

CITY OF DECATUR  
COMMON COUNCIL MINUTES  
DECEMBER 21, 2021

The City of Decatur Common Council met on Tuesday, December 21, 2021 at 7:10 p.m. at City Hall in Council Chambers, 172 N. Second Street. The meeting was called to order by Mayor Dan Rickord. Roll call was taken to show Councilmen Craig Coshow, Matt Dyer, Tyler Fullenkamp, Scott Murray, and Wylie Sirk were in attendance. Also present were 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 7, 2021 meeting. Dyer made a motion to approve the minutes. Seconded by Sirk, the motion was adopted.

The first item on the agenda was Rod Renkenberger, Director of the Maumee River Basin Commission (MRBC) and Lynn Selking, a member of the MRBC Board. Stating there was money remaining from the flood buyouts grants, and the MRBC is providing four (4) signs that read "When Flooded, Turn Around." Operations Manager, Jeremy Gilbert will place the two (2) signs on Mercer Avenue near the hospital. A photo was taken of Mayor Rickord, Renkenberger, Selking, and Gilbert with the sign.

MRBC Director Rod Renkenberger then presented a combination leadership and service award plaque to City Attorney Tim Baker in recognition of all his work with the MRBC, especially in the closing of numerous homes since he had become City Attorney in 2008. Renkenberger shared that Attorney Tim Baker had been an asset to the MRBC and noted that Mr. Baker was the most compassionate person he knew.

Attorney Anne Razo, the daughter of City Attorney Tim Baker who the Mayor appointed to replace Tim Baker after December 31, 2021 had prepared a resolution recognizing retiring City Attorney Tim Baker for his work for the City as well as his great involvement on various projects and boards throughout the City. Resolution 2021-14 was presented as Sirk made a motion to introduce Resolution 2021-14 to be read in its entirety. Seconded by Dyer, the motion was passed and Attorney Anne Razo read Resolution 2021-14 in its entirety. Sirk then made a motion to adopt Resolution 2021-14. Seconded by Dyer, the motion was adopted. Attorney Baker was given an ovation.

Following the adoption to Resolution 2021-14, Mayor Rickord thanked Attorney Tim Baker for staying on as City Attorney for two (2) years and that Attorney Baker served with passion and great caring, and presented Attorney Baker with a key to the City.

City Attorney Tim Baker thanked all who had attended this evening's meeting as he saw many familiar faces in the audience, co-workers, family and friends. Attorney Baker appreciated the recognition but added that it is deserving of all who have worked for Decatur. He thanked his wife Kathy for her patience and understanding as he often had meetings to attend which took precedence over family times. In closing, City Attorney Tim Baker shared that he had enjoyed working with all involved in the City and urged parents to talk with their children and encourage them to stay in Decatur.

The Board of Public Works and Safety members had approved AEP to relocate the power line and poles for the Homestead Drainage Upgrades Project at a cost of \$24,917.78. To keep the project on schedule, Sirk made a motion to authorize the Clerk-Treasurer to pay the \$24,917.78 to AEP out of the normal claim cycle. Seconded by Dyer, the motion was approved.

Resolution 2021-13, a resolution to provide for year-end appropriation transfers was brought forward. The Clerk-Treasurer explained that the appropriation transfers were to transfer within different categories of the budgets. Sirk made a motion to introduce the Resolution by short title only. Seconded by Fullenkamp, the motion passed and City Attorney Tim Baker read Resolution 2021-13 by short title only. Sirk then made a motion to adopt Resolution 2021-13. Seconded by Dyer, the motion was adopted.

Next on the agenda was the approval for the encumbrances of funds from 2021 for use in 2022. The Clerk-Treasurer read the various encumbrances for the General fund for the Common Council, Police and Fire budgets as well as from LOIT-Public Safety fund, MVH-Street, and Local Road & Street fund, CCD fund, and CEDIT fund. The total amount of encumbrances is \$310,282.16. Sirk made a motion to authorize the encumbrances. Seconded by Dyer, the motion was adopted.

Sirk made a motion to make the signed Annual Certification of Elected Official on Compliance with the City's nepotism policy on contracting a matter of record. Seconded by Fullenkamp, the motion was adopted.

Sirk made a motion to make the signed Annual Certification of Elected Officials on Compliance with the City's nepotism policy involving direct line of supervision a matter of record. Seconded by Murray, the motion was adopted.

The Clerk-Treasurer read the Conflict of Interest Disclosure forms that had been completed by numerous employees, Asst. Fire Chief James Hitchcock, Fire Captain Jeff Sheets, Volunteer Firefighters Andrew and Anthony Stimpson, Tim Ulman, Leo Feasel, and Firefighters Bryan Braun, Taylor Gage, and Council member Tyler Fullenkamp, and K9 Officer J. Corey Hamm, and City Attorney Anne Razo. Coshow made a motion to make the Conflict of Interest Disclosures signed by the employees a matter of record. Seconded by Sirk, the motion was adopted. The Clerk-Treasurer noted that the forms will be filed as required with the State Board of Accounts through Gateway, and also filed with the Adams County Clerk's office.

Coshow made a motion to approve the Certifications of Appointments/Oath of Office for the Decatur Redevelopment Commission for J. Craig Russett and Lawrence Isch as the Council Appointees. Seconded by Sirk, the motion was adopted. These appointments are for a one-year term and will expire on December 31, 2022.

Fullenkamp made a motion to make Mayor Rickord's appointment of Josh Zimmerman, Civil Infrastructure Manager, to the Adams County Regional Sewer District Board a matter of record. Seconded by Dyer, the motion was adopted. This appointment is for one year, terminating on December 31, 2022.

Fullenkamp made a motion to make Mayor Rickord's appointment of Josh Zimmerman, Civil Infrastructure Manager, to the Decatur Plan Commission a matter of record. Seconded by Coshow, the motion was adopted. The term begins on January 1, 2022 and terminates on December 31, 2023.

Fullenkamp made a motion to make Mayor Rickord's re-appointments of Max Miller, Jeremy Friedt and Ron Storey to the Decatur Redevelopment Commission a matter of record. Seconded by Dyer, the motion was adopted. Their term begins January 1, 2022 and terminates December 31, 2022.

Fullenkamp made a motion to make Mayor Rickord's re-appointment of Tim Ehlerding of the North Adams Community School Board to serve as the non-voting advisor on the Decatur Redevelopment Commission for a two (2) year term beginning January 1, 2022 to December 31, 2023. Dyer seconded the motion. Motion carried.

Dyer made a motion to make Mayor Rickord's re-appointment of Patrick "Pete" Braun to the Alcoholic Beverage Commission for a one-year term beginning on January 1, 2022 and terminating December 31, 2022 a matter of record. Seconded by Fullenkamp, the motion was adopted.

Curt Witte, Building and Zoning Superintendent appeared before the Council and shared that as of today the building at 138 N. Second Street is now owned by the City. Witte had contacted AEP to change the service over to the City, and there was no meter for NIPSCO. Witte is awaiting a second quote for the repairs of the building. Fullenkamp made a motion to proceed with getting quotes on repairing the building and due to this being an emergency situation to move forward as soon as possible to make the repairs and authorized Mayor Rickord to sign any appropriate paperwork. Seconded by Murray, the motion was adopted.

Building and Zoning Superintendent Witte shared that he would like to get a locksmith and change all the locks on the building at 138 N. Second Street. Dyer made a motion authorizing Witte to get the locksmith and change the locks. Seconded by Sirk, the motion was adopted.

Sirk made a motion to make the Settlement Agreement and Quitclaim Deed for the property at 138 N. Second Street a matter of record. Seconded by Murray, the motion was adopted.

City Attorney Tim Baker presented the annual contract between the City and the Adams County Solid Waste Management District for solid waste disposal at the District Transfer Station has increased the hauling and disposal cost from \$46.31 per ton to \$49.46 per ton, an increase of \$3.15 per ton for 2022. Sirk made a motion to approve and sign the contract for 2022. Coshow seconded the motion. Motion carried.

Coshow requested the Operations Manager Jeremy Gilbert to provide figures regarding any savings as a result of the City's recycling program, a comparison of figures before recycling and current figures to be presented at a future meeting.

Coshow made a motion to make the Certification of Compliance from the Solid Waste District that states they are enrolled in the E-Verify Program a matter of record. Fullenkamp seconded the motion. Motion carried.

Coshow made a motion to approve and sign the Consent to Representation for Attorney Anne Razo to maintain her private law practice and concurrent representation of the Adams County Solid Waste District Management, and also the Attorney for the City of Decatur. Seconded by Fullenkamp, the motion was adopted.

Department Heads Input:

Each Department Head including Assistant Fire Chief Hitchcock, Police Chief Corral, Utilities Auditor Hackman, Civil Infrastructure Manager Zimmerman, Assistant Water Dept. Supt, Carpenter, Wastewater Superintendent Fuelling, Community Coordinator Gephart, Building and Zoning Superintendent Witte, and Operations Manager Gilbert all congratulated Attorney Tim Baker on his retirement as City Attorney, wished him well, and thanked him for all the help he had given each of them throughout the years. All expressed they had learned much from Attorney Tim Baker.

Council Input:

Dyer noted he was impressed with all of Attorney Baker's accomplishments and his commitment to the City and its residents.

Murray shared he tried to present himself more like Attorney Tim Baker.

Fullenkamp thanked Attorney Baker for all his work.

Coshow shared that he appreciated what he learned by sitting next to Attorney Baker and noted Attorney Baker's humility and his being an example of an excellent leader.

Sirk shared it was a privilege to work with Attorney Tim Baker and getting to know him. He pointed out Attorney Baker's steadfastness.

Clerk-Treasurer Phyllis Whitright said, "Thank you, thank you, thank you," and shared she could not have asked for a better attorney to work with.

Mayor Rickord reiterated what everyone else had said and thanked Attorney Baker for putting Decatur first in everything he did.

City Attorney Tim Baker thanked everyone for their comments and shared that he had learned a lot from his dad as he always said, "Do your job and do it well, keep your head down and don't brag about anything." Attorney Baker commented that his goal was always to make Decatur a better place and to keep our kids here in Decatur. He shared that it wasn't just him, but everyone working together.

Audience Input:

Jim Langham, Berne Witness reporter, shared he was thinking of how many people in Decatur who have been touched by Attorney Tim Baker.

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

Adjournment was at 8:23 P.M.