

August 24, 2020

The August 24, 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 and Rod Mason along with Clerk Treasurer Gwen Maller and City Attorney Dave Baumgartner. Council members John Wanner and Kelly Amstutz affirmed being present by using GoToMeeting according to Executive Orders 20-04 and 20-08 by Governor Eric Holcomb in response to the COVID-19 pandemic. Council member Ron Dull was not present. An agenda was posted at the front door at the Senior Center and a link to the agenda was available on the City of Berne website homepage with information on how to access the meeting using GoToMeeting.

Others present at the senior center; Clint Anderson of the Berne Witness; Assistant Police Chief Jim Newbold; Fire Chief John Crider; Street Superintendent Gary Nussbaum and Work Force Manager Kurt Dailey.

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

The following were in council packets and were sent to each member on Friday.

Approval of Minutes

On a motion by Rod Mason and a second by Curtis Wurster, the council unanimously approved the minutes of August 10, 2020 by the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Claims

Curtis Wurster made a motion to approve the claims as presented. Rod Mason made the second and the motion was unanimously approved on a roll call vote of 4-0 as follows:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Consideration Ordinance No. 728- An Ordinance Fixing Salaries, Compensation and Benefit Programs for 2021 of All Appointed Officers and Employees of The City of Berne and Establishing Clothing Allowances for the Police Department Police Reserves and Fire Department.

Rod Mason made a motion to adopt Ordinance No. 728 as presented. Curtis Wurster made the second. The motion was unanimously approved on a roll call vote of 4-0 as follows:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Consideration of Ordinance No. 729 -An Ordinance Fixing Salaries and Benefit Programs for 2021 of all Elected Officials of The City of Berne. Curtis Wurster made a motion adopt Ordinance No. 729 as presented. Rod Mason made the second.

Before calling for the vote, John Wanner asked if an increase can be given to council members in the year of an election, which he said he understood was an issue in the past. City Attorney Baumgartner stated that there is no statute that says there can be no raises for elected official in an election year, and the action that was taken in the past was a decision made by a sitting council member. Mayor Sprunger advised that the council received a raise last year and there is not a raise for the council in Ord. No. 729. Mayor Sprunger added that there is raise for the Mayor and Clerk-Treasurer as full time employees and is the same increase that is in Ord. No. 728.

With no further discussion and with a motion and a second on the floor, the motion to adopt Ord. 729 was unanimously approved 4-0 by the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Ordinance No. 730- An Ordinance for the Regulation of Traffic Within the City of Berne, Indiana, and Amending Chapter 74, Schedule I, of the Berne City Code by the Designation of a No Parking Area.

Mayor Sprunger advised the council that there have been “No Parking” signs along Parkway Street for as long anyone can remember, and the school may have put them up years ago. Mayor Sprunger added that there is no Ordinance on record that will allow the Police Department to enforce the no parking signs. The school supports having no parking signage on both Parkway Street and Village Way for safety issues and for crowd control.

Office Newbold advised those present, that he and Chief Taylor agree with the “No Parking” signs, especially on Village Way and the corner of Carrington Way. Personal vehicles and golf carts park along there so they can go to the sports complexes or view games from the hill. This is a safety issue for traffic flow, visibility and for the EMS, Berne Police Department and the Fire Station which are all on Village Way.

When asked, Fire Chief John Crider was in full agreement with the safety issues raised by Officer Newbold.

Mayor Sprunger repeated the information for those members using GoToMeeting. Rod Mason made a motion to introduce Ordinance No. 730 as presented. Curtis Wurster made the second. With no additional discussion, the motion passed unanimously 4-0 on the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Mayor Sprunger asked that the council consider approving a motion to waive the rules and regulations so Ordinance 730 can be passed tonight. John Wanner stated that because neither he nor Kelly are attending the meeting in person and cannot hear the conversations well, and the fact that Ron Dull is not in attendance, he would rather that action not be taken. Attorney Baumgartner advised and Mayor Sprunger conveyed to all that the vote has to be unanimous by those members present whether in person or using GoToMeeting in order for the ordinance to be considered tonight for adoption.

Rod Mason made a motion based on what was presented tonight, to waive the rules and regulations so Ordinance No. 730 can be passed on the night it is introduced. Curtis Wurster made the second. Mayor Sprunger repeated the motion and second so those members using GoToMeeting could hear the motion made.

The motion to waive the rules and regulations for Ordinance No. 730 failed to pass on a vote of 3-1 by the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Nay
Rod Mason	Aye	Curtis Wurster	Aye

Ordinance No. 730 will be on the September 14, 2020 agenda.

ORDINANCE NO. 731 -An Ordinance Establishing a Water Utility Deposit Fund and a Cares Provider Relief Fund for the City of Berne.

Gwen explained that this ordinance is a housekeeping issue. Because of passage of Ordinance 727 establishing a deposit fee for new water utility users, a fund has to be established by ordinance so the utility office can deposit the fees that will be collected starting September 1, 2020. The ordinance also addresses a fund for the Cares Provider Relief Fund so any reimbursement the city receives for PPE's and COVID-19 materials can be deposited in that fund so the State Board of Accounts can see the money received and that it is accounted for.

Curtis Wurster made a motion to Introduce Ordinance 731 as presented. Rod Mason made the second and the motion was unanimously approved 4-0 on the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Mayor Sprunger asked that the council consider approving a motion to waive the rules and regulations so that Ordinance No. 731 can be passed tonight.

Rod Mason made a motion to waive the rules and regulations so Ord. 731 can be adopted on the night it is introduced. Curtis Wurster made the second. The motion failed to pass on a roll call vote of 3-1 as follows:

Kelly Amstutz	Aye	John Wanner	Nay
Rod Mason	Aye	Curtis Wurster	Aye

Ordinance No. 731 will be on the September 14, 2020 agenda.

Introduction of the 2021 Budget

Gwen reviewed the budget process with the council. After further discussion and answering any questions that the council had, Mayor Sprunger asked for a motion to publish the 2021 Budget and advised the council that once published, the budget will come back to the council for approval.

Rod Mason made a motion to publish the 2021 budget as presented, Curtis Wurster made the second. On a roll call vote of 4-0 the motion was unanimously passed as follows:

Kelly Amstutz	Aye	John Wanner	Aye
Rod Mason	Aye	Curtis Wurster	Aye

Attorney Comments None

Clerk Comments: None

Mayor Comments

The storm water project: the installation of new pipes in complete. Pipe lining from Brown to Oregon Streets will be undertaken soon. Brackney is patching streets in the impacted areas. Restoration and street paving are expected to be completed by the end of September.

Council Comments- None

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

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer