

December 14, 2020

The December 14, 2020 council meeting was held at the South Adams Senior Center, 825 Hendricks Street, Berne Indiana. Those present; Mayor Gregg Sprunger, Council members Rod Mason and Curtis Wurster along with Clerk Treasurer Gwen Maller and City Attorney Dave Baumgartner. Attending the meeting by speaker phone, Kelly Amstutz and John Wanner. Council member Ron Dull was unable to attend. An agenda was posted at the front door of the Senior Center and at the Berne City Building.

Others present at the Senior Center, Clint Anderson with the Berne Witness and Rob Weaver WPGW.

Mayor Sprunger advised those present that John Wanner is self-isolating, and Kelly Amstutz was home because of not feeling well. They are joining the meeting by speaker phone. Mayor also advised that he received a call from Ron Dull prior to the meeting that he and his family are with his mother as she is very ill and her homegoing to heaven could come at any time.

Curtis Wurster led the pledge of allegiance and Mayor Sprunger gave the prayer and especially remembered council member Ron Dull and family at this time.

### **Approval of Minutes**

Rod Mason made a motion to approve the minutes of November 23, 2020 as written. Curtis Wurster made the second. Rod and Curtis were present and voted aye. John Wanner and Kelly Amstutz voted aye via a speaker phone when their names were called by Mayor Sprunger. 4-0

### **Claims**

Curtis Wurster made a motion to approve the claims as presented. Rod Mason made the second. Rod and Curtis were present and voted aye. John Wanner and Kelly Amstutz voted aye via a speaker phone when their names were called by Mayor Sprunger. 4-0

### **EP Graphics Tax Abatement Request**

Tyler Kitt, CEO of E. P. Graphics shared with the council that even in this difficult COVID pandemic, the Musleman family had an opportunity to upgrade some very specialized printing equipment and even though the business environment has been difficult, they chose to purchase it. The equipment even though used, is new technology and will replace two 35-year-old presses. Tyler reported to the council that the equipment will result in higher quality printing, will produce less waste, retain good people and bring in additional good paying jobs.

Tyler reported that although EP Graphics has grown every year in the past, this year was an exception because of COVID. Even with COVID, EP graphics was able to retain 125 high quality jobs and will add 5 new jobs with the new printing press. The completion date for the equipment to be totally installed is 12/31/2022.

City Attorney Dave Baumgartner advised the council that tonight, they will be considering the Declaratory Resolution 2020-12-1. EP Graphics has already submitted their SB 1 application, which the council has in front of them. Dave advised the council that if they adopt the resolution tonight, notice will be given to the paper, and the Scoring Committee will meet prior to the Board of Public Works and Safety meeting December 16<sup>th</sup> to score the application, and then on to council.

John Wanner thanked EP Graphics for the jobs they have brought to Berne and their willingness to continue to upgrade their equipment and invest in Berne.

John made a motion to approve Declaratory Resolution 2020-12-1: A Resolution of The Common Council of The City of Berne (1) Establishing an Economic Revitalization Area for Tax Parcel 01-11-04-100-036.000-018, (2) Waiving Noncompliance, and (3) Granting Tax Abatement for New Manufacturing Equipment. Rod Mason made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, John and Kelly voted aye on speaker phone. 4-0 The Declaratory Resolution is as follows:

## **RESOLUTION 2020-12-1**

- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE  
(1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR  
TAX PARCEL 01-11-04-100-036.000-018,  
(2) WAIVING NONCOMPLIANCE, AND  
(3) GRANTING TAX ABATEMENT FOR NEW MANUFACTURING EQUIPMENT**

WHEREAS, the Applicant, EP GRAPHICS, INC., has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-4.5 for new manufacturing equipment pursuant to the definition provided therefore by I.C.6-1.1-12.1-1(3) should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/PP;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address 169 S. Jefferson Street, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues, and

AND WHEREAS, the new manufacturing equipment investment at the Property and location of production operations of the Applicant at this location will result in an addition to the area's overall assessed value within an accelerated time period; the Project represents a superior use for the site; the Project is consistent with similar land uses on adjacent properties.

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 4.5 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure 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.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/PP as submitted by the applicant:

(a) The estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment.

(c) The estimate of the annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed installation of the new manufacturing equipment.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of the new manufacturing equipment.

(e) The totality of benefits is sufficient to justify the deduction.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of new manufacturing equipment placed and located within the area pursuant to I.C. 6-1.1-12.1-4.5.

3. To the extent the Applicant may have acquired equipment prior to the final designation of the ERA, said activities will not result in any reduction to the benefits otherwise approved herein.

4. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-4.5 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4.5(h). The deduction provided in I.C. 6-1.1-12.1-4.5 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

5. That the Applicant, to obtain the deductions provided by I.C. 6-1.1-12.1-4.5 shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.4.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets January 11, 2021, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the Statement of Benefits Form SB-1/PP to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/PP to the designating body before the installation of new manufacturing equipment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the installation of new manufacturing equipment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-4.5 or alternatively, under I.C. 6-1-1-12-1-17;; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.

