

CITY OF DECATUR  
COMMON COUNCIL MINUTES  
OCTOBER 3, 2023

The City of Decatur Common Council met on Tuesday, October 3, 2023, at 6:35 P.M. at City Hall in Council Chambers, 172 N. Second Street, Decatur. 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 Anne Razo.

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

The Clerk-Treasurer had emailed the minutes from the September 19, 2023 meeting and Dyer made a motion to accept the minutes as emailed. Seconded by Sirk, the motion was adopted.

The first item on the agenda was a discussion regarding a possible donation to NeighborLink of Adams County which was brought up by Curt Witte, Building and Zoning Superintendent at the September 19, 2023 meeting. Witte shared that the group operates by donation and had done a lot of work for the City, especially in Code Enforcement abatement clean-up. Dyer made a motion to donate \$5,000 to NeighborLink of Adams County from Council's promotional account. Seconded by Sirk, the motion was adopted.

Ordinance 2023-15, an ordinance for appropriations and tax rates for budget year 2024, was brought forward, with a budget of \$11,726,567, and \$1,788,292 of home-ruled funds, tax levy of \$5,337,850, and tax rate of \$1.4379. The Clerk-Treasurer informed Council members that the Department of Local Government Finance (DLGF) have included two questions in the ordinance that needed to be answered. The first question is if the City intends to issue debt after December 1 and before January 1, and the second question is, does the City intend to file a shortfall appeal after December 1 and before December 31. By consensus, both questions were answered with a no. There were no other comments, so Sirk made a motion to place Ordinance 2023-15 on its third reading by short title only. Seconded by Murray, the motion passed and City Attorney Anne Razo read Ordinance 2023-15 by short title only. Sirk made a motion to adopt Ordinance 2023-15 on its third and final reading. Seconded by Murray, a roll call vote was held and Ordinance 2023-15 was adopted with a 5-0 vote.

Ordinance 2023-16, an ordinance fixing the salaries and wages of City employees for the year 2024, was brought forward. Sirk made a motion to place Ordinance 2023-16 on third reading by short title only. Seconded by Murray, the motion passed and Attorney Razo read Ordinance 2023-16 by short title only. Sirk made a motion to adopt Ordinance 2023-16 on its third and final reading. Seconded by Murray, a roll call vote was held and Ordinance 2023-16 was adopted by a 5-0 vote.

Ordinance 2023-17, an ordinance to establish salaries for the Elected Officials for the year 2024, was brought forward. Sirk made a motion to place Ordinance 2023-17 on its third reading by short title only. Seconded by Murray, the motion passed and Attorney Anne Razo read Ordinance 2023-17 by short title only. Sirk made a motion to adopt Ordinance 2023-17 on its third and final reading. Seconded by Murray, a roll call vote showed adoption by a 5-0 vote.

Next on the agenda was Ron Storey, President of the Decatur Arts Commission. Mr. Storey was seeking the adoption of a non-reverting fund for the Decatur Arts Commission for funds received from the commissions gained from the various pieces of art sold from various

artists. It was shared there may be questions that need to be addressed by the State Board of Accounts, so no action was taken at this time.

The Clerk-Treasurer informed Council members that due to having to pay the commissions to the artist from the Public Art fund, the Public Art fund budget may run short and requested to prepare the paperwork required for an additional appropriation if necessary. Fullenkamp made a motion to allow the Clerk-Treasurer to prepare the necessary paperwork if an additional appropriation is needed. Seconded by Dyer, the motion was adopted.

James “Jimmy” Sheets had completed a Uniform Conflict of Interest Disclosure Statement who is a paid on-call firefighter for the City and will be training the full-time employees on CPR, AED, and first aid on October 13, 2023. Since he will be paid for his services, he was required to complete a conflict of interest form. Fullenkamp made a motion to make a matter of record the Conflict of Interest Disclosure Statement for James D. Sheets. Seconded by Sirk, the motion was adopted. The Clerk-Treasurer will file the Disclosure Statement, as required with the SBOA and the Adams County Circuit Clerk.

Police Chief Kevin Gerber appeared before the Council regarding the cars for the Police Department. Chief Gerber shared that the 2020 Ford Explorer had been damaged during training and that the air bags were deployed. The estimate to repair the vehicle is \$18,978.59. If a total loss, the insurance company’s net settlement amount for the vehicle is \$30,203.00. If the City would keep the vehicle, the salvage value would be \$21,494.00. Chief Gerber shared that the vehicle actually could have several years of service if repaired. He also noted that Tom Kelley Ford has a vehicle on the lot at a cost of \$48,921.00, which he would like to purchase using encumbered funds from 2022. Following a discussion, Coshow made a motion to purchase the new vehicle at \$48,921.00 from Tom Kelley Ford, and for Chief Gerber to see if the warranty falls in line with the estimate to repair the damaged vehicle, and proceed with the purchase and the repair. Seconded by Dyer, the motion was adopted.

Police Chief Kevin Gerber requested to transfer funds within the LIT-Public Safety fund to pay for the differences of the repair of the vehicle and the insurance payment to equip the new vehicle with the necessary equipment. Chief Gerber estimated the cost for new equipment to be \$25,000.00. Fullenkamp made a motion for the Clerk-Treasurer to proceed with drafting a resolution as needed to transfer funds within the LIT-Public Safety fund. Seconded by Sirk, the motion was adopted.

Since a Public Hearing had been advertised to be held at 7 p.m. regarding the voluntary Annexation of Meadows at Cross Creek, Section 4, Coshow made a motion to suspend the Council meeting at the appropriate time. Seconded by Murray, the motion was adopted.

Coshow then made a motion to open the Public Hearing. Seconded by Murray, the motion was adopted.

City Attorney Anne Razo outlined the reason for the Public Hearing regarding a Voluntary Annexation into the City for Meadows at Cross Creek, Section 4, petitioned by Steven J. Kreigh and Shane Cauble who are managing members of the Cross Creek Shareholders, LLC which had been filed. It was noted the Public Hearing was scheduled to allow for any public input regarding the annexation.

There being no one in the audience to speak regarding the Cross Creek annexation, Coshow made a motion to close the Public Hearing. Seconded by Murray, the motion was adopted.

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

Sirk made a motion to make the publication of the Public Hearing for the Annexation of Meadows at Cross Creek, Section 4 a matter of record. Seconded by Dyer, the motion was adopted.

City Attorney Anne Razo presented a Fiscal Plan that had to be prepared in order to learn if the annexed area containing 24.448 acres located at south of Winchester Road and east of 750 north and west of existing Section 3 of Meadows at Cross Creek addition would be a positive move for the City. Thus, Resolution 2023-17, a Resolution including the Fiscal Plan, was brought forward. Sirk made a motion to introduce Resolution 2023-17 by short title only. Seconded by Dyer, with Coshow recusing himself from voting due to him being an investor. The motion passed and City Attorney Razo read Resolution 2023-17 by short title only. Sirk made a motion to pass Resolution 2023-17. Seconded by Dyer, the motion was adopted.

Ordinance 2023-18, an ordinance for the Annexation of Meadows at Cross Creek, Section 4, was brought forward. Sirk made a motion to place Ordinance 2023-18 on its first reading by short title only. Seconded by Dyer, with Coshow recusing himself from voting due to him being an investor, the motion passed and City Attorney Anne Razo read Ordinance 2023-18 by short title only. Sirk made a motion to pass Ordinance 2023-18 on its first reading. Seconded by Dyer, a roll call vote was 4-0. Sirk made a motion to place Ordinance 2023-18 on its second reading by short title only. Seconded by Dyer, the motion passed and Attorney Razo read Ordinance 2023-18 by short title only. Sirk made a motion to pass Ordinance 2023-18 on its second reading. Seconded by Dyer, a roll call vote passed 4-0. Sirk made a motion to table Ordinance 2023-18 until the October 17, 2023 meeting. Seconded by Dyer, the motion was carried.

Nan Everett was present and seeking one-way traffic in Stratton Way addition on Tuesday, October 31, 2023 (Halloween) for the safety of the children trick or treating. After discussion, it was noted that Police Chief Kevin Gerber was willing to have an officer in the area to assist with the traffic. Also, Operations Manager Jeremy Gilbert will study the situation and perhaps place some barricades in the area. Fullenkamp made a motion for the possibility of Stratton Way addition being one-way traffic during the Trick or Treat hours of 5:30 p.m. to 7:30 p.m. on October 31, 2023. Seconded by Sirk, the motion was adopted.

Police Chief Kevin Gerber appeared before the Council regarding an Employee Assistant Program for the Police Department. Chief Gerber noted the Wellness Program was made up of three (3) parts; use of some of the Betty Walters funds to purchase exercise equipment to promote physical fitness, counseling for mental health, and using some of the Betty Walters funds to provide some legal support for estate planning for the officers.

Police Chief Gerber presented information from Crosswinds Counseling noting they had 18 counselors on staff, it was faith based, and the cost was \$100 per hour. It was discussed that this may be a benefit for all employees. No action was taken on this phase of Chief Gerber's proposal to see if the City's insurance provides these services.

Police Chief Gerber requested using up to \$500 for each police officer to prepare legal documents such as wills, POA's, Advanced Directives, and identifying a care person. Fullenkamp made a motion to direct the City Attorney to establish a written policy to allow each

officer up to \$500 for legal services towards estate planning to be paid from the Betty Walters Fund. Seconded by Sirk, the motion was adopted.

Police Chief Gerber presented two quotes for fitness equipment, the first was from 03 Fitness Equipment and Supplements, LLC for \$16,790.00, and the second quote from Brigadoon Fitness for \$17,038.58. Fullenkamp made a motion to approve the lower quote from 03 Fitness Equipment and Supplements, LLC to be used by the Decatur Police Officers at the Police Department, and direct the City Attorney to establish a written policy on the use of the fitness equipment, and to pay for the fitness equipment from the Betty Walters Fund. Seconded by Sirk, the motion was adopted.

Next on the agenda was the issue of the banners to be hung over 2nd Street. City Attorney Anne Razo had prepared a resolution and went over the various parts such as; who would receive applications for banners to be hung, the number of days a banner would be hung, and a process if there is conflict between times and the various sponsors, and so forth. Resolution 2023-18, a resolution to establish a policy for the displaying of banners across 2<sup>nd</sup> Street, was brought forward. Sirk made a motion to introduce Resolution 2023-18 by short title only. Seconded by Fullenkamp, the motion passed and Attorney Razo read Resolution 2023-18 by short title only. Sirk made a motion to pass Resolution 2023-18. Seconded by Dyer, the motion was adopted.

#### Department Heads:

Operations Manager Jeremy Gilbert reported yard waste collection will end next Friday, and leaf collection will begin.

Fire Chief Jeff Sheets requested closing a portion of 7<sup>th</sup> and Jefferson Streets during the Fire Department's Open House on Wednesday, October 4, 2023 from 5:30 p.m. to 7:30 p.m. Dyer made a motion to allow closing a portion of the streets requested for the event. Seconded by Murray, the motion was adopted.

Josh Zimmerman, Civil Infrastructure Manager announced that the WWTP Outfall Sewer Replacement is near completion.

#### Council Input:

Coshow noted the Highland Games are to be held on Saturday, October 7, 2023 beginning with the opening ceremony at 11:30 a.m.

Mayor Rickord noted a ribbon cutting will be held for the new pickleball courts, volleyball court, and the shuffleboard court at Riverside Center at 11:00 a.m. on Saturday, October 7, 2023

Coshow made a motion to pay the claims before 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 was adopted.

Adjournment was at 8:00 P.M.