

July 25, 2016

The Common Council met with Mayor William McKean for a regular meeting on Monday, July 25, 2016 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, and Philip Provost were present, along with Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller. Not in attendance, Councilmen Ron Dull and Mark Wynn.

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

#### **Comments by Citizens-**

Berne resident Gabe Kruckow said he thinks it would be a great idea to have a stop sign at the corner of Buckeye and Behring. Mayor McKean thanked Gabe for expressing his concern and said that this issue will be discussed later on the agenda.

#### **Minutes**

On a motion by Phil Provost and a second by Curtis Wurster, the minutes of the July 11, 2016 meeting were unanimously approved.

#### **Claims**

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

#### **Salary Ordinance No. 678 for Appointed Officers and Employees**

Salary Ordinance No. 678 was introduced to Council for its first reading. This ordinance fixes the salaries and compensation and benefit programs for all appointed officers and employees of the City of Berne and establishes clothing allowances for the Police Department, Police Reserves and Fire Department for 2017. The salaries of all full-time employees reflect an increase of \$ 1,200, and an increase of \$ 500 for the City Attorney beginning January 1, 2017. Phil Provost made a motion to introduce Ordinance No. 678 by short title. Curtis Wurster made the second and the motion was unanimously passed.

#### **Salary Ordinance No. 679 for Public Officials**

Salary Ordinance No. 679 was introduced to Council for its first reading. This ordinance fixes the salaries and benefit programs in 2017 for all elected officials of the City of Berne. The Mayor and Clerk-Treasurer's salaries reflect a \$1,200 increase, and the Common Council reflects a \$250 increase beginning January 1, 2017. Gregg Sprunger made a motion to introduce Ordinance No. 679 by short title. Curtis Wurster made the second and the motion was unanimously passed.

#### **Stop Signs on Behring Street at the Corner of Behring and Buckeye**

Mayor McKean reported that the Berne Ready Mix approached him asking for a pedestrian walkway designation because of high traffic volume on Behring and Buckeye, especially during the lunch hour. Mayor McKean said that based on the recommendation of Chief Taylor, the Board of Works and Safety is recommending to council that the Yield signs on Behring at Buckeye be replaced with stop signs going north and south on Behring Street. Mayor McKean stated that the Ready Mix was in agreement with the stop signs.

Having been in the Board of Works meeting, City Attorney Baumgartner presented the council with Ordinance No. 680 that will allow for the stop signs to be installed going north and south on Behring Street at the corner of Behring and Buckeye Streets.

Gregg Sprunger made a motion to introduce Ordinance No. 680 and Phil Provost made the second. Motion unanimously approved.

Phil Provost made a motion to waive and suspend the rules and procedures in order to adopt the ordinance at the meeting it was introduced. Gregg Sprunger made the second. Motion unanimously approved.

Gregg Sprunger made a motion to approve Ordinance No. 680 as presented. Curtis Wurster made the second. Motion unanimously approved.

### **Continued Discussion of Platted Alleys**

Mayor McKean opened the discussion by recapping the council meeting of July 11<sup>th</sup> and the Board of Works meeting of July 20<sup>th</sup> where Mr. Houston Logsdon presented his concerns about what he considers an obstructed alley behind his residence at 517 Compromise Street. His neighbor has a garden in the middle of the alley surrounded with railroad ties. Mayor McKean reported that he and city staff researched many alleys in the city and this is not about a particular situation, but there are issues like this in many alleys. Mayor McKean asked city Attorney Baumgartner to guide the discussion with the council.

Dave stated that platted alleys are public thoroughfares, the same as city streets, but are not improved. Most residents choose to mow and maintain these alleys, much like they mow and keep up the city easements in front of their homes. The city does not stone alleys, but there are residents who choose to do so at their expense, often times to access their garages off of the alley. With utilities located in the alleys, Dave said it would behoove any citizen to not do anything with an alley that would make it difficult for utilities such as AEP, COMCAST, NIPSCO and city utilities to access for any needed repairs. Dave added that should there be a structure in the alley and it would have to be torn up by any of the servicing utilities, the property owner would not be compensated for any damages to the structure. Dave advised the council that they have to take a good look in to what they want to do.

Roxanne Hawkins, 524 Hoosier Street, spoke to the council stating that she was the one with the garden that her neighbor, Mr. Logsdon is complaining about. Ms. Hawkins said that she has cleaned up the alley since she moved in, taking a compost heap in the alley and turning in to a garden that she, her grandchildren and even the neighbors can enjoy when the produce is ripe. She stated that she has taken pictures around the community and there are many alleys with structures in them.

When the question of accessing alleys for the purpose of fighting fires was brought up, Fire Chief John Crider stated that the fire department will only have their trucks on the paved streets when fighting a fire.

Phil commented that since this isn't a safety issue, urgency is not a priority. Mayor McKean suggested that Ms. Hawkins be allowed to harvest her garden then remove the railroad ties and move the garden closer to her property line.

Ms. Hawkins said that she will comply with removing the railroad ties after harvest and will move her garden out of the alley and in to her yard. She does not want to cause a problem, but feels with the article in the local newspaper and problems with her neighbor, she is being singled out.

Phil Provost made a motion to go forward to identify structures in the alleys, make the owner aware that they are on a public thoroughfare, send them a notice and give them time to remove the structure. Greg Sprunger made the second. Motion unanimously approved.

### **Attorney Comments**

Dave updated the council on our NPDES permit. Our sewage ordinance will need to be updated before a new application can be submitted to IDEM. The application has to be submitted at least 6 months prior to our renewal date in 2017. Dave said that he has been working with Brady Dryer, Environmental Compliance Manager with the city engineering firm Commonwealth to get ahead of the deadline. This will be coming back to the council as soon as possible.

**Mayor Comments**

Mayor McKean thanked all of the city employees who put their time and effort in to making the upcoming Swiss Days a success. Mayor McKean also shared that during Swiss Days, the Vietnam Travelling Wall be at the Adams County War Memorial located by the Berne American Legion.

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

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William F. McKean, Mayor

ATTEST:

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Gwen Maller, Clerk-Treasurer