

September 26, 2016

The Common Council met with Mayor William McKean for a regular meeting on Monday, September 26, 2016 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present, along with Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller.

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 Phil Provost, the minutes of the September 12, 2016 meeting were unanimously approved.

Claims

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

2017 Pre-Adoption Public Hearing

The regular Council meeting was recessed for the public hearing as advertised in Gateway.

A pre-adoption public hearing for the 2017 budget was held at 7:45 p.m. The total of all funds for the budget is \$ 2,862,314. The final adoption of the 2017 budget will be on October 11, 2016 after which it will be uploaded to the Department of Local Government Finance (DLGF) through the Gateway site within two (2) days after adoption. No objections from the general public were raised.

The public hearing was closed and the regular council meeting was reconvened.

Plan Commission Subdivision Plat Hearing

The Plan Commission held a public hearing on a subdivision plat filed by Swiss Manufacturing Corporation earlier this evening. This property is located along 1196 US 27 N. in Berne and includes 11 lots which will be named Swiss Manufacturing subdivision. Dave Baumgartner informed the Council the lots are owned by different members of the same family and some family members are wanting to buy some of the parcels and sell other parcels to tenants who wish to own rather than rent. In order to do this, a subdivision plat needed to be approved by the Plan Commission and the Council. Dave further explained that the difference between this plat approval and ones that are usually submitted, is that this isn't a residential development, and will have cross easement agreements between the lot owners for things like snow removal and maintenance. They will not be dedicating any streets to the City.

Ron Dull made a motion to accept the Plan Commission's recommendation and approve the subdivision plan for 11 lots as submitted by Swiss Manufacturing Corporation. Curtis Wurster made the second and the motion was unanimously passed.

Water Utility Ordinance #682

Ordinance #682 was introduced to Council for its first reading. This ordinance amends and restates Chapter 53 of the Berne City Code, including provisions regarding the use of and services rendered by the Waterworks system of the City of Berne and charges therefore. Dave Baumgartner informed the Council that he worked together with Clerk-Treasurer Gwen Maller and Water Superintendent John Crider to put policies and procedures that were already being followed into ordinance form that could be codified. They determined that amending the whole section was easier than creating several different ordinances. Discussion was held and Councilman Mark Wynn asked John Crider about section 53.06, which concerns the fire department providing a paid service to deliver loads of water. Mark stated that he thought the Fire Department was no longer going to provide this service. John stated that they are, but only within the fire coverage area.

Phil Provost made a motion to introduce Ordinance #682 on its first reading by short title. Gregg Sprunger made the second and the motion was unanimously passed.

Ordinance #683 Reimbursement of Travel Expenses

Ordinance #683 was introduced to Council for its first reading. This ordinance regulates reimbursement of travel expenses for City Employees, Officers and Representatives. Clerk-Treasurer Maller stated that the ordinance sets the reimbursed mileage rate at .05 cents under the Federal standard mileage rate for business travel by the Internal Revenue Service. **This only pertains to travel in a personal vehicle.** The ordinance also sets out that itemized receipts submitted for lodging, parking and meal expenses will also be reimbursed. This is the policy that has been followed for several years, but is now being put in ordinance form.

Mark Wynn made a motion to introduce Ordinance #683 on its first reading. Curtis Wurster made the second and the motion was unanimously passed. Ron Dull made a motion to waive and suspend the rules and procedures in order to adopt the ordinance at the meeting it was introduced. Phil Provost made the second and the motion was unanimously passed. Gregg Sprunger made a motion to approve Ordinance #683. Ron Dull made the second and the motion was unanimously passed.

2016-2017 CEDIT Plan

Clerk-Treasurer Gwen Maller submitted the 2016-2017 CEDIT plan for Council approval. She stated that once the Council has approved the plan, it will then be filed with the County Auditor. The plan is as follows:

INCOME	
Rental Income in 2016	14,400.00
Rental Income in 2017	14,400.00
Money to be received in 2016	102,200.00
Money to be received in 2017	102,200.00
TOTAL CEDIT MONEY AVAILABLE	233,200.00
EXPENDITURES	
ACED (13%)	26,572.00
Berne Chamber of Commerce	6,000.00
Downtown Merchants	2,600.00
U.S. 27 North Merchants	2,600.00
ADA Corners	40,000.00
Sidewalks	20,000.00
Miscellaneous Projects	135,428.00
	233,200.00

Gregg Sprunger made a motion to approve the 2016-2017 CEDIT Plan. Mark Wynn made the second and the motion was unanimously passed.

Gwen also stated that the Council needs to approve a budget for 2017 for the CEDIT fund and also the Law Enforcement Continuing Education fund. The budget for the CEDIT fund for 2017 is \$120,000 and \$2,500 for the Law Enforcement CE Fund. Ron Dull made a motion to approve the budgets for the CEDIT Fund and Law Enforcement CE Fund as presented for 2017. Curtis Wurster made the second and the motion was unanimously passed.

Board of Works and Safety Meeting

Mayor McKean reported that the Board of Public Works and Safety approved a request from the Police department for a new copier from Four U Office Supply.

Mayor McKean also reported that Bill Zahn will be here Thursday to remove the temporary fence and look at the grading issues at the former Dunbar property site. The City tried to mow it, but it was still too rough for our equipment.

Ron Dull reported that the board discussed the golf cart ordinance and is having Dave revise it with a few minor changes before they review it again and bring it to Council.

Attorney Comments

Dave Baumgartner stated that on lot seventy (70) in Forest Hills-Section XI of Berne there appears to be erected within the thirty (30) foot setback from the platted Bear Crossing right-of-way a residential structure (part of the garage) with an encroachment of approximately 2.9 feet into said thirty (30) foot setback. He stated that the Plan Commission recommended that an agreement be entered into between the City and the property owner that as long as the structure remains standing and is not extended or enlarged it can remain 2.9 feet into the setback. If it is removed or destroyed then the right of encroachment will cease.

Phil Provost made a motion to approve the signing of an agreement between the property owner and the City of Berne for a permitted encroachment of an existing structure on lot seventy in Forest Hill-Section XI. Curtis Wurster made the second and the motion was unanimously passed.

Mayor Comments

Mayor McKean stated that leaf pickup will begin next week. He thanked all the workforce for doing a great job in their respective areas.

Councilmen Comments

Curtis Wurster reminded everyone that the Lehman Park Harvest fall festival will be this Sunday with lunch starting at 11:30 a.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 Curtis Wurster, adjournment followed.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer