

CITY OF DECATUR
COMMON COUNCIL MINUTES
JUNE 7, 2022

The City of Decatur Common Council met on Tuesday, June 7, 2022 at 6:50 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 Craig Coshow, Matt Dyer, Tyler Fullenkamp, Scott Murray, and Wylie Sirk were in attendance. Also present were Clerk-Treasurer Phyllis Whitright and City Attorney Anne Razo.

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

The Clerk-Treasurer had emailed the minutes from the May 17, 2022 meeting and Dyer made a motion to accept the minutes as emailed. Seconded by Sirk, the motion was adopted.

To open the meeting, Mayor Rickord called on Community Coordinator Jamie Gephart who introduced the part-time Director of the HIVE, Kim Brandt. Ms. Brandt shared that she is asking various people what they want at the HIVE. She also shared a couple of events scheduled, and the open hours during the Sculpture Tour this Thursday and Friday with plenty of parking available and a pizza and painting class event to be held on Friday, June 17, 2022.

Resolution 2022-9, a resolution adopting a plan from distribution received from the American Rescue Plan Act of 2021 State and Local Fiscal Recovery funds (SLRF), was brought forward. The Resolution states that Council elects to use the standard allowance as indicated in the Final Rule by the US Treasury, up to the grant amount to fund government services. At this time, Council has determined a portion of the funds be used towards Park Improvements of \$450,000.00, and \$295,150.00 towards improvements for the Sanitation Department. Sirk made a motion to introduce Resolution 2022-9 by short title only. Seconded by Murray, the motion passed and City Attorney Anne Razo read Resolution 2022-9 by short title only. Sirk made a motion to adopt Resolution 2022-9. Seconded by Murray, the motion was adopted.

A Public Hearing had been advertised to begin at 7:00 P.M. so Dyer made a motion to suspend the Council Meeting for a Public Hearing. Seconded by Fullenkamp, the motion was adopted.

Dyer made a motion to open the Pubic Hearing. Seconded by Fullenkamp, the motion was adopted.

Clerk-Treasurer Phyllis Whitright shared that the Public Hearing was needed in order to provide additional appropriations for the General Fund and the ARP Coronavirus Local Fiscal Recovery Grant Fund. The additional appropriation for the General fund is for the Sanitation Department to add a debt service account in order to make the first lease/purchase payment for the dump trailer and recycle bins that was recently financed, which the first payment is due August 1, 2022 in the amount of \$65,062.00. The other additional appropriation is for ARP Coronavirus Local Fiscal Recovery Grant fund totaling \$745,150.00 to the Other Capital Outlays account for \$450,000.00 for Park Improvements to go towards paving the parking lot and installing a bleacher canopy protection net at the REV Sport Complex in Hanna Nuttman Park, and \$295,150.00 towards improvements to the Sanitation Department to purchase trash and recycling containers for

City residents. Since the money was not in the original budget, the additional appropriations process was necessary. There being no public input, Dyer made a motion to close the Public Hearing. Seconded by Murray, the motion was adopted.

Dyer made a motion to reconvene the City Council meeting. Seconded by Murray, the motion was adopted.

Resolution 2022-10, a resolution to provide the approval of the additional appropriations for the General fund for the Sanitation budget of \$65,062.00, and the ARP Coronavirus Local Fiscal Recovery Grant fund of \$745,150.00, was brought forward. Sirk made a motion to introduce Resolution 2022-10 by short title only. Seconded by Murray the motion passed and City Attorney Anne Razo read Resolution 2022-10 by short title only. Sirk made a motion to adopt Resolution 2022-10. Seconded by Murray, the motion was adopted.

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

Next on the agenda was Utilities Auditor, Kevin Hackman regarding an ordinance amending the water rates and charges. Hackman shared that the State Legislature had repealed the Utility Receipt Tax which forced a reduction in water rates and charges at the local level. The average decrease would be \$.29 for City users and \$.36 for those outside the City. Thus, Ordinance 2022-9, an ordinance to adjust the water rates as per the repeal of the Utility Receipt Tax collected for the State, was brought forward. Sirk made a motion to place Ordinance 2022-9 on its first reading by short title only. Seconded by Dyer, the motion passed and City Attorney Anne Razo read Ordinance 2022-9 by short title only. Sirk made a motion to pass Ordinance 2022-9 on its first reading. Seconded by Coshow, a roll call vote was held and passed 5-0. Sirk made a motion to place Ordinance 2022-9 on its second reading by short title only. Seconded by Dyer, the motion passed and City Attorney Anne Razo read Ordinance 2022-9 by short title only. Sirk made a motion to pass Ordinance 2022-9 on its second reading. Seconded by Dyer, a roll call vote was held and passed 5-0. Sirk made a motion to table Ordinance 2022-9 until the next meeting on June 21, 2022. Seconded by Dyer, the motion was carried.

It was shared that a Public Hearing would be needed and Hackman would need to send letters to notify those outside the City of the Public Hearing and final passage of the ordinance.

Next on the agenda was a request for a tax abatement for personal property and real estate from Hoosier Pattern Inc. and RH Warehouse, LLC. Attorney, Audra Snyder representing Hoosier Pattern and RH Warehouse along with Melissa Affolder from Hoosier Pattern appeared on behalf of Keith Gerber. A written statement was presented since Mr. Gerber who was out of town, which explained in detail his expansion project. Ms. Affolder explained the request was to add silos to store silica sand and transport by rail, and to also upgrade equipment to improve their products. The proposal sought abatement for ten (10) years for the personal property and ten (10) years for the real estate, the plan is for five (5) additional employees. Curt Witte, Building and Zoning Superintendent, shared that there may still be some issues regarding easements with AEP for the railroad and his desire to make sure those are resolved. Ms. Affolder commented that she was not aware of any problems at this time. Fullenkamp made a motion to proceed with the abatement of personal property and real estate. Seconded by Dyer, the motion was adopted. Regarding the next step, to move forward with the abatements, City Attorney Anne Razo informed the Council that a

Declaratory Resolution needed to be presented and acted upon. Then a Public Hearing would need to be scheduled for a Confirming Resolution. Following a discussion which resulted in questions unanswered, Fullenkamp made a motion to table the abatement request and any Declaratory Resolution until the June 21, 2022 meeting. Seconded by Dyer, the motion was adopted.

Curt Witte, Building Zoning Superintendent appeared before the Council regarding the Flood Hazard Area ordinance amendments. Witte shared that the City is to be audited on June 24, 2022 and it is hoped that the City can keep its current rate for flood insurance or perhaps even lower it. The State has written new and added definitions so it is necessary to amend Chapter 155 of the City Code of Ordinances of 2015 regarding Flood Hazard Areas. Witte shared that Erin Heyerly, Office Administrator had worked through the various changes needed with the State. City Attorney Anne Razo mentioned that a lot of technical aspects had been updated. It was noted the ordinance needs to be passed or the flood insurance rate will be increased. It is a way to help the City residents who have flood insurance keep their rates down. Ordinance 2022-10, an ordinance which amends Chapter 155 of the Decatur Code of Ordinances of 2015 regarding Flood Hazard Areas was brought forward. Sirk made a motion to place Ordinance 2022-10 on its first reading by short title only. Seconded by Dyer, the motion was passed and City Attorney Anne Razo read Ordinance 2022-10 by short title only. Sirk made a motion to pass Ordinance 2022-10 on its first reading. Seconded by Dyer, a roll call vote showed passage by a 5-0 vote. Sirk made a motion to place Ordinance 2022-10 on its second reading by short title only. Seconded by Dyer, the motion was passed and City Attorney Anne Razo read Ordinance 2022-10 by short title only. Sirk made a motion to pass Ordinance 2022-10 on its second reading. Seconded by Dyer, a roll call vote showed 5-0 passage. Sirk made a motion to table Ordinance 2022-10 for third reading until June 21, 2022. Seconded by Dyer, the motion was adopted.

Coshow brought up the request to purchase a floor cleaner at the MERIT Center for the janitors to use. A demo had been found at a cost of \$4,000. Coshow requested for the City to pay half, while the MERIT Center Board will pay the other half. Dyer made a motion to pay \$2,000 for the floor cleaner from Council's budget, with the MERIT Center Board paying the other half. Seconded by Murray, the motion passed with Coshow and Sirk abstaining.

Community Coordinator Jamie Gephart brought forth two (2) event forms. The first event request was from Diane Ortiz for a wedding reception to be held on Madison Street Plaza on July 16, 2022 from 5:00 to 11:00 P.M. The second event request was from Tonya Hamilton for the Class of 1992 class reunion on Saturday, July 23, 2022 from 6-10 P.M. on the Madison Street Plaza. Both events will be using the restrooms and electricity and both are using Bixler Insurance for their liability insurance. Coshow made a motion to approve both events. Seconded by Dyer, the motion was adopted.

Following the approval of the two (2) event forms, City Attorney Anne Razo suggested comprising a list of those events that happen annually so that Community Coordinator Jamie Gephart could approve them without coming before the Council unless she had questions.

Mayor Rickord shared that Stephanie Simmerman from Common Ground Church had inquired about a meeting place to hold activities for high school kids. Mayor Rickord suggested for Council members to think about possible locations for the youth.

Operations Manager Jeremy Gilbert appeared before the Council regarding the next round of applications (2022-2 call) for the Community Crossings Matching Grant. Gilbert shared that there were streets still available for work and he felt the program had been good for the City. Mayor Rickord would like to see the trail system improved and there is a possibility some of these funds could be used for trails. Gilbert remarked that there may be some right-of-way issues when using the funds for trails. USI Consultants helped with the current grant, so Gilbert requested using them again. Dyer made a motion for Gilbert to pursue making application for the next round of Community Crossing Matching Grant Funds for streets and trails, and also approving USI Consultants to help with the grant application. Seconded by Coshow, the motion was adopted.

Operations Manager Jeremy Gilbert announced that crack and seal work will be done this summer.

Clerk-Treasurer Phyllis Whitright shared a letter of resignation as of July 1, 2022 from her Deputy Clerk-Treasurer, Bobbie Witte. Dyer made a motion to make the letter of resignation a matter of record. Seconded by Murray, the motion was adopted.

Clerk-Treasurer Whitright informed Council that the Deputy Clerk-Treasurer is an appointed position, but still will need Council's approval to fill the vacancy. Dyer made a motion to approve for Clerk-Treasurer Whitright to proceed with the hiring a replacement. Seconded by Murray, the motion was adopted.

Mayor Rickord had been approached by the Decatur Rotary Club regarding the need for a letter from the City to the Gaming Authority acknowledging the Rotary Club has the approval to have an event during the Thursday night concerts on Madison Street Plaza. Murray made a motion to proceed with the letter. Seconded by Fullenkamp, the motion was adopted.

Mayor Rickord reminded everyone of the Sculpture Tour and Plein Art events on Thursday and Friday, and the Wildflowers Concert and Flight of the Fairies events on Saturday. Thus, the weekend is full of activities for all to enjoy.

Department Heads;

Operations Manager Jeremy Gilbert shared that his staff will be busy on Friday with the placement of the new sculptures. He encouraged people to stop by the REV Sports Complex to see the progress made.

Fire Chief Jeff Sheets announced that on Thursday morning there will be a Youth Tour from 8-11:30 A.M. at the Fire station.

Curt Witte, Building and Zoning Superintendent reported that construction has started on the rehab of 138 N. Second Street building, and that the street would likely need to be closed for a day or two eventually.

Mayor Rickord acknowledged the staff of the Building and Zoning Department who have been extremely busy with nuisance violations. Building Supt., Witte shared that they have already had 260 reports this spring. Mayor Rickord commended the Department for their work.

Police Chief Lennie Corral announced that on Friday, June 10, 2022 Officer Blaze Brooks and K-9 Arko will graduate from the K-9 Academy. Chief Corral shared that 90 UTV's had been registered so far with a lot of positive comments received.

Coshow mentioned that people are using the Elm Street recycling facility for trash rather than for recycling. People were urged not to place trash at that area.

Public Input:

Jason, Charlie, and Jean Brune relayed information regarding a tour they took to Plainville, Michigan to check out a cattle slaughtering facility.

Darlene Zeitvogel shared her support for finding a location for the youths. She also questioned the liability at the Thursday night concerts for those providing liquor at the concerts. Ms. Zeitvogel was informed that the Decatur Chamber of Commerce has insurance and also the bartenders have insurance and anyone else who holds an event is required to have insurance when renting the Madison Street Plaza.

Jan Borne noted she had gone to the same location toured by Councilmen Coshow and Sirk and saw no cattle butchering as they were canning meat.

Mike Webb shared his concerns regarding odors and the prevailing winds noting that the prevailing wind in Plainville, Michigan is usually away from the City while it will often be toward the City in Decatur.

Susan Baumann shared her concern about who would be employed and finally after various questions noted her concern was about hiring the Burmese from Fort Wayne.

Marta Gerke shared that no matter what comes into the previous Dean's building would be the food industry, which likely will have some smell.

Charlie Brune, commented that housing values will go down if a slaughter house is the city limits.

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

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

Adjournment was at 8:30 P.M.