

Berne Storm Water Utility Management Board
Wednesday, April 15, 2020
Berne City Hall 12:00 noon
Minutes

Pursuant to Executive Orders 20-04 and 20-08 by Governor Eric Holcomb in response to the COVID-19 national emergency, the April 15, 2020 Storm Water Utility Board meeting was held by way of a conference call using GoToMeeting. Present at City Hall, Storm Water Board Director Shannon Smitley; Board President Ernie Steiner; Ben Adams, Commonwealth Engineers; Clerk Treasurer Gwen Maller and Mayor Gregg Sprunger. In Attendance remotely using GoToMeeting; board members Ron Sprunger and Kent Liechty. Others present using GoToMeeting, board attorney Dave Baumgartner, Work Force Manager Kurt Dailey and Clint Anderson of the Berne Witness. An agenda was posted at the door and was available on the City of Berne webpage.

Ernie Steiner called the meeting and verified a quorum by roll call.

Approval of March 11, 2020 Minutes The minutes were not available and were tabled.

Approval of Claims

a. Task Order 2020-01

This is an agreement between the Storm Water Utility Management Board and Commonwealth Engineering for professional engineering services for meetings and minor engineering tasks and is based on standard hourly rates and a Not-to-Exceed total of \$15,000. Ron Sprunger made a motion to approve Task Order 2020-01 from Commonwealth Engineering as presented. Kent Liechty made the second. The motion was unanimously approved by the following Roll Call Vote:

Ron Sprunger	Aye
Kent Liechty	Aye
Ernie Steiner	Aye

b. Phase I LTCP Improvements Contract "A" — Combined Sewer Separation City of Berne, IN

Ben Adams presented the board with Phase I- LTCP Improvements Contract “A” for Brackney which includes the work on the Water Street project to date and materials for the project onsite at the old Dunbar lot. The total amount of the claim is \$ 503,071.11. Ben advised the board that he has reviewed the claim and has found everything to be in order and would recommend that the board approve the claim for payment. Kent Liechty made a motion to approve the claim of \$ 503,071.11 for Brackney as presented. Ron Sprunger made the second and the motion was unanimously approved by the following roll call vote:

Ron Sprunger	Aye
Kent Liechty	Aye
Ernie Steiner	Aye

Consideration of Resolution SWMB 2020-4-1 a Resolution of The Board of Directors of The Department of Storm Water Management of the City of Berne, Indiana, Establishing Emergency Policies Regarding Approval of Claims During the Covid-19 Public Health Disaster Emergency Declared by The Governor of The State of Indiana

Board attorney Dave Baumgartner informed the board that Resolution SWMB 2020-4-1 is similar to the emergency resolution passed at the last council meeting. The resolution will be in effect for as long as the COVID-19 Public Health Disaster Emergency declared by Governor Holcomb is in effect. This resolution will give Ernie Steiner, President of the SWUMB the ability to approve and sign claims for payment on behalf of the board will allow the other board members to sign and return the claims by electronic means. All claims during this time will need to be approved at the first in person meeting of the board.

Ron Sprunger made a motion to approve SWMB 2020-4-1 as presented. Kent Liechty made the second. The motion was unanimously approved by the following roll call vote:

Ron Sprunger	Aye
Kent Liechty	Aye
Ernie Steiner	Aye

**DEPARTMENT OF STORM WATER MANAGEMENT
OF THE CITY OF BERNE, INDIANA**

RESOLUTION NO. SWMB2020-4-1

**A Resolution of the Board of Directors of the Department of Storm Water Management
of the City of Berne, Indiana, Establishing Emergency Policies Regarding
Approval of Claims During the COVID-19 Public Health Disaster Emergency
Declared by the Governor of the State of Indiana**

WHEREAS, the Coronavirus Disease 2019 (COVID-19) is rapidly spreading worldwide and is a potentially deadly virus which is transmitted from human to human, and can be transmitted directly or indirectly by those who are infected and display symptoms such as fever, cough, acute respiratory distress, pneumonia or various combinations of such symptoms, and is a virus which can also be transmitted directly or indirectly by those who are infected, but asymptomatic; and

WHEREAS, on January 30, 2020, in response to the COVID-19 outbreak, the World Health Organization declared a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, in response to the COVID-19 outbreak, the United States Health and Human Services Secretary (HHS Secretary) declared a Public Health Emergency covering all 50 States and U.S. Territories; and

WHEREAS, on March 6, 2020, in response to the spread of COVID-19 to the State of Indiana, the Governor of the State of Indiana, pursuant to LC. 10-14-3-1 et.seq. declared a Public Health Disaster Emergency covering the entire State under Executive Order 20-02, which declaration expires thirty (30) days from March 6, 2020, unless extended; and

WHEREAS, the Governor of the State of Indiana, in Executive Order 20-02, designated the Indiana State Department of Health (ISDH) as the lead state agency to coordinate emergency response activities among the various state agencies and local governments and further directed the ISDH to follow U.S. Center for Disease Control (CDC) guidelines and protocols; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a Pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 to be a National Emergency; and

WHEREAS, since the HHS Secretary declaration of a Public Health Emergency in the United States on January 31, 2020, the CDC has established and modified guidelines and protocols regarding physical or social distancing, personal hygiene and sanitization methods, and has established procedures recommended for those infected with or exposed to the virus and for those who are considered high risk, in an effort to reduce and slow the spread of COVID-19; and

WHEREAS, on March 12 and 13, 2020, the Governor of the State of Indiana issued further directives restricting large gatherings, recommending social distancing in small gatherings and suspending non-essential activities and services; and

WHEREAS, on March 16, 2020, the Governor of the State of Indiana issued Executive Order 20-04 which authorized further actions to protect the health, safety and welfare of all Indiana residents, including activating the Indiana Emergency Operations Center to its highest status, activating the Indiana National Guard, and encouraging all residents of Indiana to adhere to the advice of the CDC, ISDH, Indiana Department of Homeland Security (IDHS) and other health care and emergency officials, restricting governmental meetings as well as business operations, both public and private; and

WHEREAS, the United States Congress passed two bills, signed into law by the President of the United States on March 18, 2020, namely, the Federal Emergency Family and Medical Leave Expansion Act of 2020 and the Federal Emergency Paid Sick Leave Act of 2020, which supplement existing benefits and which are required to be implemented on or before April 2, 2020; and

WHEREAS, on March 23, 2020, the Governor of the State of Indiana issued Executive Orders 20-08 and 20-09 which further supplements Executive Order 20-02 by directing Hoosiers to stay at home except for Essential Activities, Essential Governmental Functions or to participate in Essential Businesses and Operations and which issues directives related to the continuity of operations of government; and

WHEREAS, on April 6, 2020, the Common Council of the City of Berne adopted Resolution #20-4-1, which, among other matters, authorized the various commissions and boards of the City of Berne to designate one (1) of its members to approve claims for payment submitted to said commissions and boards.

NOW, THEREFORE, BE IT RESOLVED:

Emergency Policies. The following emergency policy is hereby adopted by the Storm Water Management Board of the City of Berne, Indiana:

1. Approval of Claims: During the existing Public Health Disaster Emergency and any extensions thereof; the Storm Water Management Board (Board) may designate one (1) of its members to approve claims for payment submitted to the Board in advance of such Board's allowance of claims. Provided, however, that the Board must approve and allow such claims at its next meeting held during the Public Health Disaster Emergency, or if none are held during the existing Public Health Disaster Emergency or any extensions thereof, at Board's first meeting after the Public Health Emergency has ended. The Board may also appoint a additional members of its body as alternate designees with authority to approve claims in advance of the full Board's allowance. The alternate designee may exercise such authority if the primary designee is unable to review and approve claims on behalf of the Board. The Board hereby appoints Ernest L. Steiner as the primary designee, Ronald J. Sprunger, as the alternate designee, and Kent A. Liechty, as the second alternate designee, in order to approve any such claims as set forth above during said Public Health Disaster Emergency.

2. Execution of Documents: Documents which are approved or adopted and which require the signature of the members and/or officers of the Board, may be executed in counterparts and may be originally signed or the signature of an individual may be an electronic transmission of the individual's signature. Signatures by counterparts, whether originally signed, signed by electronic transmission, or a combination thereof; shall be delivered to the Secretary of the Board who shall affix the counterparts to the document to be signed. Once signed by all parties who are required to sign a document on behalf of the Board or who are required to sign an Ordinance or Resolution approving the Ordinance or Resolution, and once all appropriate signatures are affixed to such document, such document shall be deemed duly and legally executed. In the case a signature is required to be notarized, the individual's signature must be originally signed in the presence of a notary public, unless the Indiana Secretary of State permits otherwise, in which case a signature may be notarized consistent with the manner permitted.

Right to Amend or Repeal Emergency Policies. Due to the rapidly changing circumstances and conditions occurring during the ongoing COVID-19 emergency, and due to the possibility of further Executive Orders and Federal legislation, the foregoing emergency policy may be amended or repealed as necessary to comply with changing State and Federal guidelines and requirements.

Effective Date. The foregoing emergency policies shall be effective immediately upon adoption of this Resolution, and shall remain in effect until such time as the COVID-19 Public Health Disaster Emergency as declared by the Governor of the State of Indiana has ended, or until such time as such policies are hereinafter amended or repealed, whichever first occurs.

So adopted and resolved by the Storm Water Management Board of the City of Berne, State of Indiana, on April 15, 2020.

Storm Water Management Board of the City of Berne

Ernest L. Steiner, Presiding Officer
Ronald J. Sprunger
Kent A. Liechty

ATTEST:

Rebecca Sprunger, Secretary

Attorney Comments Dave asked Shannon to update the board on the Village Way project and the status with obtaining the necessary easements from the South Adams Schools.

Shannon advised the board that he, Dave, Ben Adams and Mayor Sprunger have been working very closely with the South Adams School board to obtain easements so the work can start on the Village Way project. Since this is not a county ditch, Shannon reported that he would like the SWUMB to split the cost with the school. The Storm Water Board would pay for cleaning out the ditch from the point of connection to the bus drive, as well as cleaning out the swale from the east side of bus drive to the west side of Starfire Way, with the school paying for the rest.

Ben Adams, Commonwealth Engineers, had supplied the school board with the calculations and the plans needed to clean the ditch and the swale for improved drainage. Shannon reported that the board sought their own engineers' opinion concerning the storm water run-off calculations. After addressing all of the concerns raised by the school board, their attorney has now advised them that the plans submitted by Commonwealth are acceptable. The school board will be considering the easements and drainage plans at their emergency meeting later this week. It is hoped that the easements will be obtained by the city and the project can get started.

Shannon informed the board that he contacted several entities for a quote on cleaning the ditch and swale, one was for \$36,000, which included trucking the sludge offsite. The other quote was from Mike Dubach for a Not-to-exceed of \$15,000 and included hauling the sludge to the SA FAA test field site, which the school was receptive too.

Dave advised that if the board were to approve Mike Dubach's quote, the cost to the storm water board would be \$8,620 and the portion owed by the school would be \$6,380.

Kent Liechty made a motion to approve Mike Dubach to clean the swale and the ditch as presented at a cost to the SWUMB of \$ 8,620 and a cost to SA Schools of \$6,380. Ron Sprunger made the second and the motion was unanimously approved on the following roll call vote:

Ron Sprunger	Aye
Ken Liechty	Aye
Ernie Steiner	Aye

With nothing further to come before the board, the meeting was adjourned by consensus.

