

January 8, 2018

The Common Council met with Mayor William McKean for a regular meeting on Monday, January 8, 2018 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.

Election of Council President

Mayor McKean opened the floor for nominations for Council President. Curtis Wurster made a motion to nominate Gregg Sprunger for Council President. Mark Wynn seconded the motion. Ron Dull made a motion to close the nominations. Curtis Wurster made the second and the nominations were closed. Gregg Sprunger was unanimously elected Council President.

Minutes

Mayor McKean asked that the minutes from the December 11th meeting reflect that Police Chief Tim Taylor was also in the meetings with Dave Baumgartner when the Nuisance Ordinance was updated. On a motion by Mark Wynn and a second by Phil Provost, the minutes of the December 11, 2017 meeting were unanimously approved with the correction as noted.

Claims

On a motion by Phil Provost and a second by Gregg Sprunger, the claims were unanimously approved for payment.

Engineering Update

Mr. Ben Adams, Commonwealth Engineering, was present to inform the Council about the status of the Parr Road Improvement project. He stated that bids were opened on December 19, 2017 with three bids being submitted and all three were below the engineer's estimate. 3 D Company Inc., Muncie Indiana, was the lowest bid at \$ 477, 680.00. After reviewing all of the bids, Ben recommended that 3 D Company be approved for the project. This project received the 75% Community Crossings grant. The County will be asked for some cost sharing as they own part of the road that is being reconstructed. Ron Dull made a motion to accept the low bid from 3D Company, Inc. and issue a letter of Intent to Award, contingent upon the receipt of the Community Funds Matching Grant funding and INDOT approval of the post bid documents. Phil Provost made the second and the motion was unanimously passed.

Public Hearing for the Villas of Courtyard Lakes, Phase IV

The regular Council meeting was adjourned for a public hearing as advertised to receive public comment on the proposed voluntary annexation of the Villas of Courtyard Lakes, Phase IV. There were no public comments.

The public hearing was closed, and the regular Council meeting was reconvened.

Ordinance #698 was presented to Council for their consideration. This ordinance annexes the Villas of Courtyard Lakes, Phase IV, to the City of Berne. Ordinance #698 was introduced by short title on a motion by Ron Dull. Curtis Wurster made the second and the motion was unanimously passed. Phil Provost made a motion to waive and suspend the rules and procedures to adopt an ordinance at the meeting it was introduced. Gregg Sprunger made the second and the motion was unanimously passed. Curtis Wurster made a motion to adopt Ordinance #698 on its final reading. Ron Dull made the second and the motion was unanimously passed.

Ordinance #699 Traffic Regulation

Ordinance #699 was presented to Council for their consideration. This ordinance regulates the traffic within the City of Berne by amending Chapter 73, schedule IV, of the Berne City Code by the addition of a one-way alley. The United State Post Office, 215 Main Street in Berne requested that the alley running east and west between the north side of their property and the south side of the library be designated as one way running west so that they could put outside mail drop boxes on their property. They feel that it is in the best interest of public safety as well as for their employees who must empty the boxes. Police Chief Taylor has approved this change. Gregg Sprunger made a motion to introduce #699 by short title. Ron Dull made the second and the motion was unanimously passed. Gregg Sprunger made a motion to waive and suspend the rules and procedures to adopt an ordinance at the meeting it was introduced. Phil Provost made the second and the motion was unanimously passed. Ron Dull made a motion to adopt Ordinance #699. Gregg Sprunger made the second and the motion was unanimously passed.

Ordinance #700 Nuisances

Ordinance # 700 was presented for Council consideration. This ordinance amends chapter 91 and section 10.99, and deletes sections 130.03, 150.30, 150.31, 150.32, 150.33, 150.34, 150.35, 150.36 and 150.99 of the Berne City Code. This is the fifth draft of the ordinance. Attorney Dave Baumgartner stated that the City of Berne already had some nuisance ordinances, but they were not in one place and they were not only difficult to find, they also needed updated. This ordinance brings all of the nuisances together in Chapter 91. Dave instructed the Council to review it carefully before the next meeting. There were two minor changes in wording that were brought up. Dave said that he can make the changes and get the revised ordinance to members tomorrow. Mark Wynn made a motion to introduce Ordinance #700 with the changes that were discussed on page 6 & 8. Ron Dull made the second and the motion was unanimously passed. There will be copies in the clerk's office for the public to review.

2018 Solid Waste Management Contract

The 2018 Adams County Solid Waste Management Contract was presented for Council approval. Mayor McKean stated that the contract sets out \$43.86 per ton of solid waste disposed at the Transfer Station. This is .94 cent increase from 2017. Curtis Wurster made a motion to approve the 2018 Solid Waste Management contract. Phil Provost made the second and the motion was unanimously passed.

Clerk-Treasurer Comments

Clerk-Treasurer Gwen Maller stated that “pursuant to I.C. 5-11-10.5 all checks outstanding and unpaid for a period of two years as of December 31, of each year shall be declared void. There are two checks that should be cancelled and written off. They are as follows:

| <u>DATE</u> | <u>CHECK #</u> | <u>NAME</u> | <u>AMOUNT</u> |
|-------------|----------------|--------------|---------------|
| 02/13/2015 | 19692 | Terry Kongar | \$ 4.53 |
| 04/30/2015 | 19949 | Jim Newbold | \$ 8.86 |

Gregg Sprunger made a motion to void the listed checks. Ron Dull made the second and the motion was unanimously passed.

Clerk-Treasurer Gwen Maller presented Resolution 2018-1-2 transferring funds from the General Fund to the Rainy-Day fund. Phil Provost made a motion to approve Resolution 2018-1-2. Gregg Sprunger made the second and the motion was unanimously passed. The resolution is as follows:

RESOLUTION 2018-1-2
**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
BERNE, INDIANA
TRANSFERRING FUNDS TO THE RAINY-DAY FUND**

WHEREAS, the City of Berne Common Council established a Rainy-Day Fund to receive transfers of unused and unencumbered funds raised by general or special tax levies as provided by IC36-1-8-5; and

WHEREAS, the amount transferred cannot exceed 10% of the budget; and

WHEREAS, the 2017 budget has unused and unencumbered funds remaining in the General Fund.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BERNE:

That \$ 100,000 be transferred from the General Fund to the Rainy-Day Fund.

The City of Berne Common Council hereby directs the City Clerk-Treasurer to cause the books and records of the City of Berne Indiana to reflect the effects of this resolution.

Passed and adopted by the Common Council of the City of Berne, Adams County, Indiana, on this 8th day of January 2018

City of Berne Common Council

Gregg Sprunger

Curtis Wurster
Ron Dull
Mark Wynn
Phil Provost

William F. McKean, Mayor

Attest:
Gwendolyn J. Maller, Clerk-Treasurer

Clerk-Treasurer Maller also reported that the City had received the 1782 Notice from the Department of Local Government Finance. The 2018 budget had been approved and she noted that the City was under its working maximum tax levy by \$25.00.

The Clerk-Treasurer also reviewed the December 31, 2017 financial statements and told the Council if they had any questions to let her know.

Councilmen Comments

Ron Dull asked if the cameras had been ordered for the east side of the City garage where the dumpsters are located. Mayor McKean reported that it had been ordered.

There being no other business to come before the Council and upon a motion duly made to adjourn by Curtis Wurster and seconded by Gregg Sprunger, adjournment followed.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer