

**Board of Public Works and Safety  
Berne City Building, 158 W Franklin Street  
Wednesday, September 21, 2016  
Minutes**

Mayor McKean-Present

Curtis Wurster-Present

Ron Dull- Present

The Board of Public Works and Safety met on Wednesday, September 21, 2016 at 8:00 am in council chambers along with City Attorney Dave Baumgartner and Secretary of Record Becky Sprunger. An agenda was posted at the door.

Others in attendance: city employees Kurt Dailey, Police Chief Tim Taylor and Shannon Smitley. Also present, Pastor Chris Kruchkow from the Cross Community Church, Berne.

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

On a motion by Ron and a second by Curtis, the minutes of August 17, 2016 were unanimously approved as written.

**Board Approval of the 2017 Fire Township Fire Contracts** The 2017 Township Fire Contracts for Monroe, Jefferson, Hartford, Blue Creek, French and Wabash township were reviewed by the board. The contracts reflect a 3% increase to each township and is a contract between the Board of Public Works and Safety and the townships. The Council approved and signed the contracts at their September 12, 2016 meeting subject to the approval of this board. On a motion by Curtis and a second by Ron, the 2017 Township Fire Contracts were approved as presented.

**Request for Special Signage** Pastor Chris Kruchkow, Cross Community Church, presented a request to the Board of Works that the city consider adopting the National Motto “In God We Trust” and place decals with the motto on all city vehicles. Pastor said he has over 400 signatures from his church in support of the plan, and he stated that he has received pledges from many to pay for the decals. When asked by Curtis what his plan would be for the turnover of vehicles in the city, Pastor Kruchkow stated that he believes he would have the funds to put decals on those also. Curtis said that the wishes of our workforce should also be considered.

Pastor Kruchkow cited known legal challenges when other public entities used the “In God We Trust” motto. All challenges to date have been defeated by the Supreme Court, and this is not considered an infringement of the separation of church and state. Pastor added that he feels this would be a way to re-establish our country to our spiritual roots.

City Attorney Dave Baumgartner advised the board that in his opinion as the legal advisor to the city, the city should carefully consider this request and proceed cautiously. Dave said that while the Supreme Court has upheld rulings in the past to allow the National Motto for use by municipal entities, it does not mean that with changes in the court’s judges, it might always be upheld. Should the city choose to place the National Motto on vehicles, and the City of Berne were to be sued as a test case, the legal fees could have the potential to bankrupt a community our size.

Mayor McKean stated that he has talked with Pastor Kruchkow many times about this, and that as a person of faith, he agrees with the Pastor that we are struggling spiritually as a nation, but allowing the National Motto on city vehicles is a difficult decision.

The board asked Pastor Kruchkow if he would consider alternative signage instead of on city vehicles, possibly at the five flag displays (City Building, Senior Center, Park Pavilion, Police Department and Fire Department) with a plaque. Pastor said that would be a possibility if his funding could stretch that far.

Ron said he feels this discussion should come back to the Board of Works at the October meeting and he would like to give more thought to some alternative action that came from today's discussion. Curtis also said he would like further discussion here, but it is ultimately a council decision.

Dave asked Pastor Kruchkow to research the number of just city and towns who have adopted the National Motto on their vehicles and bring that information to the board if possible in October. Dave said he will also research the legal aspects of the National Motto on city vehicles.

**Golf Cart Ordinance Update-** The board further discussed possible changes in the Golf Cart Ordinance that were brought up in the August 17<sup>th</sup> meeting. The board agreed that this should come back to the Board Works for review before any changes go to the Council. Among the items discussed, eliminating the age limit for occupants of golf carts, revising the provision about firearms to conform with state statute, seatbelts for occupants of golf carts. Dave will bring a revised ordinance to the next Board of Works meeting for their review.

**Request for Copier** Chief Taylor presented the board with a quote for a copier from Four U Office Supply. Four U is a supplier of our office supply needs and also sold the city the copier in the council room. Chief said that the current copier was used when it was gifted to the Police Department. It is not always working and his department uses desktop printers for much of their black and white printing and all of their color printing. Chief said he has shown the proposal to Clerk-Treasurer Gwen Maller. Per the Chief, Gwen said she felt the proposal was a good deal and that the Police Department has had to spend quite a bit on replacement cartridges for their desktops, and the copier would be more cost efficient.

The proposal from Four U Office Supply was for **\$3000.00** outright or has an option to lease. Ron made a motion to approve the acquisition of the copier for the Berne Police Department from Four U Office Supply as presented subject to the approval of the Clerk-Treasurer. Curtis made the second and the motion was unanimously approved.

**Board Comments** Mayor McKean informed the board that the two tracts of land that was part of the Dunbar property, but that the city was unable to obtain at the time of the tax certificate sale is once again up for tax sale on October 28<sup>th</sup>. Dave advised the board that this is not a Certificate Sale, so the owner has a right to redeem for one year after the tax sale. He also noted that the amount due the county contains a number of liens from the city.

Ron said he has been asked by several people what the city intends to do with the remediated site of the former Dunbar Building that the city owns. Mayor McKean said that the city tried to mow the grassy/overgrowth area, but the area is still too rough for our equipment, one mower punctured a tire. Mayor McKean said that he will have a weed killer sprayed to knock down the overgrowth and consideration will be given to hauling in dirt for a 6-8 inch base for seeding grass. Mayor also reported that Shannon contacted Bill Zahn, demolition contractor, and advised him to get in touch with the fence rental company and inform them that that they have 2 weeks to remove the temporary fence or the city will remove it and store/handle it accordingly.

Mayor McKean said that the ideal use of the property would be to build a garage big enough to store all of the city utility vehicles and equipment in one place. Mayor added that since the property is in a TIF district, it is possible that TIF money could be used for construction. Dave advised that the Redevelopment Commission may need to meet to further advance this possibility.

Ron expressed concern that in its present state, the property could be a liability for the city.

With nothing else to come before the board and on a motion by Ron and a second by Curtis, the meeting was adjourned.