*ADOPTED by the Common Council of the City of Berne, State of Indiana, on December 14, 2020.*

***COMMON COUNCIL OF THE CITY OF BERNE***

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*Curtis L. Wurster, President*

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*Kelly A. Amstutz*

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*Ronald N. Dull*

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*Rodney E. Mason*

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*John M. Wanner*

***APPROVED:***

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*Gregg A. Sprunger, Mayor*

***ATTEST:***  
*Gwen Maller*

**Safe-Zones**

Berne Chamber of Commerce Director Erin Donovan came before the council asking for their support of the countywide Safe Zones Face Mask initiative. Erin explained that the Chamber has partnered with the Adams County Health department in an attempt to encourage local businesses to be safe zones where masks are worn , all COVID precautions are taken and signs indicating this are displayed by those businesses that participate. Funding comes from the Cares Act and the cost of advertising from the County Health Department. Erin said some businesses agree with the initiative but are not willing to post the signs on their doors, some are not interested at all, and some have embraced the initiative.

After additional discussion, Rod Mason made a motion to endorse the Berne Chambers Safe Zones Mask initiative. Curtis Wurster made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, John and Kelly voted aye on speaker phone. 4-0

**2021 Council Schedule**

The council considered moving the Monday, October 11, 2021 council meeting to Tuesday, October 12, 2021 because of Columbus Day. Dave Baumgartner stated that he could not attend as he has Geneva's

regular Council meetings on Tuesdays. Discussion was held moving it to Wednesday. Rod Mason made a motion to move the date from October 11<sup>th</sup> to October 13<sup>th</sup>. Curtis Wurster made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, Kelly voted aye on speaker phone and there was no response from John. 3-0

**2021 City of Berne Holiday Schedule**

Curtis Wurster made a motion to move to approve the following 2021 holiday schedule. Kelly Amstutz made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, Kelly voted aye on speaker phone and there was no response from John. 3-0

<u>Date</u>	<u>Day</u>	<u>Holiday</u>
January 1 <sup>st</sup>	Friday	New Year
February 15 <sup>th</sup>	Monday	Presidents Day
April 2 <sup>nd</sup>	Friday	Good Friday
May 31 <sup>st</sup>	Monday	Memorial Day
July 5 <sup>th</sup>	Monday	Ind. Day
September 6 <sup>th</sup>	Monday	Labor Day
October 11 <sup>th</sup>	Monday	Columbus Day
November 11 <sup>th</sup>	Thursday	Veterans Day
November 25 <sup>th</sup>	Thursday	Thanksgiving
November 26 <sup>th</sup>	Friday	Thanksgiving
December 24 <sup>th</sup>	Friday	Christmas Eve
December 27 <sup>th</sup>	Monday	Christmas
December 31 <sup>st</sup>	Friday	New Year's Eve

**Transfers and Encumbrances**

Clerk Treasurer Gwen Maller passed out a report to the council on the transfers and encumbrances she has to date. Gwen reported that with the last billing cycle at the end of the year, some of the numbers will change, and the final numbers will be included in this set of minutes. Gwen reported to the council that no appropriations can be in the red at the end of the year, and as long as there is money within that department or fund, the money can be transferred where needed and she is asking that council approve this request by resolution.

Rod Mason made a motion to approve the transfers and encumbrances by resolution as requested by Clerk Treasurer Maller. Curtis Wurster made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, Kelly voted aye on speaker phone and there was no response from John.3-0 The resolution is as follows:

BE IT RESOLVED that the Clerk-Treasurer is directed to transfer the following funds according to IC 6-1.1-18-6:

**TRANSFERS:**

CC	Utilities	TO	Repairs & Maintenance	1,000.00	
CC	Group Ins.	TO	Operating Supplies	10,000.00	
CC	Insurance	TO	Repairs & Maintenance	4,795.00	
CC	Equipment	TO	Operating Supplies	5,000.00	
CC	Gross Inc. Tax	TO	Sales Tax	300.00	
FIRE	Transportation	TO	Insurance	930.00	
FIRE	Utilities	TO	Equipment	3,300.00	
FIRE	Temp Salary	TO	Equipment	3,000.00	
Sanit.	Operating Supplies	TO	Repair & Main	5,000.00	
Sanit	Transportation	TO	Repair & Main	5,000.00	
Park	Utilities-Park	TO	Communications-Park	50.00	
Park	Utilities-Pool	TO	Communications-Pool	50.00	
Park	Equipment-Pool	TO	Repair & Maintenance	3,000.00	
Street	Salary-Temp	TO	Salary Regular	675.00	
MVH Rest.	Cont. Services	TO	CCMG Local Match	76,000.00	C.R. 150 N
CCMG	Cont. Services	TO	CCMG Refund	18,017.36	

**AND ENCUMBER THE FOLLOWING FUNDS:**

F & S Painting	Bath Room/Kiddie Pool	1,995.00
F & S Painting	Paint Pool	7,377.00
Hitzer	High Dive Railings	2,500.00
Moser Motor Ford	2021 F-350	15,704.00
Moser Motor Ford	2021 F-350	53,000.00
Commonwealth	CR 150 N. Eng.	110,000.00
KBL Transport	Main St. Sidewalk	96,144.00
Liberty Develop. Inc.	Key Way Road	95,204.47
Motorola Solutions	Police Radios	39,044.30
Safety Systems	2021 Dodge Charger Eq.	4,934.55
Kelly	2021 Dodge Charger Car	27,280.00
Don Myers Plumbing	COVID Touchles Fixtures	59,691.84

**BZA Hearing**

Mayor Sprunger reported that the BZA met prior to tonight’s council meeting and gave their approval for a variance use request by O & R Precision Grinding, that will allow them to build their grinding facility on their property zoned R-2 multifamily (they will be using as industrial). The surrounding properties are all commercial businesses.

**Attorney Comments** None

**Clerk-Treasurer Comments**- None

**Mayor Comments**

Mayor Sprunger reported that the Water Street storm water sewer separation project is now completed by Brackney with the exception of a few punch list items and seeding and restoration work which will be done in the spring. Cornerstone Stewards are still waiting on a piece of equipment for the Main Street lift station to finish their project. The equipment is supposed to be arrive this week and once installed will wrap that project up.

Mayor Sprunger advised the council that the City of Berne was awarded a Community Crossing grant for \$450,000 as his earlier email to them and the press stated. Mayor Sprunger said this is for a portion of 150 north of 218 and he hopes it can go to bid soon so the project can start in the spring.

Mayor Sprunger advised the council that Becky Sprunger, Administrative Assistant to the mayor will be retiring January 4<sup>th</sup>. Council president Curtis Wurster read Resolution 20-12-2 into the record. Rod Mason made a motion to approve Resolution 20-12-2. Kelly Amstutz made the second. Curtis and Rod were present and voted aye. When asked for their vote by Mayor Sprunger, Kelly voted aye on speaker phone and there was no response from John.3-0 The Resolution is as follow:

**RESOLUTION NO. 2020-12-2  
A RESOLUTION OF THE COMMON COUNCIL OF BERNE, INDIANA  
IN RECOGNITION OF EXEMPLARY SERVICE TO THE CITY OF BERNE BY  
REBECCA J. SPRUNGER**

**WHEREAS, Rebecca J. Sprunger** has faithfully served the City of Berne as the Administrative Assistant for seventeen (17) continuous years, serving three (3) mayoral administrations, having begun her service on January 1, 2004 and serving until December 31, 2020; and

**WHEREAS,** the Common Council believes that it is entirely appropriate and proper to honor **Rebecca J. Sprunger** for her outstanding and dedicated service to the City of Berne as the Administrative Assistant; and

**WHEREAS,** in addition to her responsibilities and accomplishments as the Administrative Assistant, **Rebecca J. Sprunger** further served the City as recording secretary of the Board of Public Works and Safety and the Storm Water Utility

Management Board, as ADA Coordinator, as the Tree Board Assistant, as the Information Technology Coordinator (Phones, Web Site, and Social Media), and as the Information Center Coordinator; and

**WHEREAS**, Mayor John F. Minch, Mayor William F. McKean, and Mayor Gregg A. Sprunger, depended greatly on the organization skills, thoroughness, and attention to detail of said **Rebecca J. Sprunger**; and

**WHEREAS**, in fulfilling her responsibilities as the Administrative Assistant, **Rebecca J. Sprunger** has provided outstanding services and support to the elected and appointed officials, employees, and citizens of the City of Berne, and her contributions should therefore be recognized, and appreciation be given to her; and

**WHEREAS**, the Common Council, Mayor, Clerk-Treasurer, City Attorney and employees of the City of Berne wish to convey to her that she 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 **Rebecca J. Sprunger** for her seventeen (17) years of outstanding and dedicated continuous service to the City of Berne as the Administrative Assistant.

**BE IT FURTHER RESOLVED:**

That this Resolution be presented to **Rebecca J. Sprunger** 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 14, 2020.

**Common Council of the City of Berne**

Curtis L. Wurster, President  
Kelly A. Amstutz  
Ronald N. Dull  
Rodney E. Mason  
John M. Wanner

APPROVED:  
Gregg A. Sprunger, Mayor

ATTEST:  
Gwen Maller, Clerk-Treasurer

**Council Comments-None**

With nothing further to come before the council, and on a motion by Curtis and a second by Rod, adjournment followed.

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Gregg A. Sprunger, Mayor

ATTEST:

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Gwen Maller, Clerk-Treasurer