

June 1, 2020

Pursuant to Executive Orders 20-04 and 20-08 by Governor Eric Holcomb in response to the COVID-19 pandemic, the May 26, 2020 council meeting was held by way of a conference call using GoToMeeting. Mayor Gregg Sprunger was present at city hall. Council members were noted as present by confirming verbally as follows: Curtis Wurster, Ron Dull, Rod Mason, Kelly Amstutz and John Wanner. Also present by using GoToMeeting was Clerk-Treasurer Gwen Maller and City Attorney Dave Baumgartner.

Others present using GoToMeeting, Rob Weaver, WPGW; Clint Anderson of the Berne Witness, President of the Berne Recreational Facilities Jeff Sprunger, City of Berne Work Force Manager Kurt Dailey and other guests. An agenda was posted at the front door and was available on the City of Berne website.

Council President Curtis Wurster opened the meeting with the pledge of allegiance and Mayor Gregg Sprunger gave the invocation. Mayor Sprunger verified a quorum.

Approval of Minutes

Ron Dull asked that page 1 second paragraph be changed from “Berne Pool Board President Jeff Sprunger” to Berne Recreational Facilities President Jeff Sprunger: asked that page 6 paragraph 1 be changed from “Berne Swim Club” to South Adams Summer Swim Club and that in his motion on page 8 that “includes how they will ‘implement the use of PPE’s” be stricken from the motion as that is not the motion he made. Mayor Sprunger said that because the meetings are recorded, the motion can be revisited.

Because the recording can be reviewed and because he believed the motion as written in the May 26th meeting are correct, Rod Mason made a motion to table the minutes until the June 8th council meeting.

Kelly Amstutz	Aye	John Wanner	Aye
Ron Dull	Aye	Curtis Wurster	Aye
Rod Mason	Aye		

Lehman Park Pavilion Custodian Contract

In presenting the contract for Anthony and Sarah Dawson, who have been the custodians for the pavilion, Mayor Sprunger reported that the Dawson’s have done a great job in the upkeep of the pavilion and scheduling. City Attorney Dave Baumgartner advised the council that this is an annual contract, while there are no changes in the compensation, there are two additions concerning possible operational changes at the pavilion due to the COVID-19 pandemic, and paragraph 6 as it pertains to the use of PPE’s and proper sanitizing.

Ron Dull made a motion approve the annual contract for Anthony and Sarah Dawson as presented. Rod Mason made the second and the motion was unanimously approved by the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Aye
Ron Dull	Aye	Curtis Wurster	Aye
Rod Mason	Aye		

Berne Pool Status

Mayor Sprunger opened the plan of implementation that the council received over the weekend from the Berne Recreational Facilities Board for discussion.

Rod Mason stated that he has a number of areas of concern.

1. Last week the council helped the SAYL in their decision to cancel their season because of what the council asked of them. If the council does not ask the same of Berne Rec, what does that say to SAYL?
2. The agreement sent to council was that hand sanitizers be used at the pool if available, Rod stated that if hand sanitizers are not available the pool should not be opened until they are.
3. The council was asked by Berne Rec President if they could at least sell bottled water, the proposal is now saying they will sell bottled beverages and pre-packaged snacks
4. The proposal did not address how the pool is going to enforce social distancing and proper sanitizing. Rod stated that he does not believe an extra employee can do what is being asked and that perhaps lifeguards, when not on duty will need to be used to ensure social distancing and proper sanitizing.
5. The CDC and the Indiana Department of Health are strongly recommending that face masks be worn when patrons are not in the water and that is not addressed in the agreement and it is important that masks must be worn at all times when not in the pool.
6. If it is decided that the pool can open, can it be open only for Berne residents and the South Adams communities including Geneva and Monroe?
7. Acknowledging that this might be a discussion for next week, Rod stated that if the pool is approved to open at tonight's meeting, that the swim club not be allowed to hold competitive events at the pool, but could continue their training and only compete in meets at other venues.
8. Financing, Rod stated that if the pool cannot open until early July, what would be the point since city revenues are already down because of late or lack of property tax payments which are off as much as 40%. If the pool were to open this season, the city might find itself having to make other cuts, possibly even in essential services that come from the general fund toward the end of the year, so why open?

Gwen agreed that finances will be tight this year. The approved maximum tax levy for the General Fund for this year is \$1,008,094. If this were a normal year, Gwen stated that she would expect to receive around \$ 496,990 for the spring distribution. After talking to the Auditor this morning, only 57% of the spring distribution came in

or \$283,284.49. The State also said to plan for 20% not to be collected or \$201,618.80. That is a big hit to the budget when the \$1,008,094 was needed to help fund the budget. Since the property taxes are the largest source of revenue, we could be looking at a budget shortfall of \$10,286.31 per month or \$123,435.72 based on the first 5 months of normal revenue and expenses. With the pool opening up, the expenses will be in addition to the normal operating expense making the budget shortfall even larger.

On a side note, Gwen stated that the City received a 1-time supplemental payment of LIT taxes. In the General fund it was \$ 33,603.00; CREDIT fund \$25,507.00 and the LIT Public Safety fund \$17,990.00. However, with factories shut down due to COVID-19, the LIT revenues will also be down, especially for next year.

Ron Dull stated that even though the property tax deadline has been extended, which impacts the first half of this year, by the end of the year, the city can anticipate the revenue to be about as expected. Gwen stated that she has been advised by the State to plan for as much as a 20% decrease in revenue due to lack of payment, people walking away from the property, etc.

Ron said that the impact should be less, especially with the government sending out stimulus checks and money from Cares Act. Gwen reported that being in the utility office, people receiving that money does not always translate to the city receiving payments.

When asked by Kelly Amstutz if she sees payment for the fall taxed delayed, Gwen said she has no knowledge at this time that payment of the fall taxed will be delayed.

Kelly stated that at this time, she cannot vote for the pool to open with the fiscal challenges as well as the need to follow all of the COVID-19 guidelines.

Ron stated that with the CDC and Indiana Governor Holcomb's office, the Pool Board has their plan of implementation in place, since kids and families have had to give so much up this summer, it is important that the pool open. Ron said at the end of the year if needed, money can be used from the Rainy Day fund or some other city fund if needed.

Rod Mason stated that if the pool opens and there is for whatever reason a spread of COVID-19 at the pool, then those same folks go to their homes and it spreads there, then to others in Berne, after there had been so much effort to keep the virus out of our community. Rod stated that he is ready, at the appropriate time to make a motion to close the pool.

When asked by Ron about municipalities that have closed their pools, Bluffton, Fort Wayne Community pools and New Haven were mentioned. Private pools in Fort Wayne are open. Rod did advise that the pool at the Wellness Center is now open, but for North campus residents only and not to the public.

John Wanner stated that the duty of the lifeguards is to watch the water and kids getting into and out of the pool, not to make kids social distance, so if another employee needs to be hired for monitoring that would be okay with him.

As far as revenue needed to operate the pool this year:

1. Swim Team has to buy a pool pass to be on the Swim team, so he would recommend raising the season pass price for everyone.
2. Raise the entrance fees
3. Not heat the pool, or not keep the pool as warm

John further stated that the pool should follow the CDC guidelines as best they can and that the pool should be opened.

Curtis Wurster stated that he has heard all of the information to this point, his questions have been addressed and he would be ready to vote on a motion.

Rod Mason made a motion that given the many, reasons discussed tonight, he is recommending that the pool remain closed for the 2020 season and consider reopening in 2021. Kelly Amstutz made the second. The motion failed to pass on a vote of 3 nay's and 2 yeas by the following roll call vote:

Kelly Amstutz	Aye	John Wanner	Nay
Ron Dull	Nay	Curtis Wurster	Nay
Rod Mason	Aye		

John Wanner made a motion to open the pool, raise the price of a season pass and raise the price of a day pass and to save costs by reducing the heat in the pool, whatever that means, trusting the staff to know.

Before there was a call for the second, Mayor Sprunger stated that John's motion did not address any of the CDC or IDH requirements for operating a public pool during COVID-19. Also, since the council is requiring that the Lehman Park Pavilion custodians must wear PPE's when spraying the pavilion, should not the same be asked of the pool employees. Mayor Sprunger added that city does not have an employee available to so this.

Ron Dull stated that the use of PPE's should be for everyone and the reason why and where and to document that and that city employees need to be the ones that sanitize the pool, restrooms at the pool that is in the plan submitted tonight as well as the public restrooms in the park,

Rod Mason stated that it has already been determined that we do not have the funds to supply money to the pool, so how can we supply city employees there.

Kelly Amstutz stated she is concerned because the council told the SAYL that they needed to do their own sanitizing, and that she does not like the message it sends that the Pool Board will not have to follow that same procedure. Kelly reported that she sent her fellow council members the Indiana Dept. Of Health guidelines for opening public pools, which she feels are not addressed in the plan presented tonight and that the council needs to do our due diligence to make sure all guidelines are adhered too.

Kelly made a motion that the Berne Recreational Facilities in order to protect our community from COVID-19, that they follow all IDH and CDC guidelines.

It was noted that there is already a motion on the floor made by John Wanner. Before asking for a second or an amendment , Attorney Baumgartner asked John to restate his motion.

John made a motion to open the pool and ask that the Berne Recreational Facility team to do their best to meet CDC guidelines and to raise as much revenue as possible, adding that he trusts them to run their pool. Ron Dull made the second.

When asked by Mayor Sprunger as to who would be the point guard at the pool John said he would assume it would be Jeff Sprunger and the pool manager.

Rod Mason asked to have the motion to be re-read after which Rod made a motion to amend and that it include that it is mandatory that all CDC and Indiana Department of Health guidelines associated with opening a public pool are met, including adequate signage, wearing of masks and social distancing, the use of hand sanitizers be mandatory and the hiring of employees to assure that all guidelines are followed.

Kelly made the second to amend.

Discussion

John Wanner stated that the guidelines as discussed are such moving targets and changing, it is like the council is micromanaging and that is why in his original motion he asked the pool to their best, to do their job.

Rod Mason stated that entire pandemic is a moving target, which is why he recommended that the pool not open. But if it does open, the moving targets have to be addressed as they come up.

Kelly Amstutz stated that she appreciates the dialogue tonight. She further stated that she has grandchildren who love going to the pool and who enjoy the pool. If the pool does open, Kelly said that she wants to make sure that we are doing everything possible to protect her grandchildren and all of the children who use the pool. Kelly stated that the rules are pretty clear cut ,and if we want to open the pool why would we not follow all of the guidelines, not to micromanage, but to keep our community safe. COVID is here, and we have to take all safeguards.

Curtis Wurster thanked the Berne Pool Board for their yeoman’s work on the plan they presented tonight. Curtis added that he did not see anything in the guidelines referred to by Kelly that was not addressed in the plan. Curtis also said that he understands the position Rod is in because of Swiss Village, but even Swiss Village has opened the pool (for north campus) at the wellness center.

Curtis questioned the mandatory need for hand sanitizer, Rod agreed that antibacterial soap is an acceptable form of hand sanitizer.

After further discussion, the Mayor called for a vote on the motion to amend and that passed 3-2 by the following Roll Call vote:

Kelly Amstutz	Aye	John Wanner	Nay
Ron Dull	Nay	Curtis Wurster	Aye

Rod Mason Aye

Ron Dull stated that it was his understanding at the last meeting, that the council asked the Pool Board to come with a plan of implementation and that that if he had had a chance to make a motion, it would have been to reopen the pool as soon as possible and the acceptance of implementation plan provided by the Berne Pool Board as council requested.

Rod Mason made a motion to further amend the motion on the floor to include the acceptance of the Pool organization plan except if it interferes with or does not adhere to the CDC and Indiana Department of Health guidelines and that those guidelines supersede the plan presented to the council by the Berne pool organization.

Ron mentioned that the need for temperature checks is not in the CDC or the IDHS guidelines, in answering, Rod said that is great and a local entity can make their guidelines stronger.

With no further discussion, Mayor Sprunger asked for a roll call vote on Rod's motion to further amend the motion on the floor passed 3-2

Kelly Amstutz	Aye	John Wanner	Nay
Ron Dull	Nay	Curtis Wurster	Aye
Rod Mason	Aye		

Rod Mason made another motion to amend the motion on the floor to include that if the pool opens, it is open for only Berne and the South Adams residents and that they agree to evaluate further openings on an ongoing basis.

Mayor Sprunger called for a second on the motion to amend as stated. With no one making the second, the motion by Rod that if the pool opens, it is open for only Berne and the South Adams residents and that they agree to evaluate further openings on an ongoing basis died on the floor.

With no further amendments or discussion, Mayor Sprunger asked for a vote on the original motion by John with the amendments as approved by the council made by Rod.

Kelly asked that the motion being considered be clarified.

Mayor Sprunger called for a vote on the motion by John Wanner and the amendments which are as follows

John made a motion to open the pool and ask that the Berne Recreational Facility team to do their best to meet CDC guidelines and to raise as much revenue as possible, adding that he trusts them to run their pool, **approved amendment # 1** that it is mandatory that all CDC and Indiana Department of Health guidelines associated with opening a public pool are met, including adequate signage, wearing of masks and social distancing, the use hand sanitizer be mandatory and the hiring of employees to assure that all guidelines are followed and **approved amendment # 2** the acceptance of the Pool organization plan except if it interferes with or does not

adhere to the CDC and Indiana Department of Health guidelines and that those guidelines supersede the plan presented to the council by the Berne pool organization.

Motion carried by a 3-2 roll call vote as follows:

Kelly Amstutz	Aye	John Wanner	Nay
Ron Dull	Aye	Curtis Wurster	Aye
Rod Mason	Nay		

Ron Dull stated that the Berne Recreation Facilities submitted was what the council asked of them, and that in the guidelines, they said they would follow all CDC and IDH guidelines and even though it might have to be tweaked, Ron said it is a good framework for moving forward.

Mayor Sprunger reported that he just received a message via GoToMeeting as to the opening date for the pool and in his response stated that the date is not known at this point. The information will be forthcoming once the preparation of the pool starts.

Kelly wanted to clarify several things and read from the Indiana State Board of Health guidelines for opening a public pool that addressed the use of facemasks. “ Facility employees must wear face coverings when working near patrons or where there are areas accessible to patrons, patrons should be encouraged to wear face coverings when not actively swimming or in the water”. Kelly wanted to confirmation that with the motion made to open the pool with amendments, that these guidelines will have to be followed. Mayor Sprunger confirmed that yes, those guidelines will have to be followed. Kelly went on further to address the issue that disinfectant spray must be EPA registered spray and that PPE’s appropriate gloves, gowns and goggles should be used when applying the spray, and was it addressed that per the Berne Rec guidelines, it will be a city employee that will apply the spray.

Dave clarified that by passing the motion that included accepting the Berne Recreational Facilities plan, a city employee will be responsible for spraying the disinfect.

Curtis asked about the term the use of a safety suit, and if that includes goggles, gloves and face mask. Kelly asked if it does not include the goggles, gloves, and face mask, does that mean the pool could then apply.

Discussion continued on the requirements on what a safety suit means. Attorney Baumgartner said that there should be further investigated and what the difference is between OSHA regulations and that of the Indiana Department of Health.

Ron Dull stated that when the council approved to accept the practices as outlined by the Berne Recreation Facilities Plan that if PPE’s were required that city employees would be the ones to apply the spray. Ron also stated that the city needs a set of guidelines that addressed how employees’ clean public spaces including restrooms at the park and at City Building.

Kelly referenced the email she had sent to the council and noted that on page 2 there is a link to EPA approved sprays and other valuable information.

Discussion was held about face masks, with the conclusion that employees must wear face masks where noted, patrons are encouraged to wear face masks. Dave stated that significant signage is of utmost importance.

Ron further empathized that the motion has been passed that the CDC Guidelines and Indiana Department of Health Guidelines will be followed and that city employees will apply the disinfect.

When asked for comments by Mayor Sprunger, Kurt Dailey asked that since the bleachers and chairs will not be used, where will the pool board store them since they are stored in the restrooms. With the requirement of having a city employee do the disinfect, Kurt stated that with a major sewer project being undertaken, how does the council expect the employees to do this. Kurt said it would mean hiring another employee, and how does that fit into the budget. As far as opening the pool, Kurt said that his best estimate to get the pool itself ready, it would be end of June early July at best. Rod Mason stated that since it has been determined that the pool will open, and that it has to be done according to Kurt's knowledge of the process.

Ron Dull asked Kurt to do the best he can to open the pool as soon as possible.

Attorney Comments Dave stated that he is in the process of amending the water use ordinance to address the HB that was passed about landlords and renters.

Mayor Comments The lobby at City Hall has been opened to the public as of today.

Clerk's Comments: None

Council Comments

Ron Dull asked about the status of the South Adams Summer Swim Team now that the pool has been approved to open. Mayor Sprunger said that with the pool opening, the swim team is to bring their plan to the Pool Board, and once they meet, the Pool Board will then present the plan to the Council at either their June 8th or as soon as possible after that.

Rod Mason stated that if needed, he will make an amendment if necessary that there will no competition allowed at the Berne Pool.

Mayor Sprunger thanked all those that attended via the GoToMeeting link, and for the participation and civility shown.

With nothing further to discuss, Kelly Amstutz made a motion to adjourn, Ron Dull made the second, and adjournment followed.

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer