

February 13, 2017

The Common Council met with Mayor William McKean for a regular meeting on Monday, February 13, 2017 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 Ron Dull and a second by Phil Provost, the minutes of the January 23, 2017 meeting were unanimously approved.

### **Claims**

On a motion by Curtis Wurster and a second by Mark Wynn, the claims were unanimously approved for payment.

### **Quit Claim Deed – SA School's Property**

Attorney Dave Baumgartner stated that as city attorney, he was contacted by South Adams Schools attorney Tim Baker, who reported that when a survey was done of the school property at US 27 and Highway 218 in Berne, there were two platted alleys at the auditor's office that were marked as vacated, but there was no recorded documentation that says that they were vacated. Accordingly, Dave prepared a quit claim deed for the Council to approve and the Mayor and Clerk-Treasurer to sign to give to the school. Dave explained that a quit claim deed basically states that the City doesn't know if they have an interest in the property, but they are transferring it anyway. Mark Wynn made a motion to approve the quit claim deed for the two alleys at the southwest corner of the property located on the Northwest corner of U.S. 27 and Highway 218 and to have the Mayor and Clerk-Treasurer to sign the document. Gregg Sprunger made the second and the motion was unanimously passed.

### **Attorney Comments**

Attorney Dave Baumgartner reported that he and the Mayor met with the publishers of the Echo and the Berne Shopping News newspapers to discuss the problem with the littering of the weekly free newspapers at vacant homes, or homes that don't wish a paper. Dave said that the meetings went well and the Echo has already provided a form that people could sign to opt out of receiving the newspaper. The Berne Shopping New will also provide one and both will be available in the Clerk's office. They said that they will also try to have their carriers not leave papers at a property if there is a couple of papers already on the sidewalk.

### **Clerk-Treasurer Comments**

Clerk-Treasurer Gwen Maller stated that she wanted to respond to the request for leniency of late fees on utility bills that was made by a citizen at the last council

meeting. Gwen stated that section 53.05 in the City of Berne Code of Ordinances addresses late fees and states that “all bills for water service not paid ....shall be subject to the collection of deferred payment charge of 10% on the first \$3 of unpaid billing and 3% on the excess over \$3”. She emphasized that it states “all bills,” not some, or not those 5 days late, or those who don’t have good payment history, but “all bills”.

She went on to explain that on the next business day after the due date, all receipts including payments in the drop box or those received in the morning mail are posted as payments received and are not assessed a late fee. All payments received after this posting are automatically past due and are internally assessed the late fee. Once the automatic late fee has been added to a customer’s account, making an exception would require an adjustment to reverse the fee and a detailed explanation justifying why an exception was made. The State Board of Accounts looks closely at all adjustments and any adjustment is scrutinized. While not impossible to make an exception, Gwen said that it is not a good practice to not follow the ordinance as it was written or follow good business practices as it applies to the State Board of Accounts.

### **Mayor Comments**

Mayor McKean stated that he would like Water Superintendent John Crider to address a concern that was raised at the last meeting by a citizen concerning what the citizen said is a chemical taste at times of Berne’s drinking water.

John Crider stated that his department conducts daily testing of the water at the plant and the wellhead. The only chemical used to treat our water is chlorine, which keeps the drinking water safe. John said that according to the EPA, he has to hold the chlorine level between .2 to 4.0 parts per million. His department tests the water leaving the water plant and results are between .7 – 1.15 parts per million.

User’s on the west side of the City can have a level of .2 parts per million because they are further from the plant while users closer to the plant may have a level of 1.10 parts per million. However, both readings are below the EPA allowed levels for chlorine. The levels lessen as it travels through the pipes. John stated that while the EPA regulates municipalities closely, there really isn’t much regulation for commercially bottled water, so municipal water could actually be safer. Taste is very subjective and you can have two people living in the same household and one person thinks the water tastes funny and the other thinks it is just fine. The type of pipe on the user’s property like copper, lead or plastic pipes leading from the city water line to the house may also be a factor in how water tastes. Other factors, including how many hours between water usage, could affect the taste.

Mayor McKean asked John if there is lead in our water supply. John stated that our water is very safe. The EPA set the action level at 15 parts per billion at which time treatment is required. The City of Berne’s level is .0017 parts per billion which is very low and requires no action.

Mayor wanted to thank the Street Department and all the City employees for the excellent upkeep of all the City vehicles, especially in the messy mix of winter weather we have been having.

Mayor McKean stated that he will be on vacation for the next meeting, so Council President Gregg Sprunger will be presiding.

**Councilmen Comments**

Councilman Mark Wynn public wanted to thank all the first responders, Police and Fire departments for the great job that they do. He personally experienced this with his father last night. He stated that the response time was about two minutes and that they did a great job.

Councilman Ron Dull thanked Becky for all the hard work in putting together the information pamphlet that went out in the water bills in February. He thinks it is very information and uses it a lot.

There being no other business to come before the Council and upon a motion duly made to adjourn by Mark Wynn and seconded by Ron Dull, adjournment followed.

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William F. McKean, Mayor

ATTEST:

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Gwen Maller, Clerk-Treasurer