

Tuesday, October 13, 2020

The October 13, 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. With all members present and the meeting open to the public, GoToMeeting was not used. An agenda was posted at the front door at the Senior Center and at the Berne City Building.

Others present at the Senior Center; Mike Bertsch, Controller for Oswalt Precision Grinding; Alex Subler and Justin Haines, Bear Brothers Real Estate LLC, Carson Haines; Cathy Hedrick and President of PAWS of Adams County Miranda Mertz along Seth Sprunger 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 Rod Mason and a second by Kelly Amstutz, the council unanimously approved the minutes of September 28, 2020.

Claims

On a motion by Ron Dull and a second by Kelly Amstutz, the council unanimously approved the manual claims from August and September and the October 15th regular and payroll claims as presented.

PAWS of Adams County

President of PAWS of Adams County, Miranda Mertz reviewed the information they provided and was in council packets. Miranda reported that PAWS is an animal rescue group in Adams County and is a 501 (c) 3 organization. Miranda noted that Mr. and Mrs. Charles Bowers, who run the Adams County Animal Shelter, are planning on retiring, and PAWS of Adams County would like to run the shelter, but do not have a building at this time. Currently PAWS takes in animals who are abandoned or dumped, as happened with 20 cats and kittens last month in Geneva, and surrenders because of poor treatment and/or living conditions, one of which happened recently. PAWS also reunites lost pets with their owners. PAWS assumes all of the veterinary costs including shots and they spay and neuter the cats or dogs as part of their foster program.

Miranda stated that Wells County has an annual budget of \$144,000 and the cost is split between the county and the City of Bluffton. In 2019 PAWS of Adams County had \$ 38,783 in expenses and had a total income of \$ 41,916. In 2020 expenses were \$39,863 and total income was \$42,626. They expect income to be down for 2021 because of COVID and being unable to promote PAWS of Adams County in community parades and events were cancelled due to COVID and those events generated a lot of donations.

Miranda stated that they expect a shortfall of between \$3,000 and \$4,000. They are also wanting to save for the purchase of a building for a permanent location. When presenting their organization to the Adams County Commissioners and requesting funds, the commissioners advised them to reach out to each community in Adams County as a potential funding source. At the present time, the Mayor of Decatur is helping them look for a building to house their rescue operation.

Mayor Sprunger advised PAWS of Adams County that the city will take their concerns under advisement.

Pre-Adoption Public Hearing for the 2021 Budget

The regular Council meeting was recessed for the public hearing as advertised on Gateway's website for the following:

A pre-adoption public hearing for the 2021 budget was held at 6:45 p.m. The total of all funds for the budget is \$ 3,534,619. The final adoption of the 2021 budget will be on October 26, 2020, 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.

Final Consideration Ordinance No. 732

Ordinance No. 723 was presented to council for final consideration. This ordinance was introduced at the last council meeting on September 28, 2020.

With no additional comments, and on a motion by Ron Dull and a second by Rod Mason, the council unanimously adopted Ordinance No 723; 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. The area that will be changed to no parking will be:

1.1. Title VII, Chapter 74, Schedule I of the Berne City Code, is hereby amended to add an additional no parking area as follows:

<u>Street or Alley Location</u>	<u>Ord. No.</u>	<u>Date Passed</u>
Fulton Street East side from Main Street to the south side of the alley between Main Street and Franklin Street	732	10/13/20

Declaratory Resolutions for HYET Properties LLC/Oswalt Precision Grinding

Mr. Mike Bertsch, Controller for Oswalt Precision Grinding was present to answer any questions the council might have on their plans to build a new manufacturing facility on their property at 225 Heritage Trail, Berne. The proposed project consists of a 40,000 sq. ft factory building with an estimated cost of 5 million dollars. They have 40 employees and will add 10 more to increase their annual payroll from 2

million to 2.5 million dollars. They will also be adding approximately 1.5 CNC machining equipment.

Attorney Dave Baumgartner stated that he has reviewed the Form SB1s, their application and there will be a scoring meeting next week to see if they qualify for a super tax abatement.

Declaratory Resolution 2020-10-1 was presented for Council approval. This resolution establishes an economic revitalization area (1) Establishing an Economic Revitalization Area for Tax Parcel 01-08-33-100-014.000-009, (2) Waiving Noncompliance, and (3) Granting Tax Abatement for Redevelopment Property for Hyet Properties LLC.

Rod Mason made a motion to pass Declaratory Resolution 2020-10-1 as presented. Curtis Wurster made the second and the motion was unanimously approved. 5-0

RESOLUTION 2020-10-1

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE (1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR TAX PARCEL 01-08-33-100-014.000-009, (2) WAIVING NONCOMPLIANCE, AND (3) GRANTING TAX ABATEMENT FOR REDEVELOPMENT PROPERTY

WHEREAS, the Applicant, HYET PROPERTIES LLC, has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-3 for property, meaning a building or structure should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/RE;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address is 225 Heritage Trail, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues;

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 3 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the construction of a new industrial building and installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure 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.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/RE as submitted by the applicant:

(a) The estimate of the cost of the redevelopment is reasonable for projects of that nature.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment.

(c) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described development.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described development.

(e) The totality of benefits is sufficient to justify the deductions.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of property as defined in I.C. 6-1.1-12.1-1(4) pursuant to I.C. 6-1.1-12.1-3.

3. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-3 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4. The deduction provided in I.C. 6-1.1-12.1-3 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

4. That the Applicant, to obtain the deduction provided by I.C. 6-1.1-12.1-3, shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets October 26, 2020, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: 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; the failure, if any, to submit the completed Statement of Benefits Form SB-1/RE to the designating body before the initiation of the redevelopment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the initiation of the redevelopment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-3 or alternatively, under I.C. 6-1-1-12-1-17; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on October 13, 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 2020-10-1
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.

Declaratory Resolution 2020-10-2 was presented for Council approval. This (1) Establishing an Economic Revitalization Area for Tax Parcel 01-08-33-100-014.000-009, (2) Waiving Noncompliance, and (3) Granting Tax Abatement for New Manufacturing Equipment for O & R Precision Grinding, INC.

Kelly Amstutz mad a motion to pass Resolution 2020-10-2 as presented. Ron Dull made the second and the motion was unanimously approved.

RESOLUTION 2020-10-2

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE

- (1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR
TAX PARCEL 01-08-33-100-014.000-009,
(2) WAIVING NONCOMPLIANCE, AND
(3) GRANTING TAX ABATEMENT FOR NEW MANUFACTURING
EQUIPMENT**

WHEREAS, the Applicant, O&R PRECISION GRINDING, INC. has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation

about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-4.5 for new manufacturing, information technology, and logistical distribution equipment pursuant to the definition provided therefore by I.C.6-1.1-12.1-1(3) should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/PP;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address is 225 Heritage Trail, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues, and

AND WHEREAS, the new manufacturing equipment investment at the Property and location of production operations of the Applicant at this location will result in an addition to the area's overall assessed value within an accelerated time period; the Project represents a superior use for the site; the Project is consistent with similar land uses on adjacent properties.

AND WHEREAS, the area described in Exhibit “A” attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 4.5 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure 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.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/PP as submitted by the applicant:

(a) The estimate of the cost of the new manufacturing, information technology, and logistical distribution equipment is reasonable for equipment of that type.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment.

(c) The estimate of the annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed installation of the new manufacturing equipment.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of the new manufacturing equipment.

(e) The totality of benefits is sufficient to justify the deduction.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of new manufacturing equipment placed and located within the area pursuant to I.C. 6-1.1-12.1-4.5

3. To the extent the Applicant may have acquired equipment prior to the final designation of the ERA, said activities will not result in any reduction to the benefits otherwise approved herein.

4. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-4.5 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4.5(h). The deduction provided in I.C. 6-1.1-12.1-4.5 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in

the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

5. That the Applicant, to obtain the deductions provided by I.C. 6-1.1-12.1-4.5 shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.4.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets October 26, 2020, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the Statement of Benefits Form SB-1/PP to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/PP to the designating body before

the installation of new manufacturing equipment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the installation of new manufacturing equipment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-4.5 or alternatively, under I.C. 6-1-1-12-1-17,; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on October 13, 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" EXHIBIT "A"
CITY OF BERNE RESOLUTION 2020-10-2
LEGAL DESCRIPTION
O&R PRECISION GRINDING, INC.
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.

Community Crossing Grant Letter of Commitment

Mayor Sprunger advised the council that the city is in the process of submitting an application for a Community Crossing Matching Grant for the city’s share of a \$600,00 project in partnership with the county on improvements on CR 150 west. If awarded, the city share would be \$150,000.

Plan Commission Update

The council was advised that the Plan Commission met at 6:00 pm tonight to consider an application by Fear Powersports to build a 54 X 92 sq ft. addition to their existing business at 6908 S U.S. 27, Berne as well as a 40 x 50 80 sq ft cold storage building on the property. The Plan Commission approved the request as presented.

Citywide Trick or Treat Discussion

Discussion was held by the council about this year’s city wide trick or treat night in consideration of the COVID -19 virus. It was reported that the Community Development Corporation (CDC) had met earlier in the day and have decided not to have their annual Treats at the Tower because of the virus. This annual event draws approximately 1,000 children accompanied by adults. Rod Mason proposed not having a city sponsored Trick or Treat night this year given the upswing in positive COVID cases. City Attorney Dave Baumgartner also advised the council that they might want to give consideration whether to allow organized Trick or Treat activities on any city property.

Kelly Amstutz reported that she received an email asking that the council consider having a city Trick or Treat night.

With no further discussion, Kelly Amstutz made a motion to designate October 31st from 5-7 pm as city wide Trick or Treat night with the Berne Police Department patrolling in the city and contingent on any new restrictive measures due to COVID -19 by the Adams County Health Department and to also not allow any type of Trick or Treat gatherings on city owned property. Curtis Wurster made the second. The motion passed on a vote of 4 yeas and 1 nay by Rod Mason.

Attorney Comments

Dave advised the council that the Adams County Sewer ~~Solid Waste Management~~ District is in the process of obtaining the needed easements along 700 S in Berne for the county sewer project that will include the city taking sewage from Linn Grove.

Clerk Comments:

Gwen asked the council to approve the 3rd quarter 2020 utility adjustments that were in their packet. On a motion by Rod Mason and a second by Ron Dull, the council unanimously approved the 3rd quarter utility adjustments as presented.

Gwen also included the 3rd quarter financial statements for the council to review. When asked, there were no comments or questions from the council.

Mayor Comments

Mayor Sprunger reported that Brackney is finishing up patching areas in the alley between Main and Franklin streets. The paving crew plans to be in Berne on October 26th. Additional paving will be done to the alley, Franklin street and part of Jefferson street.

Several local streets named in the Community Crossing Matching grant will be milled and repaved starting this week. Mayor Sprunger reported that he and Street Superintendent Gary Nussbaum have met with Brooks to address the poor condition of the alley between the post office and library. Brooks will mill and repave the alley and will also make sure that rainwater runs west down to the drain at the intersection of the alleys. That project is outside the scope of the grant.

Council Comments-none

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