

June 25, 2018

The Common Council met with Mayor William McKean for a regular meeting on Monday, June 25, 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 City 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 Mark Wynn and a second by Ron Dull, the minutes of the June 11, 2018 meeting were unanimously approved.

Claims

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

Berne Community Development Corporation Request for Wayfinding Signage

Mr. Mike Habegger, Vice-President of Berne CDC, came before the Council requesting that the City help fund the last of the four gateway signs. In the past, the City paid for two-thirds of the sign with the Berne CDC paying for the other third. The cost to the City would be \$8,373.32 and the remaining balance of \$4,186.68 would be the Berne CDC's responsibility. The sign would be placed along Hwy 218 on the east side of Berne on property owned by Tom Jones per an agreement with Mr. Jones. The Berne CDC would coordinate the work to install the cement and poles as well as providing the landscaping. The City maintains the sign along US Hwy. 27, and the property owners where the other signs are placed maintain those signs. Gregg Sprunger made a motion to commit to \$8,373.32 for wayfinding signage on the East side of Berne and that the money come out of the CEDIT Fund. Ron Dull made the second and the motion was unanimously passed.

Wastewater Treatment Plant request

Terry Kongar and Brandon Alberson, Wastewater Superintendent and Assistant Wastewater Superintendent came before Council requesting permission to purchase a T595 T4 Bobcat compact track loader, which would replace the 1992 Massey Ferguson tractor used at the Wastewater treatment plant. With the addition of the compost pad at the WWTP twelve years ago, the tractor has been used every day and is wearing out. With the recent upgrades at the wastewater plant, the tractor is not a piece of equipment that the WWTP can use. Terry stated that a track loader is needed, plus other departments could also use it. A question was raised about other add on pieces of equipment for the Bobcat. Terry said that they are not needed. If a bucket is needed they could rent one at fraction of the cost of purchasing one. Terry stated the water department is already renting seldom needed equipment like a bucket. The Board of Works heard the request and recommended the purchase to Council. The total cost of the Bobcat is \$74,706, but with the discounts and trade-in allowance applied, the actual cost is \$38,722.00. Upon the recommendation of the Board of Public Works and Safety, Mark Wynn made a motion to approve the purchase of the Bobcat compact track loader for \$38,722.00. Phil Provost made the second and the motion was unanimously passed.

2019 Salary Proposal

Mayor McKean informed the Council that he is proposing a 1.5% pay increase plus \$850 for all full-time employees, Mayor, Clerk-Treasurer and City Attorney. He would like to raise the Council members pay \$250.00 so that in this four-year term, they would have received a \$500.00 increase. Mayor McKean stated that it has been a long time since there was an increase in the Firemen's pay and he is proposing to increase the hourly wage for the first hour at a fire run by two dollars. He is also increasing the firemen's clothing and car allowance from \$150.00 to \$200.00. He is proposing an increase in the policeman's clothing allowance from \$750 to \$1,000. The Board of Works, Plan Commission and BZA would also be increased from \$35.00 to \$40.00 per meeting. All Councilmen agreed with the increases except for

Councilman Phil Provost who stated that he was in favor of everything except the councilmen's pay increase. No official action was taken at this point, but the information will be forwarded to Attorney Baumgartner to prepare the salary ordinances for 2019 so that it can be introduced at the next meeting.

Consideration of Ordinance 706

City Attorney Dave Baumgartner presented Ordinance #706 to Council for their consideration. This ordinance amends Nuisance Ordinance #700, which had been previously amended from the original ordinance. After a meeting between Mayor McKean, Chief Taylor, Kurt Dailey, Shannon Smitley and himself, it was determined that some changes needed to be made in regard to enforcement of the public nuisances in section 91.1.6 of the code. The most significant changes are with the complaint/resolution process with the complainant filling out a form detailing the complaint, and providing in detail their expectations for a resolution. An inspection will then take place and a Nuisance Review Board will examine the inspection report to determine if a violation exists. If there is no violation, a letter stating the finding will be sent to the Complainant. If the review board determines that a violation does exist, a copy of the complaint shall be sent to the property owner named in the complaint. The Review Board may attempt to meet with the property owner to discuss the situation and attempt to arrive at a resolution. If there is no resolution and it is deemed to be an immediate danger to public health, and safety, peace, morals or decency, a copy of the notice shall be posted on the premises instructing the property owner to abate the violation within 48 hours. If the violation is not an immediate danger to public health, safety, peace morals or decency, the review board shall refer the issue to the Board of Public Works and Safety with a recommendation of proper action be taken by the City. If the violation comes to the Board of Public Works and Safety, they shall discuss the matter at a regular meeting or a special meeting and may invite the property owner and Complainant to the meeting. The Board of Public Works and Safety can determine a time frame for when a nuisance is abated. If the violation isn't abated in the allotted time frame, the City has the right to abate or remove the nuisance. Mark Wyn made a motion to introduce Ordinance 706 which amends Chapter 91 of the Berne City Code and amends Ordinance 700. Curtis Wurster made the second and the motion was unanimously passed. Mark Wynn made a motion to waive and suspend the rules and procedures in order to adopt an ordinance at the meeting it was introduced. Ron Dull made the second and the motion was unanimously passed. Gregg Sprunger made a motion to adopt Ordinance 706 on its final reading by short title. Curtis Wurster made the second the motion was unanimously passed.

Board of Public Works Update

Mayor McKean reported that the paving is finished on the Parr Road project. They are waiting to do the final grading which will take approximately 3-5 days once it quits raining. Brooks did the paving for the project and they really did a nice job.

Gary Nussbaum submitted the list of roads that will be crack sealed which was approved at the last Board of Public Works and Safety meeting at a cost of approximately \$29,958.00. Because the date for submitting the applications for the State Community Crossing Grant program has been changed to the fall, this will be the only road maintenance work done in 2018. The list of road repaving projects will be submitted to the State Community Crossing Grant program September 29, 2018 and will be awarded in November.

Mayor McKean reported that the salt bids for 2018 were opened at the Board of Public Works meeting and Cargill was the low bidder for water softening salt and Compass Minerals submitted the low bid for street salt.

A citizen's complaint about speeding on Forrest Park Drive was brought to the Board of Works at a prior meeting. Chief Taylor reported that he had officers monitor the speed of vehicles at that location at various times and it was all within the speed limit. He also had the officers use their unmarked personal cars a few times and no speeding infractions were observed.

The street closings for the 2018 Swiss Days festival were presented to the Board of Works and are listed in their meeting minutes.

Attorney Comments

Attorney Baumgartner stated that once the Parr Road project is completed, he will apply for a deed from Adams County for the south half of a portion the road per an agreement with the city and Adams County.

Mayor Comments

Mayor McKean informed the Council that the security measures for City Hall have been delayed until mid-July. Kroosen Fire and Security reported via an email that one panel was on backorder from their supplier.

The Mayor stated that someone asked about the regulations for the use of fireworks in the City. He stated that in the Berne City Code Section 91.5.3.7 it states that Fireworks can be used a) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1-3, July 5-9; b) between the hours of 10:00 a.m. and 12:00 midnight on July 4 c) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1st.

Councilmen Comments

Councilman Ron Dull publicly thanked State Police Sergeant Dan Mawhorr and Adams County Sheriff Deputy Eric Beer for their work coordinating the police escort for the recent Run for the Fallen. They did an outstanding job. This year the run is being held coast to coast, ending at Arlington National Cemetery. Next year the Run for the Fallen moves back to individual states, including a run in Indiana. Ron reminded the Council that the mile honoring Nick Taylor will be run on July 3rd around 11:00 a.m. in Tennessee. Mayor McKean thanked Ron Dull for all his work on this project.

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

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer