

December 9, 2019

The Common Council met with Mayor William McKean for a regular meeting on Monday, December 9, 2019 at 7:30 p.m. in Council Chambers at City Hall according to the posted notice. Council members Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present, along with City Attorney Dave Baumgartner and Utility Billing Clerk Katie Armenta for Clerk-Treasurer Gwen Maller.

Council member Gregg Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Minutes

On a motion by Phil Provost and a second by Ron Dull, the minutes of the November 25, 2019 meeting were unanimously approved.

Claims

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

Introduce and Adopt Resolution 2019-12-1

City Attorney Dave Baumgartner read aloud resolution 2019-12-1: A Resolution of the Common Council of the City of Berne, Indiana, approving the issuance and sale of bonds and, if necessary, bond anticipation notes by the City for and on behalf of the Storm Water Management District of the City to provide funds for improvements to the storm water system of the City.

Dave explained to the council that the reason the Storm Water Board resolution and this resolution uses a “Not to Exceed” figure is to keep the process moving in case the bids come back higher than expected and to eliminate the need to revise and approve a new resolution.

Dave then asked Jeff Rowe from Baker Tilly and Ben Adams, Commonwealth Engineering, to explain the next steps that have to be taken.

Jeff reported that he had received a call last Friday from Bill Harkins with the State Revolving Fund informing him that SRF has a new program rule that requires new borrowers, in this case the City of Berne, have an audit that is no older than two years at the time of bond closing. Because the City’s last audit was in 2015, the State Board of Accounts will need to complete an audit and the closing date for the bonds will have to be postponed from early January until the audit is finished. Jeff said that he hopes the closing will be no later than mid to late February. Jeff advised the council that he will continue to be in contact with the SBOA on their audit timeline so the closing delay will be as minimal as possible.

Jeff explained to the council the different options on the actual amount the City will

need to bond based on the low bid of 4.6 million dollars. The city could reduce the loan amount by using TIF funds, cash on hand, and/or Storm Water fee funds. It just depends on how much the city wants to keep all or part of those funds in place for unforeseen expenses. So it comes down to reducing the bond amount or having more cash on hand. He will also follow up with SRF on the city's options. Whatever amount is bonded, the bonds will be paid from the storm water utility fees.

Ben Adams informed the council that with just having learned of the audit Friday, he has yet to contact the low bidders on the Phase 1 LTCP project. The seven bids received were very competitive. There is a 150 day window to award both Contract A and B as submitted. Contract A, which is the Sewer Separation project 150 day window started 11/21/19, and Contract B for WWTP/Main St. Lift Station Improvement project started on 12/5/19.

Ben stated that while the city needs to keep the process moving, he does not see an issue with the delay and it might actually be better because the weather will be heading closer to spring.

The council asked Shannon Smitley, Storm Water Utility Management Director, what kind of funds would he still need on hand for other projects. Ben Adams stated that one project will be in conjunction with the Community Crossing Grant on Village Way that will help drainage at the South Adams School at a cost to the Storm Water Utility \$50,000. Shannon said The Storm Water Utility needs money in their fund for numerous smaller drainage projects around the city and has had Ben Adams present these to the Storm Water board for their consideration at later date. These projects reflect a number of citizen complaints about drainage in or around their property.

City Attorney Dave Baumgartner then advised the council that they need to approve resolution 2019-12-1 to keep things moving along. On a motion by Curtis Wurster and a second by Gregg Sprunger, the council unanimously approved Resolution 2019-12-1 on a vote of 5 ayes and 0 nays.

RESOLUTION NO. 2019-12-1

A Resolution of the Common Council of the City of Berne, Indiana, approving the issuance and sale of bonds and, if necessary, bond anticipation notes by the City for and on behalf of the Storm Water Management District of the City to provide funds for improvements to the storm water system of the City

WHEREAS, the Common Council of the City of Berne, Indiana (the "City") has previously established the City of Berne Storm Water Management District (the "District"), as governed by the Board of Directors of the Department of Storm Water Management of the City (the "Board"), pursuant to IC 8-1.5-5, as amended (the "Act"); and

WHEREAS, the Board adopted a Declaratory Resolution on November 12, 2019 (the "Declaratory Resolution"), determining to construct certain improvements to the storm water system of the City (the "Project"), which Declaratory Resolution was confirmed by the Board, following a public hearing thereon, by the adoption of a Confirmatory Resolution on December 4, 2019 (the "Confirmatory Resolution"); and

WHEREAS, on December 4, 2019, following the adoption of the Confirmatory Resolution, the Board adopted a bond resolution (the "Bond Resolution") authorizing the issuance of bonds (the "Bonds") and, if necessary, bond anticipation notes (the "BANs") in the amount not to exceed Seven Million One Hundred Thousand Dollars (\$7,100,000) for the purpose of financing the costs of the Project, refunding BANs, if issued, and the costs of issuing the Bonds and, if necessary, BANs; and

WHEREAS, pursuant to the Bond Resolution, the Bonds will be payable from the revenues of the storm water system of the City; and

WHEREAS, pursuant to IC 8-1.5-5-23, the Common Council of the City (the "Council") must approve the issuance of the Bonds of the District prior to their issuance and, for purposes of federal tax laws, must make certain findings with respect thereto;

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

Section 1. The Council approves the issuance of the Bonds and, if necessary, BANs pursuant to the provisions of the Bond Resolution.

Section 2. The City represents that:

- (i) The Bonds and BANs are not private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code");
- (ii) The City hereby designates the Bonds and BANs as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;
- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the City, and all entities subordinate to the City during 2020 does not exceed \$10,000,000; and
- (iv) The City has not and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2020.

Therefore, the Bonds and BANs shall be deemed to qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exemption obligations.

Section 3. This resolution shall be in full force and effect from and after its passage and execution by the Mayor of the City.

Adopted on this 9th day of December, 2019, by a vote of _____ ayes and _____ naves.

COMMON COUNCIL OF
THE
CITY OF BERNE,
INDIANA

Board of Public Works and Safety Update The Board of Work and Safety meet at 7:00 p.m. prior to tonight's council meeting. Mayor McKean reported that the Board of Public Works opened and read aloud the only bid received for the 2020 Advertisement For Bids For Planned Public Works Resurfacing Streets And Replacing Or Adding Sidewalks In Berne, Indiana. Brooks Construction bid was for a total cost of \$ 288,815.00. The board tabled action on the bid and will consider the bid at the next Board of Works meeting.

Mayor McKean informed the council that the bid for 2020 asphalt was opened and taken under advisement at the November 20th Board of Works meeting. The bids were very close between Wayne Asphalt and Brooks Construction. With the input from the city Street Department and the workforce manager, the board approved Brooks Construction.

Transfers and Encumbrances: Katie Armenta read aloud the amount of the transfers and encumbrances needed to finish 2019. At the conclusion of the list, she asked the council for a motion to approve a resolution so the information can be entered into the minutes. On a motion by Ron Dull and a second by Mark Wynn, the resolution was unanimously approved.

Other Doug Beall, Assistant to South Adams Schools, thanked the city for working with him and for purchasing the blinking crossing sign for South Adams Schools. The sign is now in operation and is very visible to traffic.

Council President Gregg Sprunger then read Resolution 2019-12-2 into the record for Council Member Mark D. Wynn as follows:

RESOLUTION NO. 2019-12-2
A RESOLUTION OF THE COMMON COUNCIL OF BERNE, INDIANA
IN RECOGNITION OF EXEMPLARY SERVICE TO THE CITY OF BERNE
BY
MARK D. WYNN

WHEREAS, **MARK D. WYNN** has faithfully served the City of Berne as an elected member of the Common Council for twelve (12) continuous years having begun his service on January 1, 2008 and serving until December 31, 2019; and

WHEREAS, the Common Council believes that it is entirely appropriate and proper to honor **MARK D. WYNN** for his outstanding and dedicated service to the City of Berne as a City Councilman; and

WHEREAS, many beneficial and lasting improvements to the City of Berne have been implemented during the twelve (12) years of service by **MARK D. WYNN** which provided significant and lasting benefits to the citizens of the City and enhanced the quality of life to the City's inhabitants; and

WHEREAS, such improvements during the twelve (12) years of service have included the many and varied improvements to the City Water and Sewage Utilities including structural and technological improvements to the Water Treatment Plant including the SAGR system; major work on the continuing separation of wastewater and storm water systems in the City's sewage system including the project planned for 2020; the purchase of a number of fire department and police vehicles and equipment; significant additions and improvements to the Berne Parks and Recreation Department, including new recreational areas and facilities to provide proper recreational possibilities for the youth of the City; planning and implementation of the razing and cleanup of the Dunbar property; planning, construction and annexation of residential areas; planning and extension of Sprunger Street; planning and reconstruction of Parr Road; planning for reconstruction of Village Way in 2020; as well as many other programs and services all to the betterment of the City and its citizens; and

WHEREAS, in all the above improvements, benefits and services, Councilman **MARK D. WYNN** has provided outstanding counsel, support and leadership and that his contributions should be recognized, and thanks be given to him; and

WHEREAS, the Common Council, Mayor, Clerk-Treasurer, City Attorney and employees of the City of Berne wish to convey to him that he will be missed.

NOW, THEREFORE, BE IT RESOLVED:

That the Common Council of the City of Berne, representing all the citizens of the City, hereby publicly thanks and commends **MARK D. WYNN** for his twelve (12) years of outstanding and dedicated continuous service to the City of Berne as an elected councilman representing District 3 of the City of Berne.

BE IT FURTHER RESOLVED:

That this Resolution be presented to **MARK D. WYNN** and a duly conformed copy be presented to the Clerk-Treasurer of the City of Berne to be spread of record and placed in the permanent records of the City of Berne.

So adopted and resolved by the Common Council and approved by the Mayor of the City of Berne, State of Indiana, on **December 9, 2019**.

On a motion by Gregg Sprunger and a second by Ron Dull the council unanimously approved Resolution 2019-12-2.

Gregg read Resolution 2019-12-3 into the record for Council Member Philip E. Provost as follows:

RESOLUTION NO. 2019-12-3
A RESOLUTION OF THE COMMON COUNCIL OF BERNE, INDIANA
IN RECOGNITION OF EXEMPLARY SERVICE TO THE CITY OF BERNE
BY
PHILIP E. PROVOST

WHEREAS, PHILIP E. PROVOST has faithfully served the City of Berne as an elected member of the Common Council for eight (8) continuous years having begun his service on January 1, 2012 and serving until December 31, 2019; and

WHEREAS, the Common Council believes that it is entirely appropriate and proper to honor **PHILIP E. PROVOST** for his outstanding and dedicated service to the City of Berne as a City Councilman; and

WHEREAS, many beneficial and lasting improvements to the City of Berne have been implemented during the eight (8) years of service by **PHILIP E. PROVOST** which provided significant and lasting benefits to the citizens of the City and enhanced the quality of life to the City's inhabitants; and

WHEREAS, such improvements during the eight (8) years of service have included the many and varied improvements to the City Water and Sewage Utilities including structural and technological improvements to the Water Treatment Plant including the SAGR system; major work on the continuing separation of wastewater and storm water systems in the City's sewage system including the project planned for 2020; the purchase of a number of fire department and police vehicles and equipment; significant additions and improvements to the Berne Parks and Recreation Department, including new recreational areas and facilities to provide proper recreational possibilities for

the youth of the City; planning and implementation of the razing and cleanup of the Dunbar property; planning, construction and annexation of residential areas; planning and reconstruction of Parr Road; planning for reconstruction of Village Way in 2020; as well as many other programs and services all to the betterment of the City and its citizens; and

WHEREAS, in all the above improvements, benefits and services, Councilman **PHILIP E. PROVOST** has provided outstanding counsel, support and leadership and that his contributions should be recognized, and thanks be given to him; and

WHEREAS, the Common Council, Mayor, Clerk-Treasurer, City Attorney and employees of the City of Berne wish to convey to him that he will be missed.

NOW, THEREFORE, BE IT RESOLVED:

That the Common Council of the City of Berne, representing all the citizens of the City, hereby publicly thanks and commends **PHILIP E. PROVOST** for his eight (8) years of outstanding and dedicated continuous service to the City of Berne as an elected councilman representing the City of Berne at-large.

BE IT FURTHER RESOLVED:

That this Resolution be presented to **PHILIP E. PROVOST** and a duly conformed copy be presented to the Clerk-Treasurer of the City of Berne to be spread of record and placed in the permanent records of the City of Berne.

So adopted and resolved by the Common Council and approved by the Mayor of the City of Berne, State of Indiana, on **December 9, 2019**.

On a motion by Gregg Sprunger and a second by Curtis Wurster, the council unanimously approved Resolution 2019-12-3.

Gregg read Resolution 2019-12-4 for Mayor William F. "Bill" McKean into the record as follows:

RESOLUTION NO. 2019-12-4
A RESOLUTION OF THE COMMON COUNCIL OF BERNE, INDIANA
IN RECOGNITION OF EXEMPLARY SERVICE TO THE CITY OF BERNE
BY
WILLIAM F. "BILL" McKEAN

WHEREAS, **WILLIAM F. "BILL" McKEAN** has faithfully served the City of Berne as an elected member of the Common Council for twenty-four (24) continuous

years having begun his service as a councilman on January 1, 1984 and serving until December 31, 2007, and having served as Mayor of the City of Berne for eight (8) continuous years having begun his service as Mayor on January 1, 2012 and serving until December 31, 2019; and

WHEREAS, WILLIAM F. “BILL” MCKEAN also served as a member of the City of Berne Planning Commission for twenty-eight (28) years from 1979 through 2007; and

WHEREAS, WILLIAM F. “BILL” MCKEAN also served as City Council President for sixteen (16) years from 1992 through 2007; and

WHEREAS, the Common Council believes that it is entirely appropriate and proper to honor **WILLIAM F. “BILL” MCKEAN** for his outstanding and dedicated service to the City of Berne as City Councilman and Mayor; and

WHEREAS, many beneficial and lasting improvements to the City of Berne have been implemented during the twenty-eight (28) years of service by **WILLIAM F. “BILL” MCKEAN**, as a Plan Commission member, during the twenty-four (24) years of service by **WILLIAM F. “BILL” MCKEAN**, as a Councilman, and during the eight (8) years of service by **WILLIAM F. “BILL” MCKEAN**, as Mayor, all of which provided significant and lasting benefits to the citizens of the City and enhanced the quality of life to the City’s inhabitants; and

WHEREAS, such improvements during his thirty-six (36) total years of service have included the expansion and renovation of City Hall which increased the effectiveness of many city departments; many and varied improvements to the City Water and Sewage Utilities including water well constructions, renovations and well head protection programs; structural and technological improvements to the Water Treatment Plant including the SAGR system; major work on the continuing separation of wastewater and storm water systems in the City’s sewage system including the project planned for 2020; structural changes and improvements to the Wastewater Treatment Plant and discharge pumping system to the Wabash River; planning, design and construction of the South Adams Senior Center; a new Fire Station facility and a new Police/EMS facility; the purchase of a number of fire department and police vehicles and equipment; significant additions and improvements to the Berne Parks and Recreation Department, including new recreational areas and facilities to provide proper recreational possibilities for the youth of the City; planning and implementation of the razing and cleanup of the Dunbar property; planning, construction and annexation of residential areas; planning and reconstruction of Parr Road; planning for reconstruction of Village Way in 2020; as well as many other programs and services all to the betterment of the City and its citizens; and

WHEREAS, in all the above improvements, benefits and services, Councilman and Mayor **WILLIAM F. “BILL” MCKEAN** has provided outstanding counsel, support and leadership and that his contributions should be recognized,

and thanks be given to him; and

WHEREAS, the Common Council, Clerk-Treasurer, City Attorney and employees of the City of Berne wish to convey to him that he will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED:

That the Common Council of the City of Berne, representing all the citizens of the City, hereby publicly thanks and commends **WILLIAM F. "BILL" MCKEAN** for his twenty-four (24) years of outstanding and dedicated continuous service to the City of Berne as an elected councilman representing both District 3 and At-Large, for his twenty-eight (28) years of outstanding and dedicated continuous service to the City of Berne as a member of the Berne Plan Commission, for his sixteen (16) years of outstanding and dedicated continuous service to the City of Berne as City Council President, and for his eight (8) years of outstanding and dedicated continuous service to the City of Berne as Mayor.

BE IT FURTHER RESOLVED:

That this Resolution be presented to **WILLIAM F. "BILL" MCKEAN** and a duly conformed copy be presented to the Clerk-Treasurer of the City of Berne to be spread of record and placed in the permanent records of the City of Berne.

So adopted and resolved by the Common Council of the City of Berne, State of Indiana, on **December 9, 2019**.

On a motion by Gregg Sprunger and a second by Mark Wynn, the council unanimously approved Resolution 2019-12-4.

City Attorney Comments Dave thanked Mayor McKean for entrusting him with being the city attorney, adding that as defined, the City Attorney serves at the pleasure of the mayor and he has appreciated working with Mayor McKean and the city.

Council Comments- Council Member Mark Wynn said that he has enjoyed his time on the council and will miss being involved in city government and added that he took his responsibility very serious.

Council Member Phil Provost said that it has been an honor and a privilege to serve the City of Berne and that it is an experience he will never forget.

Council member Ron Dull and Gregg Sprunger thanked the Mayor and council members Mark Wynn and Phil Provost for their service to the citizens of Berne as their terms in office are coming to a close.

Mayor Comments Mayor McKean addressed those in attendance as this is the last scheduled council meeting of the year. As his term is

coming to a close, the mayor thanked the council, the city employees and staff and city attorney Dave Baumgartner for their service to our community.

With nothing further to come before the council and on a motion by Mark and a second by Phil, the council meeting was adjourned.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer