

October 26, 2020

The October 26, 2020 council meeting was held at the South Adams Senior Center, 825 Hendricks Street, Berne Indiana. Those present at the Senior Center were Mayor Gregg Sprunger, Council members Curtis Wurster, Ron Dull, John Wanner, Kelly Amstutz and Rod Mason along with Clerk Treasurer Gwen Maller and City Attorney Dave Baumgartner. An agenda was posted at the front door of the Senior Center and at the Berne City Building.

Others present at the Senior Center; Mike Bertsch, Controller for Oswalt Precision Grinding; Colton Bickel, Adams County Economic Development Director and Clint Anderson with the Berne Witness.

Council President Curtis Wurster opened the meeting with the pledge of allegiance. Mayor Gregg Sprunger gave the invocation and verified a quorum.

Approval of Minutes

On a motion by Ron Dull and a second by Curtis Wurster, the council unanimously approved the minutes of October 13, 2020.

Claims

On a motion by Rod Mason and a second by Kelly Amstutz, the council unanimously approved the claims as presented.

Final Adoption of the 2021 Budget

Gwen Maller, City of Berne Clerk-Treasurer, presented Ordinance No. 733, which sets out the final adoption of the 2021 budget. The ordinance provides for the total sum of \$ 3,333,119 (net of property tax caps) for all Department of Local Government Finance (DLGF) reviewed funds and \$ 201,500 for home-ruled funds which consist of the LOIT Public Safety fund and the Law Enforcement Continuing Ed Fund.

The budget was introduced at the August 24th council meeting and the public hearing was held at the October 13th council meeting as advertised. Gwen asked if the council had any additional questions on the total of all funds for the budget of \$ 3,534,619. With no further questions from the council, Ron Dull made a motion to approve the 2021 budget as presented. Curtis Wurster made the second and by a show of hands, the budget for 2021 was unanimously approved on a vote of 5-0. Gwen stated that she will upload the budget tomorrow to Gateway.

Confirming Resolutions for HYET Properties/Oswalt Precision Phase in Tax Abatement

City Attorney Dave Baumgartner reviewed the Super Tax abatements with the council as well as the applications for real and personal property that were considered by the scoring committee after the Board of Public Works and Safety meeting on October 21st and which due notice was given. The scoring committee is comprised of the Board of Public Works and Safety members and Clerk-Treasurer Gwen Maller. They scored the provided applications and scoring sheets with Hyet Properties receiving a score of 89 for real property with an estimated expenditure of 5 million dollars and Oswalt Precision receiving a score of 87 with an estimated expenditure of 1.5 million dollars for personal property. Dave stated that the benchmark for a super tax abatement is a score of between 70-100 on each of the applications and both applications exceeded that threshold.

Dave reported that at the last council meeting of October 13th, the council approved the declaratory resolutions, 2020-10-1 and 2020-10-2 and that notice of tonight's confirming resolutions 2020-10-3 and 2020-10-4 were published in the Berne Witness.

Adams County Economic Development Director Colton Bickel stated that he fully supports Oswalt Precision Grinding and encouraged the council to approve the confirming resolutions. Mike Bertsch, Controller for Oswalt Precision Grinding, stated that the construction start date will be in the spring, and that this is not an expansion but a relocation of their business

Discussion followed about the merits of the super tax abatements. Even though the Super Phase in tax abatements means there will not be any property tax paid over the next five years, they will be making a sizable investment, and paying taxes on their employees which will also increase the city's COIT and LOIT tax income as well as the community benefits by employees shopping, banking and eating at our local business.

With no further discussion and no further comments from the public, Rod Mason made a motion to approve Resolution 2020-10-3: A Resolution Confirming Resolution 2020-10-1 Hyet Properties

LLC Economic Revitalization Area, Ron Dull made the second and by a show of hands, the motion was unanimously carried on a vote of 5-0

RESOLUTION 2020-10-3

**A RESOLUTION CONFIRMING RESOLUTION 2020-10-1
HYET PROPERTIES LLC
ECONOMIC REVITALIZATION AREA**

WHEREAS, the Common Council adopted Resolution 2020-10-1 on October 13, 2020, preliminarily establishing the area described in Exhibit “A”, attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Clerk-Treasurer published a Notice of the adoption and substance of said Resolution and a public hearing on the waivers of the requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3 in accordance with I.C. 5-3-1 and setting October 26, 2020, at 6:40 o'clock P.M. at City Hall, 158 Franklin Street, Berne, IN 46711, for a hearing on remonstrances and objections of said Resolution, and

WHEREAS, the City of Berne Board of Public Works and Safety, along with the Clerk-Treasurer of the City of Berne has reviewed and scored the Applications of the applicant pursuant to the City of Berne Tax Phase In Policies and Indiana statutory factors and has determined that the applicant qualifies for the alternate abatement schedules for Redevelopment Property, all as set out in the City of Berne Tax Phase In Policy and Indiana law; and

WHEREAS, a public hearing on remonstrances and objections was held at 6:40 o'clock P.M., on October 26, 2020 in accordance with such published notice.

WHEREAS, the Common Council has considered whether the applicant is entitled to an alternative abatement schedule as set out in I.C. 6-1.1-12.1-17 based on the City of Berne Tax Phase In Policy and the following statutory factors: (1) The total amount of the taxpayer’s investment in real property; (2) The number of new full-time equivalent jobs created; (3) The average wage of the new employees compared to the state minimum wage; and (4) The infrastructure requirements for the taxpayer's investment.

BE IT RESOLVED: The Resolution 2020-10-1 adopted by the Common Council on October 13, 2020, establishing the area described as Exhibit “A”, attached hereto, as an Economic Revitalization Area and granting tax deductions for Redevelopment Property pursuant to I.C. 6-1.1-12.1-3 is hereby modified for the reason that the Applicant qualifies for an alternative abatement schedule pursuant to the City of Berne Tax Phase In Policy.

BE IT FURTHER RESOLVED: The deduction granted for Redevelopment Property pursuant to I.C. 6-1.1-12.1-3 is hereby modified by this confirming resolution by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 as follows:

10 Year Abatement

Year 1 100%
Year 2 100%
Year 3 100%
Year 4 100%
Year 5 100%
Year 6 90%
Year 7 80%
Year 8 65%
Year 9 50%
Year 10 40%

BE IT FURTHER RESOLVED, that the Common Council hereby waives the following requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3:

1. The failure, if any, to provide the completed Statement of Benefits Form SB-1/RE to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;
2. The failure, if any to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;
3. The failure, if any to make the required findings of fact before designating an area as an economic revitalization area.
4. The failure, if any to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on October 26, 2020.

COMMON COUNCIL OF THE CITY OF BERNE

Curtis L. Wurster, President
Ronald N. Dull
Kelly A. Amstutz
Rodney E. Mason
John M. Wanner

APPROVED:
Gregg A. Sprunger, Mayor

ATTEST:
Gwen Maller, Clerk-Treasurer

EXHIBIT "A"
CITY OF BERNE RESOLUTION 2020-10-3
LEGAL DESCRIPTION
HYET PROPERTIES LLC
ECONOMIC REVITALIZATION AREA

TAX PARCEL
01-08-33-100-014.000-009

Part of the Northwest Quarter of Section 33, Township 26 North, Range 14 East of the Second Principal Meridian, Monroe Township in Adams County, Indiana, more particularly described as follows:

Commencing at a Harrison Marker at the Northwest corner of said Northwest Quarter; thence North 88 degrees 35 minutes 05 seconds East (GPS Grid bearing and basis of bearings to follow), a distance of 660.00 feet (deed) along the North line of said Northwest Quarter and within the right-of-way of County Road 500 South to a DuraNail with a "Miller" identification ring on the East line of an existing tract described in Document Number 2008001419 in the Office of the Recorder of Adams County, Indiana; thence continuing North 88 degrees 35 minutes 05 seconds East, a distance of 316.00 feet along said North line and within said right-of-way to a DuraNail with a "Miller" identification ring on the East line of an existing 0.415 acre tract described in Document Number 2012004171 in the Office of the Recorder of Adams County, Indiana, said point being the POINT OF BEGINNING of the herein described tract; thence continuing North 88 degrees 35 minutes 05 seconds East, a distance of 355.40 feet along said North line and within said right-of-way to a DuraNail with a "Miller" identification ring on the East line of the Northwest Quarter of said Northwest Quarter; thence South 00 degrees 02 minutes 56 seconds East, a distance of 1320.81 feet along said East line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the South line of the Northwest Quarter of said Northwest Quarter; thence South 88 degrees 22 minutes 54 seconds West, a distance of 665.37 feet along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the East line of an existing tract described in Deed Record 214, Page 003 in the Office of the Recorder of Adams County, Indiana; thence North 00 degrees 18 minutes 45 seconds West, a distance of 1022.98 feet along said East line and along the East line of the tract described in Deed Record 253, Page 55 in the Office of the Recorder of Adams County, Indiana and along said Document Number 2008001419; thence North 88 degrees 35 minutes 05 seconds East, a distance of 321.77 feet along the Westerly extension of the South line of an existing 0.117 acre tract described in Document Number 2012004172 in the Office of the Recorder of Adams County, Indiana, and along the South line of said 0.117 acre tract and its Easterly extension thereof to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the Southerly extension of the East line of said 0.415 acre tract; thence North 01 degrees 24 minutes 55 seconds West, a distance of 300.00 feet along said extension and said East line to the Point of Beginning. Containing 18.082 Acres, more or less. Subject to the right-of-way of County Road 500 South, Lehman Legal Tile Drain and subject to easements of record.

CERTIFICATE OF CITY OF BERNE CONFIRMING RESOLUTION 2020-10-3 OF THE
COMMON COUNCIL OF THE CITY OF BERNE, INDIANA
HYET PROPERTIES LLC
ECONOMIC REVITALIZATION AREA

The undersigned, the duly elected, qualified and acting Clerk-Treasurer of the City of Berne hereby certifies that the following is a true and complete copy of the Confirming Resolution 2020-10-3 unanimously adopted by the Common Council of the City of Berne in accordance with law on October 26, 2020, after public hearing pursuant to notice published in the Berne Witness, a newspaper of general circulation published in Berne, Adams County, Indiana on October ____, 2020, and further that said Resolution 2020-10-3 has not been rescinded, repealed or in any way amended, and is still in full force and effect:

Gwen Maller, Clerk-Treasurer

CERTIFICATION OF CLERK-TREASURER OF THE CITY OF BERNE, INDIANA
HYET PROPERTIES LLC
ECONOMIC REVITALIZATION AREA

STATE OF INDIANA)
) SS:
COUNTY OF ADAMS)

I, GWEN MALLER, do hereby certify that I am the Clerk-Treasurer of the City of Berne, State of Indiana, and that the foregoing Declaratory Resolution 2020-10-1 establishing an Economic Revitalization Area, Confirming Resolution 2020-10-3, Certificate of Confirming Resolution, Notice of Public Hearing, Proof of Publication and State Board of Tax Commissioners Statement of Benefits Form SB-1/RE are true and correct copies of the originals which are on file and of record in this office, and that the foregoing Declaratory Resolution 2020-10-1 was duly passed and adopted by the Common Council of the City of Berne, Indiana of said city and approved and signed by the Common Council and attested by the Clerk-Treasurer of said City of Berne all at a regular meeting of said Common Council held on October 13, 2020, which resolution was confirmed, by Confirming Resolution 2020-10-3 as adopted, at a public hearing pursuant to notice, on October 26, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Berne, Indiana to be affixed on October 26, 2020.

Gwen Maller, Clerk-Treasurer
City of Berne

Resolution 2020-10-4 was presented to the council for their consideration

With no further discussion and no comments from the public, Curtis Wurster made a motion to approve Confirming Resolution 2020-10-04; A Resolution Confirming Resolution 2020-10-2 O&R Precision Grinding, Inc. Economic Revitalization Area. Kelly Amstutz made the second and on a show of hands, Resolution 2020-10-4 was unanimously approved on a vote of 5-0.

RESOLUTION 2020-10-4

A RESOLUTION CONFIRMING RESOLUTION 2020-10-2 O&R PRECISION GRINDING, INC. ECONOMIC REVITALIZATION AREA

WHEREAS, the Common Council adopted Resolution 2020-10-2 on October 13, 2020, preliminarily establishing the area described in Exhibit "A", attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Clerk-Treasurer published a Notice of the adoption and substance of said Resolution and a public hearing on the waivers of the requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3 in accordance with I.C. 5-3-1 and setting October 26, 2020, at 6:40 o'clock P.M. at City Hall, 158 Franklin Street, Berne, IN 46711, for a hearing on remonstrances and objections of said Resolution, and

WHEREAS, the City of Berne Board of Public Works and Safety, along with the Clerk-Treasurer of the City of Berne has reviewed and scored the Applications of the applicant pursuant to the City of Berne Tax Phase In Policies and Indiana statutory factors and has determined that the applicant qualifies for the alternate abatement schedules for new manufacturing, information technology, and logistical distribution equipment, all as set out in the City of Berne Tax Phase In Policy and Indiana law; and

WHEREAS, a public hearing on remonstrances and objections was held at 6:40 o'clock P.M., on October 26, 2020 in accordance with such published notice.

WHEREAS, the Common Council has considered whether the applicant is entitled to an alternative abatement schedule as set out in I.C. 6-1.1-12.1-17 based on the City of Berne Tax Phase In Policy and the following statutory factors: (1) The total amount of the taxpayer's investment in personal property; (2) The number of new full-time equivalent jobs created; (3) The average wage of the new employees compared to the state minimum wage; and (4) The infrastructure requirements for the taxpayer's investment.

BE IT RESOLVED: The Resolution 2020-10-2 adopted by the Common Council on October 13, 2020, establishing the area described as Exhibit "A", attached hereto, as an Economic Revitalization Area and granting tax deduction for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified for the reason that the Applicant qualifies for an alternative abatement schedule pursuant to the City of Berne Tax Phase In Policy.

BE IT FURTHER RESOLVED: The deduction granted for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified by this confirming resolution by the grant of an alternative abatement schedule pursuant to IC. 6-1.1-12.1-17 as follows:

10 Year Abatement
Year 1 100%
Year 2 100%
Year 3 100%
Year 4 100%
Year 5 100%
Year 6 90%
Year 7 80%
Year 8 65%
Year 9 50%
Year 10 40%

BE IT FURTHER RESOLVED, that the Common Council hereby waives the following requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3:

1. The failure, if any to submit the completed and the Statement of Benefits Form SB-1/PP to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

2. The failure, if any to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;
3. The failure, if any to make the required findings of fact before designating an area as an economic revitalization area.
4. The failure, if any to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on October 26, 2020.

COMMON COUNCIL OF THE CITY OF BERNE

Curtis L. Wurster, President
Ronald N. Dull
Kelly A. Amstutz
Rodney E. Mason
John M. Wanner

APPROVED:

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

Inter Local Government Agreement Between Adams County and the City of Berne for County Rd. 150 W.

Mayor Sprunger stated that the city is in the process of applying for a Community Crossing Grant for the reconstruction of a portion of County Road 150W from Hwy 218 (Main Street) on CR 150 W to the Westwind Trail addition. Mayor Sprunger asked the council to formally approve an Inter-Local Governmental Agreement between Adams County and the City of Berne whereby the county would transfer that portion of County Road 150W as described in the agreement to the city contingent on the city receiving the Community Crossing Grant. The Adams County Council signed the agreement on October 13th and the Board of Public Works and Safety approved and signed the agreement at their October 21st regular monthly meeting.

With nothing further to discuss, Ron Dull made a motion to approve the Inter-Local Government Agreement with Adams County as presented. Curtis Wurster made the second and the motion was unanimously carried on a vote of 5-0

Request for Proposals – Comprehensive Master Plan, City Garage and Storage Facility, Lehman Park Master Plan and Community Outdoor Recreation Complex

Mayor Sprunger advised council that soon after taking office, it became apparent that the city zoning ordinance needed reviewed and updated and Mayor Sprunger formed a committee for that purpose. Shortly after the first meeting, COVID-19 brought a stop to any more meetings. However, it did bring to light that the City of Berne needed to update their Comprehensive Master plan since the last plan was done in 1966. Mayor Sprunger began to look into initiating the Request for Proposals (RFP) to direct the city towards a comprehensive master plan. When asked by Rod Mason, Mayor stated that he would probably go with three firms with expertise in this area. Mayor Sprunger said that the four components of the RFP requests are:

- # 1 Comprehensive Master Plan
- # 2 City Garage and Storage Facility (old Dunbar Property)
- # 3 Lehman Park Master Plan
- # 4 Community Outdoor Recreational Complex

Dave stated that the RFP's are done at no cost to the city at this time and are more than an estimate, but less than a bid. When asked by Ron Dull, Dave confirmed that the council is not approving costs in this part of the process. Once a committee is formed to review the proposals, they will bring their findings back to council who can then decide whether to do the project, what firm is to be used and how to fund it. If TIF money were to be used, then the Redevelopment Commission would have to meet based on council's recommendation.

When asked by Ron Dull how far along are, they into the RFP process, both Mayor Sprunger and Dave stated that it is just the beginning phase of the process and it is just getting started.

Rod Mason made a motion to initiate the RFP Process as presented. Ron Dull made the second. The motion was passed on a vote of 4 yeas and 1 nay by John Wanner.

Mayor Sprunger asked the council to approve a committee consisting of Gwen Maller, Dave Baumgartner, Kurt Dailey, Shannon Smitley and Council President Curtis Wurster along with himself to review the RFP proposals.

Ron Dull made a motion to give the mayor the longitude and the latitude to establish the committee. On a second by Kelly Amstutz, the motion was unanimously approved on a vote of 5-0.

After the vote, Colton Bickel reported to the council that Adams County Economic Development recently completed a strategic plan, and he encouraged the city, once they have a Comprehensive Master Plan in place, to partner with the county where it makes sense to do so.

City Trick or Treat Status

Having passed a motion for city wide trick or treating at the October 13th council meeting, the council also asked that there be further discussion at this meeting if COVID-19 conditions warranted it. Mayor Sprunger advised the council that he sent a text to Dr. Ainsworth, Adams County Health Department this morning. Dr. Ainsworth's response was that they are following all CDC guidelines which Mayor Sprunger printed out and gave to the council.

Rod Mason noted that in the CDC guidelines, Trick or Treating is considered a high-risk activity. Rod asked Mayor Sprunger for his recommendation on this matter and it would be helpful to know the Mayor's thoughts.

Mayor Sprunger stated that he is concerned about the number of increases in reported COVID-19 positive tests in the county in the recent weeks. Mayor Sprunger further stated that if it were just an activity among family members, it would be safer, but that is not likely to happen, and does the city want to give their blessings to this event given the recent outbreak of new COVID-19 cases.

Kelly Amstutz stated that she understands the added concern, but even if the city were to reverse their approval on trick or treating, people are going to do it anyway, but without added police protection. Mayor Sprunger added that with other communities around Berne having the same day and hours of their city-wide trick or treat night and with no Clock Tower event, hopefully the numbers will be down. After further discussion, Kelly made a motion to move forward with the city-wide trick or treat night of Saturday, October 31st from 5-7:00 pm. On a second by Curtis, the motion was approved on a vote of 4 yeas and 1 nay by Rod Mason.

After additional discussion, Kelly asked that the Berne Witness, when reporting this event, also offer suggestions and recommended guidelines as discussed in this meeting for passing out candy and to use every precaution possible. Clint Anderson said he will include that in the paper

Board of Public Works and Safety Update

Mayor Sprunger reported on the Board of Public Works and Safety's monthly meeting held on Wednesday, October 21st. The board opened and approved the only bid received for the purchase of a one-ton pick-up truck, which was submitted by Moser Motors for a 2021 F 350 4X4 truck at a cost of \$68,704.00. The board also opened two bids for the sale of the 1996 tanker truck. Crispin Auto, Urbana Illinois for \$ 2,503.33 and Moser Motors, Berne Indiana for \$ 7,500.00. The board approved the bid from Moser Motors. John Crider, Water Department Superintendent requested, and the board approved that he goes on the open market to get quotes on a new one-ton pick-up truck and an aftermarket utility bed to replace the 2010 truck in the Water Department.

Mayor Sprunger advised the council that a citizen called city hall asking why other streets were being repaved before Water Street. Mayor Sprunger reported that the streets outside of the sewer separation project area are part of the Community Crossing grant and is being done by Brooks Construction. Milestone Contractors is the company responsible for milling and repairing the streets impacted in the separation project, and Mayor Sprunger said it is his understanding that they will be milling the streets, especially Water and Franklin and several ally's this week, and all of the paving should start on those and the other impacted streets early next week weather permitting.

BZA Hearings Update

Mayor Sprunger reported that there will be four BZA Hearings starting at 5:00 pm on November 9th and are mostly garage expansions and other smaller projects.

Attorney Comments None

Clerk-Treasurer Comments-None

Mayor Comments

Mayor Sprunger mentioned that the paving for city streets are being done by two different companies, one with the Community Crossing Grant and the other as part of the WWTP improvement project. They were doing some manhole lining in the separation project area. The Community Crossing Grant for CR 150W has been submitted. AEP has started installing new lights along Heritage Trail and Sprunger Street extended.

Council Comments

Ron Dull asked who the entity is responsible to get the paving done in the sewer separation project. Mayor Sprunger stated that Brackney is responsible for their sub-contractors, including Milestone which is the paving company.

Ron asked as to which fund will be used for the purchase of the new one-ton dump truck that was bid out. Gwen advised it will come out of the Cumulative Capital Development Fund.

John Wanner asked about the lack of bids received for the one-ton dump truck and why can't the city receive more bids, even though he has no problem with Moser Motors. Gwen advised that the request for bids were advertised in the Berne Witness according to state statute. John expressed his wish that there would be others offering bids, even if it meant making phone calls requesting entities to submit bids.

After additional discussion about the bidding process, Clint Anderson, Berne Witness advised the council that the legal notice of bids has a code on the notice that once published in the Berne Witness, the notice goes to a clearing house so that anyone can access the bid notice.

John stated that he is not satisfied with the reasons for not receiving more competitive bids. He added that the city should at least make a few phone calls to encourage more participation. Gwen stated that our employees have a preference in the type of vehicle they wish to use and also the history of reliability.

Discussion continued with points being made by other council members that we cannot make other entities submit bids. It was also noted that there is a benefit when dealing locally when it comes to repairs, getting the vehicle to the service center and having the vehicle out of rotation during service calls.

John continued to voice his position that the city should make phone calls in an attempt to receive as many competitive bids as possible.

With nothing further to come before the council, and on a motion by Ron and a second by Curtis, adjournment followed.

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer