

January 28, 2019

The Common Council met with Mayor William McKean for a regular meeting on Monday, January 28, 2019 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present, along with City Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller.

Councilman Gregg Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Minutes

On a motion by Ron Dull and a second by Curtis Wurster, the minutes of the of the January 14, 2019 meeting were unanimously approved.

Claims

On a motion by Phil Provost and a second by Gregg Sprunger, the claims were unanimously approved for payment.

FCC (Adams) Tax Abate Resolutions

Ms. Sandra Affolder, FCC (Adams), and Mr. Trevor Hobbs, Adams County Economic Development Director were present to answer any question concerning the new expansion project at FCC (Adams). The project includes two additions to the existing building of 78,000 sq. ft to the northeast of the building, and 5,712 sq. ft. on the south side of the building. The building expansion project costs are estimated at 8,000,000 million dollars. Included in the expansion project is 42,000,000 million dollars of new equipment.

Attorney Baumgartner stated that Declaratory Resolution 2019-1-1 and 2019-1-2 were presented and passed at the last Council meeting held on January 14, 2019. Notice was published in the newspaper on January 16, 2019 to give opportunity for Council to receive comments from the general public.

Attorney Baumgartner reviewed the scoring guidelines for super abatements. Applications that have a score of 60-69 qualify for a seven-year abatement, while applications that have a score of 70-100 qualify for a ten-year super abatement. The scoring committee met during the Board of Public Works and Safety meeting held on January 16, 2019 and FCC (Adams) qualified for the ten-year abatement with a score of 77 for the real estate and 81 for the personal property.

Attorney Baumgartner also stated that the Berne Redevelopment Commission met at noon today and gave their approval of the project.

Ron Dull made a motion to pass Confirming Resolution 2019-1-4 and approve the super tax abatement for FCC (Adams) real estate expansion project. Mark Wynn made the second and the motion was unanimously passed. The Resolution is as follows:

RESOLUTION 2019-1-4

A RESOLUTION CONFIRMING RESOLUTION 2019-1-1 FCC (ADAMS) LLC ECONOMIC REVITALIZATION AREA

WHEREAS, the Common Council adopted Resolution 2019-1-1 on January 14, 2019, preliminarily establishing the area described in Exhibit "A", attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Clerk-Treasurer published a Notice of the adoption and substance of said Resolution and a public hearing on the waivers of the requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3 in accordance with I.C. 5-3-1 and setting January 28, 2019, at 7:40 o'clock

P.M. at City Hall, 158 Franklin Street, Berne, IN 46711, for a hearing on remonstrances and objections of said Resolution, and

WHEREAS, the City of Berne Board of Public Works and Safety, along with the Clerk-Treasurer of the City of Berne has reviewed and scored the Applications of the applicant pursuant to the City of Berne Tax Phase In Policies and Indiana statutory factors and has determined that the applicant qualifies for the alternate abatement schedules for Redevelopment Property, all as set out in the City of Berne Tax Phase In Policy and Indiana law; and

WHEREAS, a public hearing on remonstrances and objections was held at 7:40 o'clock P.M., on January 28, 2019 in accordance with such published notice.

WHEREAS, the Common Council has considered whether the applicant is entitled to an alternative abatement schedule as set out in I.C. 6-1.1-12.1-17 based on the City of Berne Tax Phase In Policy and the following statutory factors: (1) The total amount of the taxpayer's investment in real property; (2) The number of new full-time equivalent jobs created; (3) The average wage of the new employees compared to the state minimum wage; and (4) The infrastructure requirements for the taxpayer's investment.

BE IT RESOLVED: The Resolution 2019-1-1 adopted by the Common Council on January 14, 2019, establishing the area described as Exhibit "A", attached hereto, as an Economic Revitalization Area and granting tax deductions for Redevelopment Property pursuant to I.C. 6-1.1-12.1-3 is hereby modified for the reason that the Applicant qualifies for an alternative abatement schedule pursuant to the City of Berne Tax Phase In Policy.

BE IT FURTHER RESOLVED: The deduction granted for Redevelopment Property pursuant to I.C. 6-1.1-12.1-3 is hereby modified by this confirming resolution by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 as follows:

10 Year Abatement

- Year 1 - 100%
- Year 2 - 100%
- Year 3 - 100%
- Year 4 - 100%
- Year 5 - 100%
- Year 6 - 90%
- Year 7 - 80%
- Year 8 - 65%
- Year 9 - 50%
- Year 10 - 40%

BE IT FURTHER RESOLVED, that the Common Council hereby waives the following requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3:

1. The failure, if any, to provide the completed Statement of Benefits Form SB-1/RE to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;
2. The failure, if any to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;
3. The failure, if any to make the required findings of fact before designating an area as an economic revitalization area.
4. The failure, if any to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on January 28, 2019.

COMMON COUNCIL OF THE CITY OF BERNE

Gregg A. Sprunger, President
Curtis L. Wurster
Ronald N. Dull
Mark D. Wynn
Philip E. Provost

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

EXHIBIT "A"
LEGAL DESCRIPTION
FCC (ADAMS) LLC
ECONOMIC REVITALIZATION AREA

TAX PARCEL
01-08-33-400-017.000-010

The Northeast Quarter of the Southeast Quarter of Section 33, Township 26 North, Range 14 East, of the Second Principal Meridian, in Monroe Township, Adams County, Indiana, more particularly described as follows:

Beginning at a railroad rail spike found in the intersection of County Road 000 (Tile Mill Road) with County Road 550 South (Parr Road) marking the Northeast corner of said Southeast Quarter; thence South 00 degrees 32 minutes 35 seconds West (assumed bearing and basis of bearings to follow), a distance of 1,336.96 feet along the East line of said Southeast Quarter and centerline of County Road 000 to a Mag Nail set at the Southeast corner to the Northeast Quarter of said Southeast Quarter; thence South 88 degrees 33 minutes 41 seconds West, a distance of 1,333.87 feet along the South line of the Northeast Quarter of said Southeast Quarter to the West line of the Northeast Quarter of said Southeast Quarter, said point referenced by a 5/8 inch rebar found 0.96 feet south and 1.19 feet west of actual; thence North 00 degrees 33 minutes 48 seconds East, a distance of 1,336.59 feet along said West line to the North line of said Southeast Quarter, said point referenced by a PK Nail found 0.41 feet north and 0.24 feet west of actual; thence North 88 degrees 32 minutes 42 seconds East, a distance of 1,333.42 feet along said North line to the POINT OF BEGINNING, containing 40.902 acres [1,781,693.631 square feet], more or less.

Subject to a 30 feet wide right-of-way along County Road 000 and a 20 feet wide right-of-way along Parr Road.

Subject to easements of record.

Except therefrom the following: The south 60 feet of the Northeast quarter of the Southeast quarter of Section 33, Township 26 North, Range 14 East of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

BEGINNING at a Mag Nail found in the center of County Road 000 (Tile Mill Road) marking the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 33, thence South 88 degrees 33 minutes 41 seconds West (assumed bearing and basis of bearings to follow), a distance of 1,333.87 feet along the South line of the Northeast Quarter of said Southeast Quarter to the West line of the Northeast Quarter of said Southeast Quarter, said point referenced by a 5/8 inch rebar found 0.96 feet south and 1.19 feet west of actual; thence North 00 degrees 33 minutes 48 seconds East, a distance of 60.04 feet along said West line to a 5/8 inch diameter steel rebar set; thence North 88 degrees 33 minutes 41 seconds East, a distance of 1,333.85 feet along a line parallel with and 60.00 feet north of said South line to the East line of said Southeast Quarter and the centerline of County Road 000; thence South 00 degrees 32 minutes 35 seconds West, a

distance of 60.04 feet along said East line and said centerline to the POINT OF BEGINNING, containing 1.837 acres [80,031.856 square feet], more or less.

Gregg Sprunger made a motion to pass Confirming Resolution 2019-1-5 and approve the super tax abatement for the purchase of new equipment. Phil Provost made the second and the motion was unanimously passed. The resolution is as follows:

RESOLUTION 2019-1-5

**A RESOLUTION CONFIRMING RESOLUTION 2019-1-2
FCC (ADAMS) LLC
ECONOMIC REVITALIZATION AREA**

WHEREAS, the Common Council adopted Resolution 2019-1-2 on January 14, 2019, preliminarily establishing the area described in Exhibit “A”, attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Clerk-Treasurer published a Notice of the adoption and substance of said Resolution and a public hearing on the waivers of the requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3 in accordance with I.C. 5-3-1 and setting January 28, 2019, at 7:40 o'clock P.M. at City Hall, 158 Franklin Street, Berne, IN 46711, for a hearing on remonstrances and objections of said Resolution, and

WHEREAS, the City of Berne Board of Public Works and Safety, along with the Clerk-Treasurer of the City of Berne has reviewed and scored the Applications of the applicant pursuant to the City of Berne Tax Phase In Policies and Indiana statutory factors and has determined that the applicant qualifies for the alternate abatement schedules for New Manufacturing Equipment, all as set out in the City of Berne Tax Phase In Policy and Indiana law; and

WHEREAS, a public hearing on remonstrances and objections was held at 7:40 o'clock P.M., on January 28, 2019 in accordance with such published notice.

WHEREAS, the Common Council has considered whether the applicant is entitled to an alternative abatement schedule as set out in I.C. 6-1.1-12.1-17 based on the City of Berne Tax Phase In Policy and the following statutory factors: (1) The total amount of the taxpayer's investment in personal property; (2) The number of new full-time equivalent jobs created; (3) The average wage of the new employees compared to the state minimum wage; and (4) The infrastructure requirements for the taxpayer's investment.

BE IT RESOLVED: The Resolution 2019-1-2 adopted by the Common Council on January 14, 2019, establishing the area described as Exhibit "A", attached hereto, as an Economic Revitalization Area and granting tax deduction for new manufacturing, information technology, and logistical distribution equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified for the reason that the Applicant qualifies for an alternative abatement schedule pursuant to the City of Berne Tax Phase In Policy.

BE IT FURTHER RESOLVED: The deduction granted for new manufacturing, information technology, and logistical distribution equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified by this confirming resolution by the grant of an alternative abatement schedule pursuant to IC. 6-1.1-12.1-17 as follows:

10 Year Abatement

Year 1 - 100%

Year 2 - 100%

Year 3 - 100%

Year 4 - 100%

Year 5 - 100%

Year 6 - 90%

Year 7 - 80%

Year 8 - 65%
Year 9 - 50%
Year 10 - 40%

BE IT FURTHER RESOLVED, that the Common Council hereby waives the following requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3:

1. The failure, if any to submit the completed and the Statement of Benefits Form SB-1/PP to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;
2. The failure, if any to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;
3. The failure, if any to make the required findings of fact before designating an area as an economic revitalization area.
4. The failure, if any to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on January 28, 2019.

COMMON COUNCIL OF THE CITY OF BERNE

Gregg A. Sprunger, President

Curtis L. Wurster

Ronald N. Dull

Mark D. Wynn

Philip E. Provost

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

EXHIBIT "A"
LEGAL DESCRIPTION
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Beginning at a railroad rail spike found in the intersection of County Road 000 (Tile Mill Road) with County Road 550 South (Parr Road) marking the Northeast corner of said Southeast Quarter; thence South 00 degrees 32 minutes 35 seconds West (assumed bearing and basis of bearings to follow), a distance of 1,336.96 feet along the East line of said Southeast Quarter and centerline of County Road 000 to a Mag Nail set at the Southeast corner to the Northeast Quarter of said Southeast Quarter; thence South 88 degrees 33 minutes 41 seconds West, a distance of 1,333.87 feet along the South line of the Northeast Quarter of said Southeast Quarter to the West line of the Northeast Quarter of said Southeast Quarter, said point referenced by a 5/8 inch rebar found 0.96 feet south and 1.19 feet west of actual; thence North 00 degrees 33 minutes 48 seconds East, a distance of 1,336.59 feet along said West line to the North line of said Southeast Quarter, said point referenced by a PK Nail found 0.41 feet north and 0.24 feet west of actual; thence North 88 degrees 32 minutes 42 seconds East, a distance of 1,333.42 feet along said North line to the POINT OF BEGINNING, containing 40.902 acres [1,781,693.631 square feet], more or less.

Subject to a 30 feet wide right-of-way along County Road 000 and a 20 feet wide right-of-way along Parr Road.

Subject to easements of record.

Except therefrom the following: The south 60 feet of the Northeast quarter of the Southeast quarter of Section 33, Township 26 North, Range 14 East of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

BEGINNING at a Mag Nail found in the center of County Road 000 (Tile Mill Road) marking the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 33, thence South 88 degrees 33 minutes 41 seconds West (assumed bearing and basis of bearings to follow), a distance of 1,333.87 feet along the South line of the Northeast Quarter of said Southeast Quarter to the West line of the Northeast Quarter of said Southeast Quarter, said point referenced by a 5/8 inch rebar found 0.96 feet south and 1.19 feet west of actual; thence North 00 degrees 33 minutes 48 seconds East, a distance of 60.04 feet along said West line to a 5/8 inch diameter steel rebar set; thence North 88 degrees 33 minutes 41 seconds East, a distance of 1,333.85 feet along a line parallel with and 60.00 feet north of said South line to the East line of said Southeast Quarter and the centerline of County Road 000; thence South 00 degrees 32 minutes 35 seconds West, a distance of 60.04 feet along said East line and said centerline to the POINT OF BEGINNING, containing 1.837 acres [80,031.856 square feet], more or less.

CERTIFICATE OF CITY OF BERNE CONFIRMING RESOLUTION 2019-1-5 OF THE
COMMON COUNCIL OF THE CITY OF BERNE, INDIANA
FCC (ADAMS), LLC
ECONOMIC REVITALIZATION AREA

The undersigned, the duly elected, qualified and acting Clerk-Treasurer of the City of Berne hereby certifies that the following is a true and complete copy of the Confirming Resolution 2019-1-5 unanimously adopted by the Common Council of the City of Berne in accordance with law on January,28, 2019, after public hearing pursuant to notice published in the Berne Witness, a newspaper of general circulation published in Berne, Adams County, Indiana on January ____, 2019, and further that said Resolution 2019-1-5 has not been rescinded, repealed or in any way amended, and is still in full force and effect:

Gwen Maller, Clerk-Treasurer

CERTIFICATION OF CLERK-TREASURER OF THE CITY OF BERNE,
INDIANA
FCC (ADAMS), LLC
ECONOMIC REVITALIZATION AREA

STATE OF INDIANA)
) SS:
COUNTY OF ADAMS)

I, GWEN MALLER, do hereby certify that I am the Clerk-Treasurer of the City of Berne, State of Indiana, and that the foregoing Declaratory Resolution 2019-1-2 establishing an Economic Revitalization Area, Confirming Resolution 2019-1-5, Certificate of Confirming Resolution, Notice of Public Hearing, Proof of Publication and State Board of Tax Commissioners Statement of Benefits Form SB-1/PP are true and correct copies of the originals which are on file and of record in this office, and that the foregoing Declaratory Resolution 2019-1-2 was duly passed and adopted by the Common Council of the City of Berne, Indiana of said city and approved and signed by the Common Council and attested by the Clerk-Treasurer of said City of Berne all at a regular meeting of said Common Council held on January 14, 2019, which resolution was confirmed, by Confirming Resolution 2019-1-5 as adopted, at a public hearing pursuant to notice, on January 28, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Berne, Indiana to be affixed on January 28, 2019.

Gwen Maller
Clerk-Treasurer
City of Berne

Clerk-Treasurer Comments

Clerk-Treasurer Gwen Maller submitted the annual financial statements for December 31, 2018 for the Council's review. She asked if there were any questions concerning the statements. There were none.

Mayor Comments

Mayor McKean reported that with the extremely cold weather forecasted for Wednesday and Thursday this week, he met with the Sanitation department and they would still like to try and run the regular scheduled routes.

Mayor McKean also thanked the employees for the great job they do plowing the streets and getting rid of the snow.

There being no other business to come before the Council and upon a motion duly made to adjourn by Curtis Wurster and seconded by Phil Provost, adjournment followed.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer