

**COUNCIL PROCEEDINGS
CITY OF ATTICA**

12-13-2021

The Common Council for the City of Attica met on December 13th, 2021, at 6:00 P.M.

Mayor Roderick swore in Attica's two new police officers, Skyler Viray, and Brennon Fesler. The Council congratulated the new officers.

Those present at the meeting were: Council Members; Mr. Larry Grant, Mrs. Valarie Maus, Mrs. Kaylie Carnahan, and Mr. Scott Voorhees, and Mrs. Patricia Hargan. Also, present were Attorney Jud Barce, Mayor Duane Roderick, and Clerk-Treasurer Joanne Broadwater.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

- **Voorhees made a motion to approve the minutes from the November 8th, 2021, as amended, Grant seconded, all were in favor and the motion passed.** The amendment that Voorhees asked for in the November minutes pertained to the details of the Davis alley restrictions.
- **Voorhees made a motion to approve the April 15th minutes as amended, Maus seconded, all were in favor, motion passed.** The amendment included the motion to establish the ARP (American Rescue Plan) fund.

CITIZENS PETITIONS:

- Carnahan stated a citizen tagged her and other council members in a Facebook post regarding flags in the downtown area. The mayor stated the issue has been taken care of.

COMMITTEE REPORTS:

NONE

DEPARTMENT HEADS:

Eric Swank Director of Public Works:

- Reported there was a water sample error in October 2021 due to the sample being lost in transit through UPS. The corrective action required a public notice. This was advertised in the local newspaper on December 16th, 2021.
- Roderick brought up stop signs at Union and Monroe Streets. Swank stated he doesn't see a reason not to make West Monroe a stop instead of a yield.

Carnahan made a motion to place stop signs on West Monroe St. at the intersection of Union St, Hargan seconded, all were in favor, motion passed.

- Swank provided an update on generator quotes, he stated he is waiting on additional quotes. Swank said there will be a 12-24 month wait time once the order is placed. Voorhees asked that this issue be kept as a priority due to all the bad weather and destruction that recently occurred around the country. The council further discussed the operational needs the generator will need to meet.

Police Chief Garret Miller:

- Brendon Cheever graduated from the police academy December 9th, 2021.
- Viray has been to the police academy previously, and Fesler will begin the academy 1-3-2022.
- The APD has partnered with Alsop Chevrolet to handout 20 \$25 gift cards during routine traffic stops in December.
- Police call reports for the Attica Police Department for the month of November were provided, APD officers responded to 91 calls per officer. This is 40 more per officer then officers in two counties. Fountain County responded to 53 calls per officer and Warren County was 40 calls per officer. For the year 70 theft calls, 74 ordinance violations,106 auto accidents and 64 business alarms. For the month of November 34 vehicles were tagged for violations, 7 were towed. A spreadsheet was created for trash can ordinance violations to track warnings issued.
- Miller gave an update on the search for new body cameras, and the features he is looking for.

Fire Chief Mike Little:

- Chris Beedle represented the AFD, he stated they had nothing to report.

Mr. Pycke, Building Commissioner:

- Provided an update on the current outstanding unsafe building orders. Hargan brought up 430 E. Main St. she is very concerned about the lack of progress on this property and feels it is unsafe. Roderick provided a history regarding the Board of Works position on the property. The mayor agreed that something needs to be done. Hargan expressed that the work needs to be done on this property but feels the work can be done neatly so it looks better. Hargan feels this property is part of the gateway to our community.

The council discussed the overall concern with cleaning up properties around the city as well as city owned properties downtown.

Roderick stated he is meeting with Jeremy Duff on Monday regarding an estimate on demolition of the downtown buildings. The city will need to have any asbestos removed from all the buildings prior to demolition.

Mayor Roderick thanked Jeff Pycke for his work as Building Commissioner.

- Grant asked if a letter was sent to the property owners on Summit Street regarding their fence that did not meet city code. Pycke stated Attorney Malory Redlin was taking care of this.
- Leslie Davis spoke up and asked if a decision has been made regarding the privacy fence on Main Street next to the eye doctors office? Barce stated the homeowners have applied for a variance and the hearing will be scheduled in January 2022.

Rod Bannon, Economic Development Director:

- Was not present. Voorhees asked if we have received the results of the downtown surveys. Hargan stated she received the results because she is on the WEGA board and stated Bannon will share them with the council.

Joanne Broadwater, Clerk-Treasurer:

- Clerk Broadwater handed out an additional appropriation ordinance for consideration and explained what needs to be done.

Voorhees asked for clarification on the appropriation numbers listed on the council reports indicating that several of the numbers were not listed. Broadwater stated the report presented may be a filtered report and she would send out a complete report to the council showing all appropriations.

Voorhees asked for clarification on various appropriations and confirmed that we will need to make sure all these are in the positive at the end of the year? Broadwater confirmed this is correct.

Broadwater provided a further explanation that funds can be moved between appropriations within each department, however, funds cannot be transferred between departments. A resolution will be needed if transfers are necessary between categories within departments, for example if money is transferred from a 100 category of services to a 200 category of services. Money can be transferred within categories in the same department without a resolution. An example would be transferring money from one 100 appropriation to another 100 appropriation.

Broadwater provided an explanation of how funds are encumbered from one budget year to the next.

Grant stated it is very difficult to fully anticipate where money will be needed due to unforeseen expenses, and it is common practice to move money around at the end of the year to shore up negative appropriations.

Broadwater brought up as an example of unanticipated expenses, the process that is followed to request reimbursement from the city for the school SRO and that she just received a bill for 2020 and part of 2021. Chief Miller stated he will speak with the school superintendent to gain a better understanding of this

process and make sure that bills are received timely. The council further discussed this process to gain a better understanding.

Maus made a motion to approve the presented additional appropriations for the 2021 budget, Hargan seconded, all were in favor, motion passed.

Broadwater stated we need to schedule an additional meeting to review and approve a resolution to transfer funds within departments. Broadwater suggested December 27th at 6:00pm, the council agreed, the meeting will be timely posted at the clerk's office and updated on the cities online calendar on their website.

Broadwater explained the clerk's office holiday hours and explained that in addition to being closed on December 31st for New Years, they are will also be closed the 30th to transition from 6 bank accounts down to 1. Broadwater explained, for this transition to occur, the office staff cannot work in any of the software programs during this transition, programs include, utility, payroll and financial. The office will be working with their software company to change the programing across all systems to reflect the reduction in bank accounts. Office staff will be in the office, but the office will be closed to the public.

Broadwater reported to the council that the SBOA will be conducting an audit of the city's finances for the 2020 budget year.

UNFINISHED BUSINESS:

- Roderick asked for a vote on the 2022 salary ordinance that was originally presented at the October meeting.

Broadwater explained a 2020 audit finding that the previous salary ordinances didn't reflect the distributions of the salaries across departments, so the 2022 ordinance was updated to satisfy this requirement. Broadwater stated the only positions where there is a greater than 4% increase in salary is the hourly rate for legal council that will be increasing, the Director of Public Works job was combined with the Building Commissioner, and Ordinance Violation Officer, and Tom Lloyd's position because he is now a certified water operator for the city.

Hargan made a motion to approve the Salary Ordinance 2021-1011 as presented, Carnahan seconded, all were in favor, motion passed.

- Roderick requested an update of the outstanding bill owed from C & D. Barce gave a brief update on the underbilled balance. Barce thought there was an agreement to settle for half of the amount owed and followed up for confirmation with the attorney for C & D, when the attorney for C & D finally responded it was indicated that C & D will not be paying any of the outstanding balance. Barce stated there is a 6-year statue of limitations on this and needed to move forward, he filed a lawsuit against C & D for the full outstanding amount owed, as well as a 10% penalty for non-payment of the sewer bill and attorney's fees. Barce provided further explanation of the statue of limitation rules. Voorhees commented that it was his understanding, that the incorrect billing of the account

occurred due to a meter change on our part and asked how we can pursue payment of the outstanding balance? Barce explained that the SBOA will not allow the city to write off the unbilled balance. Barce explained the process that the lawsuit will take but believes it will end up in mediation to settle.

- Barce brought up the annexation of the Badlands. Grant provided an update stating the next step is to get a fiscal plan in place to look at the impact to the city including police, utilities, and fire. Barce explained the city shouldn't annex property that will create more cost to the city without benefit, that is the purpose of this fiscal plan. This plan will outline the anticipated revenue vs the costs to the city. The council continued to discuss the annexation process. Roderick stated he would reach out to HWC, the city engineers, to begin the fiscal plan process, Barce stated he would reach out to the contingent property owners between the city limits and the Badlands property.
- Hargan asked for new updates on the solar farm, Barce stated that the developers have provided a map to the Plan Commission showing a 700-foot setback for roads. The Plan Commission just recommended that the Council consider amending the ordinance to allow this setback.
- Roderick asked for approval of the \$10,000 bill from Jerrell Consulting for work completed on the drinking water improvement project. **Voorhees made a motion to approve the bill for services rendered by Jerrell Consulting in the amount of \$10,000, Grant seconded, all were in favor, motion passed.**

NEW BUSINESS:

- Paws N Claws contract – Roderick read the terms of the contract aloud to the council. The fee for service will be \$24,000 the first contract year beginning January 2022, \$ 28,000 for 2023 and \$ 32,000 for 2024. The council discussed the value of these services. **Voorhees made a motion to approve the Paws N Claws new 3-year contract as presented effective 1-1-2022, Hargan seconded the motion, all were in favor, motion passed.**
- Comp time ordinance for the police department retroactive back to 2-1-2021. **Voorhees made a motion to approve Ordinance 2021-1213 amending Ordinance 2021-0208, specifically section 2-114, Carnahan seconded, all were in favor, motion passed.**
- Voorhees asked what needs to be done to create a spending plan for ARP monies. Roderick stated a work session should be scheduled for the council to discuss how these funds should be spent. Broadwater stated she would provide the latest update from the Department of the Treasury on how the funds can be spent. Roderick suggested January 24th at 6:00 pm.
- Grant asked Swank if the gas company is going to come back and fix the roads and sidewalks that they tore up moving the lines? Swank reported that in 2022

there will be an additional 18000 feet of gas line relocation. Swank gave an overview on how this process works.

- Grant stated he received a phone call from a Park Ave resident blocked in their driveway due to parked cars on the south side of Park Ave. The council discussed parking issues on this street due to how narrow the street is. Roderick suggested the problem be placed on the agenda in January. Barce stated he would have an ordinance available at the January meeting for council consideration.

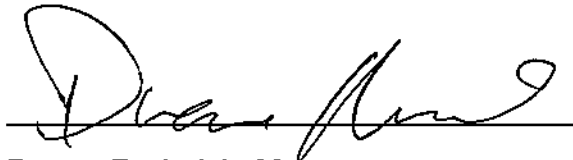
MISCELANOUS:

- Chief Miller asked the council to amend the 2022 salary ordinance to increase the 1st class police officer salary by \$2,500 in addition to their 4% approved increase, and the Assistant Chief by \$3,000 to help reduce officer turnover and become more competitive with surrounding departments. Roderick asked the council to give Chief Miller a \$3,500 increase if they approve the other increases. The council discussed the request in context with the other benefits officers receive. **Voorhees made a motion to amend the approved salary ordinance to reflect an increase of \$2,500 for 1st class officers, \$2,500 for the Sargeant position, \$3,000 for Assistant Chief, and \$3,500 for the Police Chief, Grant seconded, all were in favor, motion passed.**

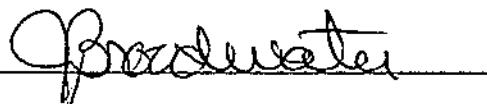
ADJORNMENT:

Roderick stated he had no further business and requested a motion to adjourn. The next regular Council meeting will be held Thursday, January 10th, 2022, at 6:00pm.

Carnahan made the motion to adjourn, Hargan seconded, all were in favor, motion passed, meeting adjourned.



Duane Roderick, Mayor

ATTEST: 

Joanne Broadwater, Clerk-Treasurer