

August 27, 2012

The Common Council met with Mayor William McKean for a regular meeting on Monday, August 27, 2012 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, and Philip Provost were present along with Attorney James Beitler, Jr. and Clerk-Treasurer Gwen Maller. Councilman Mark Wynn came late to the meeting.

Administrative Assistant Becky Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

On a motion by Ron Dull and a second by Gregg Sprunger, the minutes of the August 13, 2012 meeting were approved on a vote of four (4) yeas and zero (0) nays.

On a motion by Curtis Wurster and a second by Phil Provost, the claims were approved for payment on a vote of four (4) yeas and zero (0) nays.

New Police Vehicle

The Board of Public Works and Safety unanimously recommends to Council that the Police department be allowed to order a new Ford Police Interceptor Utility 4 x 4 (Explorer) to be delivered after January 1, 2013. This is the same vehicle that was proposed in March 2012. Moser Motor Ford is honoring the price of \$25,980.00 that was quoted. Ron Dull made a motion to accept the quote from Moser Motor Ford for a 2013 Ford Explorer with the police interceptor package. Gregg Sprunger made the second and the motion was passed on a vote of five (5) yeas. Safety Systems will be installing a light package on the new vehicle.

Council Election Redistricting Ordinance # 634

Due to the fact that Berne is a third class city with a population of less than seven thousand (7,000) and had adopted a resolution before May 7, 1991 to divide the City into council election districts in 1992 and again in 2002 pursuant to I.C. 36-4-6-5(g) is required to again redistrict in 2012. Ordinance #634 sets out the option to continue the election process that permits each voter of the city to vote for one (1) at large candidate and one (1) candidate from each of its four Council Districts, but resets boundary lines for the districts to reflect equal populations. The Legislative districts are as follows:

#1. Territory lying north of Main Street and **east** of a line running along the middle of Harrison Street commencing at the intersection of Harrison Street with Main Street on the south and then extending north to Parr Road; then west running along the middle of Parr Road to U.S. Highway 27 and then north along the middle of U.S. Highway 27 all in the City of Berne.

#2. Territory lying north of Main Street and **west** of a line running along the middle of Harrison Street commencing at the intersection of Harrison Street with Main Street on the south and then extending north to Parr Road; then west running along the middle of Parr Road to U.S. Highway 27 and then north along the middle of U.S. Highway 27 all in the City of Berne. It also includes territory lying **south** of Main Street **west** of Village Way and within the territory described specifically as follows: commencing at the intersection of Main Street and Village Way, then extending **south** on and

along the middle of Village Way to Parkway Street, then **west** on and along the middle of Parkway Street to Old Colonial Drive, then proceeding **north** and then **west** on and along the middle of Old Colonial Drive to Forest Park Drive, then **north** on and along the middle of Forest Park Drive to Lake View Trail, then in a **westerly** and **northerly** direction on and along the middle of Lake View Trail to its terminus, then **north** to Main Street then **east** to the commencement point, all in the City of Berne.

#3. Territory lying **south** of Main Street and **west** of U.S. Highway 27, and which is not in the Second District, all in the City of Berne.

#4. Territory lying **south** of Main Street and **east** of U.S. Highway 27, all in the City of Berne.

Ordinance #634 was introduced for its first reading by short title. This ordinance elects the provisions of I.C. 36-4-6-5, I.C. 36-4-6-5(m) and dividing the City of Berne, Indiana into council election districts for purposes of election to and membership in the Common Council of the City of Berne. Ron Dull stated that his personnel preference would be voting on two (2) at-large candidates and then the other three (3) candidates would be voted on by their districts. However, he knows that in a small town changing to this isn't feasible and so he supports Ordinance #634. Gregg Sprunger stated that by moving the boundaries each district almost equal population. Mark Wynn stated that as the City grows he would like to see a district vote for their councilman, but only if 100% of the voters would vote. But since our town is small and only a small percentage vote, he supports keeping it the same. He stated that "I like to know I serve all the citizens." Phil Provost made a motion to pass the first reading of Ordinance #634. Mark Wynn made the second and the motion was unanimously passed.

Monroe Surcharge Sewage Agreement

A meeting was held on August 16, 2012 between the Town of Monroe and the City of Berne officials to review a two -year agreement for the surcharge for treatment of excess annual flow. According to an agreement dated February 28, 1978 and amended on June 7, 1990, the Town of Monroe is allocated 31.04 million gallons of wastewater treated or 12.45% of the capacity of the sewer treatment plant. The agreement provides that Monroe would pay a surcharge for wastewater sent and treated in excess of 31.04 million gallons annually. On April 5, 2007 the parties agreed that the surcharge of forty percent (40%) of the previous year's monthly rate would be applied to the excess gallons. This agreement was renewed in 2008, 2010. At the meeting, the two parties agreed to propose to their respective Councils, to keep the surcharge rate at 40% for 2013-2014. The agreement is being submitted tonight for Council approval. Gregg Sprunger made a motion to accept the agreement setting a forty (40%) surcharge for excess gallons above 31.04 million of Monroe wastewater treated for 2013-2014. Ron Dull made the second and the motion was unanimously passed.

Board of Public Works and Safety Update

Mayor McKean reported that the Board met with township trustees from Monroe, Jefferson, Hartford, French and Wabash to discuss the township fire protection contracts for 2013. Discussion was held and they did state that they would take the 2.8% increase back to their boards to see if they would approve it. Next year they would like to be included in discussions to determine the contract rates.

Clerk-Treasurer Comments

Clerk-Treasurer Maller stated that she is sending notice to the newspaper for a public hearing for additional appropriations to the 2012 budget. The additional appropriations will be \$34,000 in the General Fund for the police department; \$6,000 in the M.V.H. Fund; and \$12,000 in the Police Pension Fund. A public hearing is set for September 24, 2012 at 8:00 p.m.

Attorney Comments

H.J. Umbaugh is preparing the new water ordinance for the rate increase. The public hearing is set for September 24, 2012 at 8:15 p.m.

Councilmen Comments

Councilman Dull reported that the Board of Works gave the Police department permission to close Sprunger Street extended to Heritage Trail for emergency vehicle training. This will take place on October 19th from 7:30 p.m. until Saturday at 3:30 p.m.

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

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer