

May 8, 2017

The Common Council met with Mayor William McKean for a regular meeting on Monday, May 8, 2017 at 7:30 p.m. in Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Mark Wynn and Philip Provost were present, along with Attorney Dave Baumgartner and Becky Sprunger for Clerk Treasurer Gwen Maller. Not in attendance, councilman Ron Dull.

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

Minutes-On a motion by Mark Wynn and a second by Curtis Wurster, the minutes of the April 24, 2017 meeting were unanimously approved.

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

Request to Purchase a Riding Mower Work Force Manager Kurt Dailey presented the council with a request to purchase a new 2017 X739 John Deere Riding Tractor/Mower on the open market per the City of Berne Purchasing Agreement, Ordinance 627, passed by Council on May 4, 2012. Kurt presented a quote from Troxel Equipment for \$ \$18,597.00 less a trade in allowance of \$ 8,500.00 (2010 John Deere) for a total due of \$ 10,097.00 and includes the mower deck and Hard Cab. The snow blower that is on the 2010 John Deere will be used on the new tractor.

When asked by Mark Wynn how many hours are on the 2010 tractor, Kurt stated that the city uses years of service for equipment rotation and the 2010 is already one year past the rotation date.

Curtis Wurster made a motion approving Kurt Dailey to purchase a new tractor on the open market as presented with Gregg Sprunger making the second. Motion unanimously passed. **4 yeas- 0 nays**

BZA Report Attorney Baumgartner reported on the BZA hearing held at 6:00 pm prior to tonight's council meeting. Dave said that a Variance was needed because the couple building a home at 1357 Old Colonial Drive are planning to build the home centered on two lots. Because of the circular street, the home will be closer than the required 30-foot building line setback and a variance was needed and was approved. This will also keep the home in line with the existing homes and the 40 foot back of curb setback.

Plan Commission Report Gregg Sprunger reported on the two Plan Commission hearings that were held prior to tonight's Council meeting. The first hearing was for a new apartment complex by Quad Properties along County Road150West. Gregg said the approval was for the entire development, but is contingent on city engineer Commonwealth signing off on the plans. Only Sections 1 and 6 are scheduled for right now and should be ready for occupancy by Thanksgiving or Christmas. The streets and infrastructure will be private and maintained by Quad Properties. Gregg also said that the Plan Commission requested that Quad Properties come back to the

commission after the first few sections are developed just to make sure that the everything is operating properly.

Gregg also reported on the second hearing for Swiss Village for Subdivision approval so Swiss Village can subdivide two sections, one where the Wellness Center is and the other is where the garage is. The request was approved.

Attorney Comments Dave reported on a special meeting of the Board of Public Works and Safety and Plan Commission held at 4:00 pm on Friday, April 28, 2017. This meeting was called to address Senate Bill 213 passed by the Indiana General Assembly on April 25, 2017, and which took effect on May 1, 2017. Dave stated that the bill sent cities across Indiana scrambling to schedule a meeting, and meet the “Open Door Policy” requirements before the end of day Friday, April 28th. Without a resolution, the bill would have allowed small cell structures to be placed anywhere on a right-of-way, even if a subdivision has a protective covenant that all utilities must be underground. The resolutions that both the Board of Works and the Plan Commission passed protects all of Berne and will necessitate that utilities will need a hearing for a Variance before a small cell structure can be erected.

Clerk Treasurer Comments None

Mayor Comments Mayor McKean reported that he had hoped to have the council do a site tour of city garages either before or after the council meeting so they could see how our workforce is maintaining buildings and equipment. Mayor McKean stated that our guys do a great job and this tour will be rescheduled when the night of a council meeting is not so busy.

Council Comments

Curtis Wurster reported that weather permitting, there will be a paint work day

Saturday, May 13th at 8 am at the Girls’ softball diamond and all volunteers are welcome to pitch in.

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

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer