council meeting and open a Public Hearing regarding an offer on the City's property located at 822 Dayton Ave. Seconded by Sirk, the motion passed.

Collier made a motion to make the notice of publication regarding the Public Hearing a matter of record. Seconded by Sirk, the motion was adopted.

During the Public Hearing it was shared that Keith Gerber of Hoosier Pattern, Inc. had offered \$35,000 for approximately 6.89 acres of the land at 822 Dayton Avenue, the former Decatur Casting site to be redeveloped and used for light industrial or commercial use. It was noted the current Hoosier Pattern, Inc. location borders the area on its north side. No one was present to speak in support or opposition of the offer and sale. Dyer made a motion to close the Public Hearing and reconvene the Council meeting. Seconded by Sirk, the motion was adopted.

Following the Public Hearing, City Attorney, Tim Baker shared an outline of the process for the sale. He noted the land had been determined by the City to be surplus and then the City advertised for bids. Two appraisals had been received for \$110,000 and \$53,840 with the average being \$81,920. Originally, 90% of the average of the two (2) appraisals was required. However, no offer was received during the bidding time line and Hoosier Pattern's bid of \$35,000 was received later. Thus, a Public Hearing was required. With no public comment, it is up to the Council to accept or reject the bid. If accepted, a Purchase Agreement would be entered into. A resolution is necessary with Exhibit A being the rationale for the sale and Exhibit B stating any appropriate conditions. If rejected, the City can continue to accept offers or have an auction. It was shared the land had been purchased for \$106,000 with the County paying \$36,000 and the City paying the rest. The perpetual lease of a cell tower provided three (3) payments of \$30,000 each. Various costs incurred by the City and the County regarding the property were provided. Conditions placed on the sale were the City's right to first right of refusal if Gerber ever decided to sell the land. No tax abatement was considered at this time. It was discussed that if an abatement is requested in the future, Council, when making their decision should take into account the reduced price given on the land. It was noted that Hoosier Pattern, Inc. and Keith Gerber have been good corporate citizens for Decatur. Adams County Commissioner, Kim Fruechte was present and agreed with the sale of the property. Dyer made a motion to accept the \$35,000 offer with the inclusion that the City have the first right of refusal if the land is ever offered for sale. Seconded by Sirk, the motion was adopted.

Resolution 2018-24, a resolution regarding the sale of the land at 822 Dayton Ave. to Keith Gerber and Hoosier Pattern, Inc. was brought forward. Sirk made a motion to introduce Resolution 2018-24 by short title only. Seconded by Dyer, the motion passed and City Attorney Baker read Resolution 2018-24 by short title only and also read the conditions that Council requested to be included in the resolution. Sirk made a motion to adopt Resolution 2018-24. Seconded by Coshow, the motion was adopted. The adoption of this resolution accepts and approves the offer which is less than 90% of the average of two appraisals, and authorizes the Mayor to execute any documents necessary for the sale of the property.

Chief of Police, Lennie Corral introduced the new officer Dan McGill to the Council members. He shared that Sgt. Kevin Gerber is the Field Training Officer for Officer McGill and that it is possible Officer McGill will be able to go to the Academy in February. As the training officer, Sgt. Gerber shared Officer McGill is a very observant individual and asks a lot of good questions. Current education is focused on learning the various streets. Chief Corral noted the 19<sup>th</sup> person would be joining the force next week and they are also getting a new reserve with four (4) more in training.

Final reading of Ordinance 2018-22, an ordinance amending Chapter 150 of the Decatur Code of Ordinances of 2015, as amended, for the purpose of rezoning real property at 521 S. 13<sup>th</sup> Street known as Cottonwood Estates Mobile Home Park from RS Residential Suburban to C3 Roadside Business, was brought forward. Sirk made a motion to place Ordinance 2018-22 on its third and final reading by short title only. Seconded by Coshow, the motion passed and City Attorney, Tim Baker read Ordinance 2018-22 by short title only. Sirk made a motion to adopt Ordinance 2018-22 on its third and final reading. Seconded by Coshow, a roll call vote was held and passed 5-0. The ordinance was adopted. Mayor Meyer announced that trailers are still being removed from the property, but should be completed by the end of the year.

Clerk-Treasurer, Phyllis Whitright brought forth year end transfers. Resolution 2018-25, a resolution to transfer funds from one account to another, was brought forth. Sirk made a motion to introduce Resolution 2018-25 by short title only. Seconded by Dyer, the motion passed and City Attorney Baker read Resolution 2018-25 by short title only. Sirk then made a motion to adopt Resolution 2018-25. Seconded by Dyer, the motion was adopted.

Clerk-Treasurer, Phyllis Whitright brought forth encumbrances of funds to the 2019 budget year. Sirk made a motion to approve the various encumbrances of funds. Seconded by Fullenkamp, the motion was adopted.

The Clerk-Treasurer also requested permission to carry over \$15,996.96 from the CEDIT fund to 2019 for the façade program that hadn't been expended in 2018. Sirk made a motion to approve the carry-over of the façade funds. Seconded by Coshow, the motion was adopted.

Collier then shared an outline of what he had put together regarding the formation of a Public Arts Commission. He shared information he had found from other area commissions and shared he felt 2019 was an ideal time to form such a Commission, especially with the 2<sup>nd</sup> Street Lofts Project. He gave options to assist in the funding of such a commission such as CEDIT funding and a percentage of TIF funds. The Council members were in favor of such a Commission to help keep the Council from having to decide what type of art is funded. The Commission would provide a core group to oversee the arts. Collier was thanked for his efforts in putting together the concept. Mayor Meyer noted more research is needed and he volunteered to assist Collier with input noting

that perhaps a proposal could be ready early in 2019. By consensus, Collier and Mayor Meyer are to continue work on a proposal.

The elected officials each signed a Certification in reference to the City's Nepotism Policy for hiring and contracting. Sirk made a motion to make the signed Certifications for Elected Officials on compliance with the Nepotism Policy for hiring and contracting a matter of record. Seconded by Coshow, the motion was adopted.

Clerk-Treasurer, Phyllis Whitright presented Conflict of Interest Disclosures Statements for 2019, which have been signed by employees, who also do work for the City; James Hitchcock-Hitchcock Concrete, Taylor Gage-TG Concrete, Greg Kitson-Mind's Eye Graphics, Jeffrey Sheets, Don Bergdall-Bear's Den Embroidery and More, Tim Baker-Devoss, Baker, Ainsworth & Razo PC, Anthony Stimpson-AGAW Trauma Systems, Leo Feasel-Feasel's Fire Gear Repair, and Tyler Fullenkamp-Kampman's Renovations, and James Corey Hamm. These disclosure statements will be uploaded to the State Board of Accounts through the Gateway program, and a copy filed with the Adams County Clerk's office. A motion to make the Conflict of Interest Disclosure Statements a matter of record was made by Coshow, seconded by Sirk, and passed.

Clerk-Treasurer Whitright announced McClure Oil Corporation had reimbursed the City the sum of \$5,363.00 as a result of the diesel fuel spill in February, 2018.

City Attorney, Tim Baker shared that the Adams County Solid Waste Management District had met this morning and under current terms and the contract, there would be an increase of \$.96 per ton as of January 1, 2019 as there was a 2.2% CPI increase. The cost of solid waste disposal to the transfer station in 2019 will be \$44.82 per ton. It was noted the increase to the City would be about \$3,000 for 2019. Dyer made a motion to approve and sign the transfer station contract for 2019. Seconded by Sirk, the motion was adopted. City Attorney Baker shared the current ten-year contract will expire in 2011 and that the best result for lower increases would be competition and it was noted that Republic has evidently expressed some interest which would provide competition for Waste Management. Dyer reiterated that the more people who participate in recycling, the lower the cost for waste disposal.

Dyer made a motion to grant City Attorney, Tim Baker the approval to represent both the City and the Solid Waste District, and to make the Consent to Representation a matter of record. Seconded by Collier, the motion was adopted.

City Attorney Baker shared a Public Hearing will be needed for New Beginnings Faith Center as they have purchased the former GE parking lot and were requesting to vacate the platted lots and the street and alleys. He shared the Plan Commission planned to schedule a hearing for January 15, 2019 and encouraged the Council to schedule a hearing the same evening. Coshow made a motion to hold a Public Hearing on January 15, 2019 with New Beginnings Faith Center. Seconded by Sirk, the motion was adopted.

#### Department Head Reports:

Fire Chief, Les Marckel noted the reimbursement from McClure Oil, but they are still waiting for any reimbursement from Buckeye Pipeline for their fuel spill.

Mayor Meyer recognized Wayne Carpenter who recently passed away at the age of 92, noting Mr. Carpenter had worked for a lengthy time with the City as the Water Supt.

Mayor Meyer shared he felt 2018 had been a great year from the Plaza and area construction. He noted that he purchased two (2) tickets for the Paul McCartney event on Monday, June 3, 2019 at the Memorial Coliseum in Fort Wayne, and with partnership with the Chamber of Commerce will be selling tickets for a drawing at \$10 per ticket or 3 for \$20. All profits are going to the Hanna Nuttman Project.

Council Input:

All wished everyone a Merry Christmas.

Coshow thanked Clerk-Treasurer Phyllis Whitright for all her work as she just finished work with the State of Board of Accounts for the four (4) year audit.

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 Fullenkamp, the motion passed.

Adjournment was at 8:54 P.M.