

**Board of Public Works and Safety**  
**Berne City Building, 158 W Franklin Street**  
**Wednesday, June 20, 2018**  
**Minutes**

Mayor McKean-Present

Curtis Wurster-Present

Ron Dull- Present

The Board of Public Works and Safety met on Wednesday, June 20, 2018 at 8:00 am in council chambers along with City Attorney Dave Baumgartner and Secretary of Record Becky Sprunger according to the posted notice.

Others in attendance: city employees included Shannon Smitley, Kurt Dailey, Branden Alberson, and Officer Dean Amstutz. Guests included : Clint Anderson of the Berne Witness, Linda Balsiger, Frank Howe, Pastor Chris Kruchkow, Doyle Lehman and John Kirchofer.

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

**Opening of Annual Salt Bids** City Attorney, Dave Baumgartner opened the 2019 salt bid as advertised. All the paperwork was in order and bids were priced per ton and included delivery as follows:

Bulk (Softener Salt) based on 900 Tons	Name	Bid
* Detroit Salt bid in error-not accepted after review.	*Detroit Salt	\$78.89
	Morton Salt	Letter of no bid
	Cargill	\$116.11
	Compass Mineral	\$122.16
De-icing Salt Based on 200 Tons	Morton Salt	Letter of no bid
	Compass Salt	81.75
	Detroit Salt	Letter of no bid
	Cargill	82.49

After all of the bids were opened and read aloud, the board discussed the disparity in pricing for softener salt. On a motion by Ron Dull and a second by Curtis Wurster, the board unanimously approved the lowest bids subject to review by the appropriate department superintendents.

**Approval of Minutes** On a motion by Ron Dull and a second by Curtis Wurster, the minutes from May 16, 2018 were unanimously approved as written.

**Appeal of Violation Letter-Kegan Sprunger** A written request was received in the Clerk's office from Kegan Sprunger an Environmental Nuisance Violation letter that was delivered to him at his residence at 640 E Franklin Street on June 1st. The letter is as follows:

To whom it may concern,

*An officer of the City of Berne police department made contact with me at my residence of 640 E. Franklin Street, Berne IN, 46711 on Friday June 1, 2018. The contact was in regards to a complaint of a violation of local ordinances pertaining to an environmental nuisance in the vicinity of a fenced in area located on the southeast corner of my property. This letter is notice of my intent to protest the alleged violation in public meeting scheduled for June 20, 2018.*

Although Mr. Sprunger failed to appear today, the board discussed the merits of his appeal. The board reviewed photos taken by a Berne police officer on the day the letter was delivered as well as photos taken by a Berne police officer on June 19<sup>th</sup> of the fenced in area. The photos showed that the weeds and brush were well in excess of 8 inches. On a motion by Ron Dull and a second by Curtis Wurster, the board unanimously denied Mr. Sprunger's appeal based on his failure to appear. When asked, Attorney Baumgartner advised the board that the city has taken all of the necessary legal steps, and with Mr. Sprunger not appearing today, the city can clean up the property in question at once.

### **Nuisance Ordinance Review**

Attorney Baumgartner updated the board about suggested changes to the Nuisance Ordinance by the review committee, particularly to section 91.1.6, which is the enforcement portion of the ordinance. After reading the proposed changes, Dave said the committee wanted to address the following: protecting civil rights; having a procedure in place that allows an opportunity to solve the issues without conflict and should that not be possible, to have a committee review the nuisance in question. A complaint form was also reviewed by the board with the revised ordinance stating that the complainant has to fill out and sign a specific complaint and what their expectations of resolution would be, and that the person the complainant stated as being in violation would also receive a signed copy of the complaint. Mr. Doyle Lehman expressed his concern that by requiring the complainant to sign the form, then sending the form to the possible violator, it would discourage reporting. Pastor Chris Kruchkow said that he agrees with Mr. Lehman that sending the "offending party" the initial complaint at the time the complaint is made, could cause the situation to go south very quickly between the two parties. In discussing this, the board agreed and it was suggested that the complainant fill out the form, the city first investigates the merits of the complaint, actions if in violation and the complaint form be sent at that point. Linda Balsiger stated that keeping up one's property is about respect for others. She also asked that if no action is to be taken, or that the complaint has no merit, could the person filing the complaint receive a letter of no action. Ron suggested that the complainant should get a letter of determination either way.

Frank Howe stated his frustration with the continued condition of the property at Main and Oregon and that it has gotten worse since he first brought it to the attention of the city. Dave reiterated that this type of problem is the reason for the considering changes in the enforcement portion of the ordinance.

Ron made a motion to have Dave make the following changes and present to council at the June 25<sup>th</sup> meeting for their consideration. The changes in the ordinance per today's discussion; A signed complaint form will not go to the stated person in the complaint until the nature of the complaint is evaluated by the review committee and only if there is a violation; if no violation, the person making the

complaint will receive a letter from the city of no action. Curtis made the second and the motion was unanimously approved.

**Sewage Department Request to Purchase a Skid Loader** Workforce Manager Kurt Dailey and Branden Alberson from the WWTP came before the board with a request to purchase a Bobcat track loader on the open market for the WWTP. Kurt stated that the 1992 Massey Ferguson tractor with a backhoe, flail mower, sickle bar mower would be traded in at the time of purchase. Based on a quote by Affolder Implement, the initial cost of the Bobcat would be \$73,470. With a government discount and the value of the trade in, the final cost would be \$38,722. There would be other uses for the equipment including maintaining the compost site and used by other departments. According to the City of Berne Purchasing policy, Ron made a motion to recommend the purchase of the Bobcat as presented to council for their consideration and Curtis made the second. The motion was unanimously approved.

**Annual Crack and Seal Street List** Street Superintendent Gary Nussbaum presented the board with a proposal for the 2018 crack and seal street list with the work being done by Pavement Solutions Inc. at a cost of \$ 29,958.70 for approximately 73, 070 square yards of Hot applied Fiberized Asphalt Crack and Seal per City specification for the following streets:

1. Hendricks to Park Ave to the cul-de-sac.
2. Windridge Trl from Hendricks to US 27 S
3. Glenwood Ct. To Windridge Trl to cul-de-sac
4. Colonial Ct. from Windridge Trl to cul-de-sac
5. Oberli from Hendricks to US 27 S
6. Parkway from Hendricks to US 27 S
7. Parkway from US 27 S to Village Way
8. Stuckistrasse from Village Way to cement
9. W. Water St. from CR 150 to Schug
10. Alumni from W Main to Clark
11. Linn Grove Ave from W Main to Clark
12. Schug from SR 218 to Dearborn
13. Dearborn from Schug to dead end
14. Rose Lane from Dearborn to dead end
15. Wabash from Linn Grove Ave to Schug
16. Portland from Wabash to W Van Buren
17. Portland from SR 218 to W Franklin
18. Clark from US 27 N to CR 150
19. Hoosier from Behring to US 27 N
20. Jackson from Welty to E Main
21. Franz from E Water to E Main
22. Reusser from E Water to E Main
23. Baltimore from W Main to W Water
24. Lehman from W Main to W Water
25. W Franklin from Hendricks to US 27 S

Ron made a motion to approve the 2018 crack and seal list as presented at a cost of \$ 29,958.70 from Pavement Solutions, Curtis made the second and motion was unanimously approved.

Gwen informed the board that because the schedule for submitting an application for street repair with the State Community Crossing Grant program has changed to September with awards being given in November, there will not any major street repairs this summer.

**Swiss Days Street Closing List** Work Force Manager Kurt Dailey presented the 2018 Swiss Days street closing and temporary sign list as follows:

- Monday p.m. City Hall Parking lot (For Stage)
- Wednesday a.m. Jefferson St. from alley south of Main St. to Water St.
- Wednesday a.m. Fulton St. at Main St. (For Tents)
- Wednesday a.m. Behring St. From Main St. to Alley (For Kiddy Rides)
- Wednesday a.m. Main St. From Brown St. to US 27/218 (For annual Swiss Days)
- Wednesday a.m. Hendricks St. From Main St. to Franklin St.
- Wednesday a.m. Sprunger St. From Main St. to Water St.
- Wednesday a.m. Franklin St. From Fulton St. to Hendricks St.
- Friday a.m. Baltimore/Lehman St. From Franklin St. to Water
- Friday a.m. Indiana/Columbia St. From Franklin St. to Alley south of Water St.
- Friday a.m. Harrison St. From Main St. to Water St.
- Saturday a.m. Jefferson St. & Sprunger St. (For Foot Races)
- Saturday p.m. Water St. to Baltimore St. to Lehman St. to Franklin St. to Hendricks St. to Lehman Park (For Parade)
- Everything to be opened Saturday p.m./ early Sunday a.m. with the exception of City Hall Parking lot (For Stage)

#### **Temporary signs to be put up for 2018 Swiss Days**

- Both downtown ally's NO PARKING FIRE LANE (entire Swiss days)

- Washington St.- From Behring St. to Jefferson St. on the North side NO PARKING ANY-TIME (entire Swiss days)
- Water St.- beside library NO PARKING HANDICAP ONLY (entire Swiss days)
- Lehman St., Franklin St. from Lehman St. to Hendricks St., Hendricks St. south of Dearborn St. NO PARKING ANYTIME (Saturday for Parade)

Curtis made a motion to approve the 2018 Swiss Days street closing list and temporary signage list as presented with Ron making the second. The motion was unanimously approved.

**Other** Mayor McKean shared an email from Chief Taylor in response to the speed limit concern in the Forest Park Drive area. Per the email, Chief stated that he had police officers monitor the area on different occasions in their squad cars and in unmarked vehicles and no speeding infractions were observed during those times. It was the Chief's recommendation that no action be taken to lower the posted speed limit.

**Board Comments** None

On a motion by Ron Dull and a second by Curtis Wurster the meeting was adjourned.