

**Board of Public Works and Safety  
Berne City Building, 158 W Franklin Street  
Wednesday, November 15, 2017  
Minutes**

Mayor McKean-Present

Curtis Wurster-Present

Ron Dull- Present

The Board of Public Works and Safety met on Wednesday, November 15, 2017 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.

Guests in attendance were Berne residents; Linda Balsiger, 650 E Franklin Street and Mr. and Mrs. Frank Howe, 641 E Franklin Street . Others in attendance from the city; Police Chief Tim Taylor; Shannon Smitley, and John Crider.

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

**Approval of Minutes** On a motion by Ron Dull and a second by Mayor McKean, the minutes from September 20, 2017 were unanimously approved as written.

**Comments by Citizens** Linda Balsiger and Frank Howe addressed their continuing concerns over the upkeep of properties in their neighborhood. The board reviewed a set of recent photographs showing the condition of another home in the area of concern. Frank asked about the status of amending the current City of Berne nuisance ordinance. Attorney Dave Baumgartner explained that amending this ordinance is a process. The ordinance must be able to be enforced and defended if needed in a court of law.

Linda stated she feels there is a lack of respect for peoples own properties and those of their neighbors, adding that she understands that addressing these concerns with an ordinance will take time. Frank asked how soon after the ordinance is passed can it be enforced stating that property values in the neighborhood continue to decline because of the eyesores. Linda said that the pictures show an accumulation of more than a few years.

Mayor McKean stated that he and his workforce manager drove past the property at 651 E Franklin and he understands the neighbors frustrations. But he added that we want to get this ordinance right and be able to enforce it.

**Board Review of Ordinance 697** Dave started the discussion of Ordinance 697 and especially Chapter 91 as it pertains to the upkeep of properties. Dave reminded everyone that this is a process and it will most likely not be ready for council consideration until after the new year.

Ron Dull asked and Dave confirmed that the unsafe building procedure is part of Ordinance 697. Ron asked if the Howe's and Linda Balsiger should have a copy of the ordinance. Dave advised

Ron and those present that it is premature to hand out copies because it has not been reviewed by the board and there will most likely be a number of revisions and possible additions before it is ready to be prepared for passage.

When asked by Ron about the ordinance being specific to residents or does it apply to the city equally, Dave stated that the city needs to follow the spirit of the ordinance, but the city is not governed by the ordinance.

Mayor McKean advised the board that there will be a meeting tomorrow, Thursday, November 16<sup>th</sup> in Dave Baumgartner's office with himself, Dave, Building and Planning Director Shannon Smitley, Chief Taylor, Curtis Wurster and Kurt Dailey to start the review process of the ordinance. There was some discussion when a draft needs to go to council for their review. Mayor McKean suggested more work be done on the draft and reviewed by the Board of Works before it moves on.

### **Voluntary Petition For Annexation For Village Of Courtyard Lakes Phase IV**

Dave reviewed and explained The Village of Courtyard Lake Phase IV development and their need to seek voluntary annexation into the city so they can sell the lots. Dave gave an overview of the cul-de-sac in question. After a brief discussion and on a motion by Ron Dull and a second by Curtis Wurster, the Board of Works unanimously approved the Restrictions, Limitations, and Protective Covenants of the Villas of Courtyard Lakes, Phase IV, City of Berne, Indiana.

**Board Comments** Ron said that signage off Dearborn Street at the former Dunbar site is very noticeable and is a good thing. Mayor McKean added that a number of surrounding residents have informed him they are pleased with property now looks and they appreciate what the city has been able to do with it.

There was additional comments and discussion about Ordinance 697. Shannon Smitley, advised that the county ordinance governing the upkeep of properties should be studied. The board agrees that the ordinance needs a great deal of study and input from Shannon and Chief Taylor and others before we can move forward with it. All due diligence needs to be taken with the ordinance so if needed, the ordinance can be defended in court.

With nothing further to discuss and on a motion by Curtis Wurster and a second by Ron Dull, the meeting was adjourned.