

April 23, 2012

The Common Council met with Mayor William McKean for a regular meeting on Monday April 23 2012 at 7:30 p.m. in the council chambers at City Hall. Councilmen Ron Dull, Phil Provost and Mark Wynn were present along with City Attorney James Beitler, Jr and Susan Schaffter representing Clerk-Treasurer Gwen Maller.

South Adams student Hannah Taing opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Citizens Comments

Kyle Roe and Jeremiah Sturwold came before Council and asked for help with a neighborhood upkeep problem. One home has been vacant for a few years and the other occupied but not kept up.

Abandoned car, high grass, trash and rundown homes were discussed. It was noted that Terry Smith from the Adams Health Dept. would be inspecting one house this week.

Business Meeting

On motion by Ron Dull and a second by Phil Provost, the minutes of the April 9, 2012 meeting were unanimously approved.

On a motion by Mark Wynn and a second by Ron Dull, the claims were unanimously approved for payment.

FCC-Adams at 936 E Parr Rd submitted their annual CF-1 forms for tax abatements. The eight CF-1 forms included improvements and expansion to existing property, a 35,000 SF addition, and new equipment. Attorney Beitler stated they were in compliance. Ron Dull made a motion to approve FCC-Adams CF1-Forms showing that they are in substantial compliance. Phil Provost made the second and the motion was unanimously passed. Attorney Beitler thanked FCC for coming and for an easement grant they previously gave to the city.

Melissa Beitler handed out the 2012 Calendar of Events at Muensterberg Plaza and Clock Tower. BCDC is requesting to close Harrison St from Main St to Water St for these Special events at the Clock Tower. The Board of Works meeting held previous to the Council meeting approved the closings but recommended this be brought to Council for review. On a motion by Ron Dull and seconded by Phil Provost the closings were unanimously approved.

Gary Nussbaum, Street Dept Supervisor, presented to Council the 2012 Street Repair List. The following streets will be milled down 1.5 inches and replaced with 1.5 inches of asphalt:

Franz St (Main St to Water St),
Center St (Sprunger St to Baltimore St)
Baltimore St (Buckeye St to Parr Rd)

Lane St (Clark St to Center St)
Village Way (Parkway St to CR 700 S.

The following streets will be cracked sealed:
Welty St (Parr Rd to Berne St Ext (south side of intersection)
Water St (US 27 to Jackson St)
Columbia St (Main St to W Clark St)
Jefferson St (Water St to Main St)

On a motion by Mark Wynn and a second by Ron Dull the street repairs were unanimously approved.

The regular meeting was recessed for two public hearings advertised according to I C 5-3-1-2.

Larry Macklin, Adams Co Economic Development Director, representing E P Graphics, stated the Declaratory Resolution #2012-4-1 was correctly advertised. He requested that Council finalize and complete the process of passing the Economic Revitalization Area for E P Graphics. No one from the general public raised any objections or made any comments.

The Public Hearing was closed. The regular meeting was convened.

Phil Provost made a motion to pass and sign Confirming Resolution #2012-4-2. Ron Dull made a second and the motion was unanimously passed. The Resolution is as follows:

CONFIRMING RESOLUTION NO. 2012-4-2

CITY OF BERNE COMMON COUNCIL DESIGNATION OF AN ECONOMIC REVITALIZATION AREA UPON THE AND GRANT OF TAX ABATEMENT FOR NEW MANUFACTURING EQUIPMENT ON APPLICATION OF EP GRAPHICS, INC.

WHEREAS, it is the goal and desire of the City of Berne, Indiana, to promote economic growth and development of this City and to aide in the retention of old jobs and the creation of new jobs by assisting the private sector of our community in economic expansion; and,

WHEREAS, it is the further desire and intention of our local government to assist and stimulate the infusion of investments and capital expansion in the City of Berne, Indiana; and,

WHEREAS, the operations of EP Graphics, Inc. and/or the owner of assets to be leased to EP Graphics, Inc. or an affiliate of EP Graphics, Inc., (hereinafter "Applicant") are located upon the following described parcels of real estate:

See Exhibit A attached hereto and incorporated herein by reference.

and the equipment owned, leased and operated by the Applicant is located at said location.

WHEREAS, the Applicant has requested the Common Council to designate the above-described parcels of real estate an "Economic Revitalization Area" and has submitted a Statement of Benefits in support of said request; and,

WHEREAS, notice of this hearing was published in the Berne Tri-Weekly News pursuant to I.C. 6-1.1-12.1-2.5 and 5-3-1; and

WHEREAS, notice of this hearing and a copy of the statement of benefits form was also given to each taxing unit, and its officers, that has authority to levy property taxes in the geographic area where the economic revitalization area is located pursuant to I.C. 6-1.1-12.1-2.5; and

WHEREAS, the Statement of Benefits Form submitted by the Applicant, a description of the affected area, and a copy of the Declaratory Resolution were available for public inspection in the Adams County Assessor's Office and the Berne City Hall; and,

WHEREAS, the Common Council of the City of Berne, Indiana, will base the length of the tax abatement period on such factors as the type of the project, investment, effect on the tax rate, and job retention; and,

WHEREAS, the Common Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area".

NOW, THEREFORE, BE IT RESOLVED, the Common Council confirms certain findings made in the Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being as follows:

1. That said described property is located within the jurisdiction of the City Council of the City of Berne, Indiana; and,
2. That this Board had determined, based on the information provided by the applicant, that the above described area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of

property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and,

3. That this Board has further determined that inasmuch as in order for the property to be used for the industrial purposes of the applicant, new manufacturing equipment needs to be purchased and installed at the site; and,

4. That the estimates of the cost value of the new manufacturing equipment is reasonable for projects and equipment of this nature; and,

5. The estimate of the number of individuals whose employment will be retained and the estimate of the number of new jobs to be created can be reasonably expected to result from the installation of new manufacturing equipment; and,

6. That the estimate of the annual salaries of those individuals whose employment will be retained and of the new jobs created, as provided in the Statement of Benefits, can be reasonably expected to result from the proposed installation of new manufacturing equipment; and,

7. That other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of the new manufacturing equipment.

8. That the totality of these benefits resulting from the installation of new equipment would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of the City of Berne sufficient to justify the deduction requested; and,

9. That the subject real estate is properly zoned; and,

10. That the designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will provide employment opportunities to residents of Berne and Adams County; and,

BE IT ALSO RESOLVED that based on the information provided in the statement of benefits form, the Common Council authorizes a ten (10) year abatement of personal property taxes in accordance with I.C. 6-1.1-12.1-4.5.

BE IT ALSO RESOLVED, the designation of the area described above as an "Economic Revitalization Area" shall apply only to a deduction from the assessed value of new manufacturing equipment installed, whether owned or leased by the Applicant.

BE IT ALSO RESOLVED, that of any part, parts, clause or portion of this resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT ALSO RESOLVED, that the Applicant, to obtain the deductions provided I.C. 6-1.1-12.1-4.5, shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.4.

BE IT ALSO RESOLVED, that the City of Berne Clerk-Treasurer shall send a certified copy of this resolution, along with a copy of an approved Statement of Benefits, to the Auditor of Adams County.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Common Council of the City of Berne, Indiana, does confirm its Declaratory Resolution previously approved which designated the real estate described above as an "Economic Revitalization Area".

ADOPTED BY the Common Council of the City of Berne, Indiana this 23rd day of April, 2012.

COMMON COUNCIL OF THE CITY OF BERNE

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

s/ William F. McKean
William F. McKean, Mayor and Presiding Officer

ATTEST:
s/ Gwen Maller
Gwen Maller, Clerk-Treasurer

Exhibit A

SCHEDULE OF REAL ESTATE INCLUDED IN ECONOMIC REVITALIZATION AREA

169 S. Jefferson Street, Berne, Indiana

Property in Berne, Indiana, owned by Economy Printing Concern, Inc., EP Graphics, Inc., Muselman Realty Corp., and Gloria E. and Marilyn C. Muselman, or other affiliates or subsidiaries or their successors and assigns.

Said Property to be covered by the abatement, located in the City of Berne, including all vacated streets and alleys rights-of-way, including, but not limited to, the following:

Address	Property Tax Parcel #	Tax Statement Legal Description
169 S. Jefferson St., Berne, IN	01-11-04-100-013.000-018	.110 acre NW E of Lot 26
169 S. Jefferson St., Berne, IN	01-11-04-100-014.000-018	..673 acre RRR/W Section 4
169 S. Jefferson St., Berne, IN	01-11-04-100-032.000-018	Lot 27 and 28 2nd Addition
169 S. Jefferson St., Berne, IN	01-11-04-100-033.000-018	S Lot 363
169 S. Jefferson St., Berne, IN	01-11-04-100-034.000-018	.050 acre S RR Grounds Section 4
169 S. Jefferson St., Berne, IN	01-11-04-100-035.000-018	Lot 13
169 S. Jefferson St., Berne, IN	01-11-04-100-036.000-018	Lots 25 and 26 and W RR Grounds Section 4
169 S. Jefferson St., Berne, IN	01-11-04-100-038.000-018	1.24 E RR Grounds and RR and Section 4 and Lot 364 63rd Add
169 S. Jefferson St., Berne, IN	01-11-04-100-042.000-018	Lot 33 and SW cor RR Grounds Section 4

The regular meeting was recessed for the second public hearing.

Attorney Beitler presented Ordinance #626. This Ordinance vacates portions of Hilty St and Wabash St, public ways in the City of Berne, and reverts this area back to the adjacent owners, L & L Electric and Karen Hart. He stated that the sections of these streets were platted but not improved. The City will retain all public utility rights. No comments from the general public were made.

The Public Hearing was closed. The regular meeting was convened.

Mark Wynn made a motion to approve the first reading of Ordinance #626 by short title. Phil made a second and the motion was unanimously passed. The final reading will be at the next meeting.

The Board of Works and Safety meeting held previous to the Council meeting was updated. The Senior Center electrical upgrade request was approved. The ADA Coordinator will be Becky Sprunger.

Mayor Comments

Mayor McKean said Peerless CO was at the Sewage Plant installing a motor and pump. They hope to have one pump running by the end of the week. After the project is finished at the lagoon they will be working on the softener tank at the water plant.

After the Mayor's comments Melissa and Jim Beitler gave a special thanks to police officer Earl Hough for helping install a car seat in their car for their visiting grandson. Hot fudge sundaes were given to all present.

Attorney Comments

Attorney Beitler said under Indiana Statue the City has to have an ordinance establishing City agencies to make purchases up to a \$50,000 limit. He stated that the City of Decatur has this ordinance. He presented Ordinance #627 which establishes purchasing agents of the city, which authorizes the appointment of purchasing agents of the city and which establishes policy and rules regarding the purchase of supplies and services. He stated if the

ordinance is passed it will allow some flexibility in purchasing equipment.
The Council will have the final approval.

Councilman Comments

Ron Dull said the Park will have clean up day Saturday April 28th.

There being no other business to come before the Council, and upon a motion duly made to adjourn by Mark Wynn and seconded by Ron Dull, adjournment followed.

William McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer