

May 13, 2019

The Common Council met with Mayor William McKean for a regular meeting on Monday, May 13, 2019 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 Ron Dull and a second by Gregg Sprunger, the minutes of the April 22, 2019 meeting were unanimously approved.

### **Claims**

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

### **Preliminary Rate Study for Proposed Stormwater Utility Project**

A preliminary stormwater rate study proposal was presented to Council from Baker Tilly Municipal Advisors for Council approval. Baker Tilly Municipal Advisors recently acquired U.J. Umbaugh and Associates who have always done the accounting work for utility rates for the City of Berne and the City would continue working with Mr. Jeff Rowe. The study was quoted at \$4,500 with the scope of services including but not limited to the following: Compile historical balance sheets; prepare a flow of funds; provide estimates of future annual revenue requirements; determine estimated project costs and analyze various financing alternatives. Ron Dull made a motion to approve the contract with Baker Tilly Municipal Advisors for the preliminary rate study. Gregg Sprunger made the second and the motion was unanimously passed.

The regular council meeting was recessed for a public hearing.

### **Public Hearing E.P. Graphics, Inc.**

A public hearing was held as advertised to receive public comments on the tax phase in for E.P. Graphics Resolution 2019-5-1. This resolution confirms the Declaratory Resolution 2019-4-1 that declares the area at 169 S. Jefferson Street in Berne an Economic Revitalization Area and grants tax deductions for new manufacturing equipment consisting of a new printing press and peripheral equipment.

Attorney Baumgartner reported that the scoring committee comprised of the Board of Public Works and Safety members and Gwen Maller scored the application. A score of 60-69 qualifies the applicant for a seven (7) year tax phase in schedule and a score of 70-100 qualifies for a ten (10) year super tax phase in. E.P. Graphics score was an 89 qualifying them for a ten (10) year super tax phase in. There were no public comments, so the hearing was closed.

The regular council meeting was reconvened.

### **Confirming Resolution 2019-5-1**

Resolution 2019-5-1 was presented for Council approval. This resolution confirms Resolution 2019-4-1 for EP Graphics Inc. for personal property located at 169 S. Jefferson Street. Curtis Wurster made a motion to approve Resolution 2019-5-1. Mark Wynn made the second and the motion was unanimously passed. The resolution is as follows:

**RESOLUTION 2019-5-1**

**A RESOLUTION CONFIRMING RESOLUTION 2019-4-1  
EP GRAPHICS, INC.  
ECONOMIC REVITALIZATION AREA**

WHEREAS, the Common Council adopted Resolution 2019-4-1 on April 22, 2019, preliminarily establishing the area described in Exhibit "A", attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Clerk-Treasurer published a Notice of the adoption and substance of said Resolution and a public hearing on the waivers of the requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3 in accordance with I.C. 5-3-1 and setting May 13, 2019, at 7:40 o'clock P.M. at City Hall, 158 Franklin Street, Berne, IN 46711, for a hearing on remonstrances and objections of said Resolution, and

WHEREAS, the City of Berne Board of Public Works and Safety, along with the Clerk-Treasurer of the City of Berne has reviewed and scored the Applications of the applicant pursuant to the City of Berne Tax Phase In Policies and Indiana statutory factors and has determined that the applicant qualifies for the alternate abatement schedules for new manufacturing and information technology equipment, all as set out in the City of Berne Tax Phase In Policy and Indiana law; and

WHEREAS, a public hearing on remonstrances and objections was held at 7:40 o'clock P.M., on May 13, 2019, in accordance with such published notice.

WHEREAS, the Common Council has considered whether the applicant is entitled to an alternative abatement schedule as set out in I.C. 6-1.1-12.1-17 based on the City of Berne Tax Phase In Policy and the following statutory factors: (1) The total amount of the taxpayer's investment in personal property; (2) The number of new full-time equivalent jobs created; (3) The average wage of the new employees compared to the state minimum wage; and (4) The infrastructure requirements for the taxpayer's investment.

BE IT RESOLVED: The Resolution 2019-4-1 adopted by the Common Council on April 22, 2019, establishing the area described as Exhibit “A”, attached hereto, as an Economic Revitalization Area and granting tax deduction for new manufacturing and information technology equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified for the reason that the Applicant qualifies for an alternative abatement schedule pursuant to the City of Berne Tax Phase In Policy.

BE IT FURTHER RESOLVED: The deduction granted for new manufacturing, information technology, and logistical distribution equipment pursuant to I.C. 6-1.1-12.1-4.5 is hereby modified by this confirming resolution by the grant of an alternative abatement schedule pursuant to IC. 6-1.1-12.1-17 as follows:

10 Year Abatement	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	90%
Year 7	80%
Year 8	65%
Year 9	50%
Year 10	40%

BE IT FURTHER RESOLVED, that the Common Council hereby waives the following requirements of I.C. 6-1.1-12.1-3 pursuant to I.C. 6-1.1-12.1-11.3:

1. The failure, if any to submit the completed and the Statement of Benefits Form SB-1/PP to the designating body before the installation of the new manufacturing and information technology equipment for which the person desires to claim a deduction;
2. The failure, if any to designate an area as an Economic Revitalization Area before the installation of the new manufacturing and information technology equipment;
3. The failure, if any to make the required findings of fact before designating an area as an economic revitalization area.
4. The failure, if any 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.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on May 13, 2019.

**Ordinance #715 Water Utility Ordinance**

Ordinance #715 was presented to Council for their approval. This ordinance amends and restates Chapter 53 of the Berne City Code including the provisions regarding the use of and services rendered by the waterworks system of the City of Berne and charges therefor. The amendment occurs in Section 53.01 which adds “jointly and severally liable” to the original sentence referencing the responsibility of the owner for payment of an unpaid tenant water bill. Ron Dull made a motion to introduce Ordinance #715 on its first reading by short title. Mark Wynn made the second and the motion was unanimously passed. Gregg Sprunger made a motion to waive and suspend the rules and procedures in order to adopt the ordinance at the meeting it was introduced. Curtis Wurster made the second and the motion was unanimously passed. Gregg Sprunger made a motion to adopt Ordinance #715 on its final reading by short title. Ron Dull made the second and the motion was unanimously passed.

**Ordinance #716**

Ordinance #716 was presented to Council for their approval. This ordinance amends and restates Chapter 51 of the Berne City Code including provisions regarding the Sewer System of the City of Berne. The amendment occurs in Section 51.19 which adds “jointly and severally liable” to the original sentence referencing the responsibility of payment of the owner, tenant or conditional sale contract purchaser. Ron Dull introduced Ordinance #716 on its first reading by short title. Phil Provost 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 the 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 #716 on its final reading by short title. Ron Dull made the second and the motion was unanimously passed.

**Mayor Comments**

Mayor McKean stated that Shred Day was held last Saturday and the people that use that service were very appreciative that the City provides this.

Mayor McKean stated that with the removal of the trees from downtown, City employees are now removing the stumps. There are several stumps that we will need to have Yoder Tree Service grind them out.

Councilman Ron Dull thanked everyone who took part in the Honor and Remember event held last Friday on May 10, 2019. Special thanks go to Mr. Dan Mawhorr, Mr. Eric Beer, Mr. Art Booth and some members of the South Adams football team.

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

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William F. McKean, Mayor

ATTEST:

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Gwen Maller, Clerk-Treasurer