

**Board of Public Works and Safety
Berne City Building, 158 W Franklin Street
May 16, 2018 8:00 am
Minutes**

Mayor McKean-Present

Curtis Wurster-Present

Ron Dull- Present

The Board of Public Works and Safety met in a public meeting on Wednesday, May 16, 2018 at 8:00 am in council chambers according to the posted notice. Along with the board was City Attorney Dave Baumgartner and Secretary of Record Becky Sprunger.

Those in attendance; Ramon Montes, Kroosen Fire and Security; Clint Anderson, Berne Witness; citizens present: Barbara Howe, Linda Balsiger, Frank Howe, John Klein and Diane Luginbill. Present from the city; Kurt Dailey, Shannon Smitley, John Crider, Chief Taylor, Officer Dean Amstutz and Gwen Maller.

Mayor McKean called the meeting to order and verified a quorum.

Public Hearing: 8:00am: USDA Rural Development Project to Apply For A Grant Toward The Purchase Of Two Dodge Durango Police Cars. Chief Taylor updated the board on the progress of applying for a USDA Rural Development grant that if awarded, would pay up to 55% of the total cost of two equipped Dodge Durango Police cars. The public hearing today is one of the last components to complete the grant application. Per Chief Taylor, the total cost for the 2 Dodge Durango's and equipment is \$ 71,717.48. If they would receive the full 55% of the grant, the remaining cost to the city would be \$ 32,272.87. Gwen stated that if the city would be awarded the grant, the balance would come out of the Cumulative Capital Development Fund (CCDF). The cars will not be ordered until the status of the grant is known, then the request to purchase will go to the Council for their consideration.

Ron asked about the 2 laptops for the Dodge Durango's. Chief Taylor said that the old laptops will be used for training and for the officers. Chief stated that he will be looking at replacing the other 5 in car laptops because of outdated operating systems in the current computers. Chief said that money his department has received via donations will be used for the five laptops.

Mayor McKean asked for comments from the public. With no comments from the citizens present, the public hearing was closed.

Approval of Minutes: On a motion by Ron Dull and a second by Curtis Wurster, the minutes of April 18, 2018 were unanimously approved as written.

Nuisance Ordinance Enforcement Mayor McKean asked City Attorney Dave Baumgartner to recap the nuisance ordinance and status of addressing citizens' concerns. Dave said that since the implementation of Ordinance 700, which was passed in January in of 2018, it has become

clear that the ordinance needs to be revised. Dave further explained that the way the ordinance is now, it goes from a complaint to enforcement and there needs to be an opportunity for resolution first. Dave also recommended that the Board of Works serve as the body to review a complaint instead of just the Mayor.

Dave said that those who met to form the ordinance including himself, the Mayor, Chief Taylor, Building and Planning Shannon Smitley, and workforce manager Kurt Dailey, spent many hours before submitting the ordinance to council for passage. Dave assured those present that the revisions will not be a lengthy process.

Ron Dull suggested having a form in place for filing a complaint. Dave said having a standard complaint form might be a good idea since this is a complaint driven ordinance and there needs to be more specific details of the complaint as opposed to just pictures or non-specific complaints. Ron also suggested giving the entity filing a complaint a copy of the ordinance at the time of the written complaint.

Citizens comments: Mr. Klein stated that he has trouble backing out of his garage on to Short street because one homeowner has so many extended frame vans parked on the street. Mr. Klein said he wishes not to be “hardnosed” but this is a problem for his line of site when leaving his garage. Chief Taylor stated that as long as the vans have a current license plate, and not parking on a yellow line, there is no ordinance that prohibits them from parking on a city street.

Frank Howe stated that one house is “running a business” out of their home and it is not zoned for business. Some of the unkept properties have possums running around and one home that looks abandoned has had tires strewn on their driveway since heavy trash pick-up. The grass is also long. Dave advised that even though our zoning ordinance does allow for some types of business to be run out of a home, if the current concern does not conform to the ordinance, they would need to go before the BZA for a variance, or cease operations. Complaints about tall grass still need to go the Clerk’s office and then have an officer measure the grass/weeds and if over 8 inches a nuisance letter will be sent. The process could take up to 10 days and if not mowed, the city would mow and place a lien against the property.

Linda Balsiger asked if their complaints that the city has already received since the passage of Ordinance 700 would still be considered. Dave said the city will look into this and consider the best way to proceed. Dave wanted those attending the meeting to know that the city does take their concerns seriously, and revisiting the ordinance is about getting things done in the most positive way for all involved. Ron also said he appreciates their frustration, as he has had situations in his neighborhood that have concerned him. Ron added that sometimes, it is a matter of others not having pride in their property and no matter what direction the revised ordinance takes, it will never satisfy everyone’s concerns.

HR Consulting Services Proposal/Agreement for Services Gwen Maller, Clerk Treasurer, asked the board to consider approving a contract for \$4,000 and a \$125 annual fee with New Focus Consulting Services. As an HR firm, New Focus HR specializes in employee handbooks and compliance issues as well as other HR services. Gwen noted that the last employee handbook was done in house in 2009. With laws and procedures changing, Gwen would like the handbook to be updated annually so all laws and compliance issues as it applies to our handbook will be

accurate and legal. At some point, Gwen said that she would also like the company to update the employee job descriptions.

On a motion by Ron and a second by Curtis, the Board of Works and Safety unanimously approved the contract of \$ 4,000 and an annual fee of \$125.00 for the services of New Focus HR as presented and instructed Gwen to proceed accordingly.

Koorsen Fire and Security Presentation Mayor McKean introduced Mr. Ramon Montes to the board. Since the issue of building security was discussed in the March 21st BPWS meeting, where the board gave their approval to proceed, the services of Mr. Montes with Koorsen Fire and Security were called upon to assess the city building. After Ramon did a walkthrough of the building, he gave a review May 3rd with Mayor McKean and the building's staff with his assessment of security issues.

In reviewing the information for the board today, Ramon stated that the security system can be as simple or as sophisticated as the city wants. The proposed equipment and services in the scope of work include Access Control and Security; Video Intercom and Video Surveillance. Ramon stated that these features can be programmed any way the city would like, including entry only by specific employees, or at specified times. His recommendation is to have the public enter the building only if buzzed in by the front office, and having all public traffic funneled to the front doors unless Shannon is in his office to buzz in his appointments. Ramon said that unfortunately in today's world, he recommends securing the building and access to the fullest. His recommendations include using the outside set of double doors at the main entrance as a public access point, and have the space between the doors serve as a vestibule. Entry beyond the vestibule would be for employees and by key fob entry only and allowing entry to the public would be done by buzzing them in. Ramon is also recommending trouble buttons be installed at strategic points in the building.

Gwen stated that unlike the past, the utility office does not know every customer. Gwen said that there have been times when she and Katie Armenta have felt intimidated by a customer with one incident being particularly unnerving. Gwen is recommending having Amstutz Construction upgrade the walkup window in the vestibule (area between the double doors) for customers paying utility bills or for other city related business.

Ron said he understands the need for tighter security and he shared that he cannot go anywhere where he works without proper credentials and an access card.

Curtis asked if the city needs all three elements of the proposal and asked for a cost breakdown of each segment. Ramon said that can be easily done. Mayor McKean asked the opinions of the Board and Ron stated that he is all for it, Curtis stated that the security configuration that would be implemented should be up to those working in the building.

Ron made a motion to recommend the proposal by Kroosen Fire and Safety for security of the city building at a cost of \$ 16495.00 and a monthly fee of \$ 45.00 to the Common Council for their consideration, subject to Ramon itemizing the three elements of the proposal. Curtis made

the second and the motion was unanimously approved. When asked by the board if he could present the proposal to the council at their meeting Tuesday, May 29th, Ramon confirmed that he will be in attendance.

Curtis made a motion to have Gwen contact Amstutz Construction for a quote on making the walk-up window in the vestibule functional for bill paying. Ron made the second and the motion was unanimously approved.

Request for GIS Equipment for the Mapping John Crider, Water Superintendent brought a proposal to the board requesting an upgrade to the GIS mapping system. John said that Wessler would still host the map, but Seiler Instruments would be upgrading the GIS equipment. John said his goal is to have as much information digitized in the mapping system so whoever needs the information won't have to depend on the hand written records currently in use. John said the GIS upgrade could also be used by the street, sewer and storm water departments.

Ron made a motion to approve the upgrade to the GIS system for \$5,700 and employee training for \$1,500 from Seiler Instruments as presented. Curtis made the second and the motion was unanimously approved.

Forest Park Speed Limit Concern Diane Luginbill, 756 Forest Park Drive, approached the board with a concern about how fast cars are driven on the streets in her neighborhood. Diane said she has started this conversation with the lake association and was encouraged by Mike Habegger to pursue this issue with the city and that he supports her efforts. Diane asked the board if there was some way to slow down the cars, adding that without sidewalks, everyone in the neighborhood walks on the street, and her son and other children play on the street. Diane said that even though he is in a wheelchair, he can get away from her and it scares her for his and all others safety. Dave suggested that the problem is not the 30 mph speed limit as much as people not obeying the speed limit.

Mayor said in the short term, the city could install a "Children at Play" sign in that area. Ron suggested that Chief Taylor do a study. Curtis wants to make sure that the association as a whole is in agreement. The board, by consensus, asked Chief Taylor and the Street Department to observe the concerns expressed and report back with recommendations at the June BPWS meeting.

Annual Township Fire Contracts Before the contracts could be discussed, Ron Dull had to leave the meeting. Mayor McKean presented the annual contracts between the City of Berne's Fire Department and the townships that provide the townships with fire protection. The contracts are in effect from January 1, 2019 to December 31, 2019. The Mayor said the contracts reflect an allowed increase of 3% and are as follows:

Bluecreek	\$8,515.04	Jefferson	\$7,443.83
French	\$8,952.41	Monroe	\$16,891.68
Hartford	\$7,542.75	Wabash	\$11,651.74

Curtis made a motion to approve the annual Township Fire Contracts as presented. Mayor McKean made the second and the motion was unanimously approved on a vote of 2-0. The contracts now go to Council for their approval.

Comments by the Board: Curtis stated that since the nuisance ordinance is complaint driven, if someone sees what they deem as a problem, they need to submit a complaint and not expect someone else to speak for them.

Before adjourning, Mr. Klein asked about a fence that is all waded up at a vacant home next to him by the city when they fixed a sink hole in the alley, and he asked who would take care of that. John Crider said that by Ordinance, if a structure is in the city right-of-way, the city has the right to take it down and not replace it. Shannon said he would send a letter to the property owner asking them to address the fence issue.

With nothing further to discuss, and on a motion by Curtis and a second by the Mayor, the meeting was adjourned.