

June 22, 2020

Pursuant to Executive Orders 20-04 and 20-08 by Governor Eric Holcomb in response to the COVID-19 pandemic, the June 22, 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, and Kelly Amstutz. Also present by using GoToMeeting was Clerk-Treasurer Gwen Maller and City Attorney Dave Baumgartner. Council member John Wanner was not present. An agenda was posted at the front door and a link to the agenda was available on the City of Berne website homepage.

Others present using GoToMeeting: Rob Weaver, WPGW; Clint Anderson of the Berne Witness, City of Berne Water Superintendent John Crider, and Work Force Manager Kurt Dailey.

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

Approval of Minutes

On a motion by Rod Mason and a second by Ron Dull, the minutes of June 8, 2020 council meeting were unanimously approved by a Roll Call vote as follows:

| | | | |
|---------------|-----|----------------|--------|
| Kelly Amstutz | Aye | John Wanner | Absent |
| Ron Dull | Aye | Curtis Wurster | Aye |
| Rod Mason | Aye | | |

Claims

Kelly Amstutz made a motion to approve the claims as presented. Curtis Wurster made the second and the motion was unanimously approved with the following Roll Call vote:

| | | | |
|---------------|-----|----------------|--------|
| Kelly Amstutz | Aye | John Wanner | Absent |
| Ron Dull | Aye | Curtis Wurster | Aye |
| Rod Mason | Aye | | |

Consideration of Ordinance 726 An Ordinance of The Common Council of The City of Berne, Indiana Amending Restating Chapter 53 of The Berne City Code Including Provisions Regarding the Use of and Services Rendered by The Waterworks System of The City of Berne and Charges Therefor.

Having been introduced at the June 8, 2020 council meeting, Mayor Sprunger opened up the floor for discussion of Ord. 726.

Kelly Amstutz stated that while she supports the need for a utility deposit for all new services, she is opposed to the deposit of \$250.00 being paid in one lump sum. Kelly added that with her work of over 20 years in assisting low income individuals and families, a deposit requirement of \$250.00, will adversely affect those in our

community with the greatest needs. Kelly would like consideration given to those who need assistance, to pay in installments not unlike what NIPSCO or AEP offer.

In responding to Kelly's request that an installment option be offered, Clerk-Treasurer Gwen Maller stated that in checking with the City of Berne software provider, the program needing to be purchased for taking deposits does not allow an installment option. Gwen further stated that the purchase cost for the software module for deposits is \$1,500 upfront and a small annual maintenance fee.

When asked by Rod Mason what the cost would be to add an installment option to the \$1,500 module, Gwen emphasized that there is not an installment option available in the new program, and there is no option through our current software utility program.

City Attorney Dave Baumgartner advised that if an installment plan is not an option, is there a lower deposit amount that the council might want to consider now, with the option to increase the deposit if it does not cover losses due to the new legislation that does not hold the landlord responsible.

Gwen reported that last year, when the landlord could be held responsible when their renters did not pay their water bill, the city collected \$5,603.00 from the landlords. The average unpaid bill for a renter was \$207.00. With the passage of HB 1165, which goes into effect July 1, 2020, municipalities in Indiana cannot hold the landlords responsible for unpaid water bills when their tenants do not pay and/or walk away from their place of residence. Gwen stated that the highest unpaid utility bill is when those buying on land contract walk away from their property. The unpaid utility bills last year ranged from \$357.00 to \$526.00 because storm water charges were included on the buyer's utility bill.

Kelly emphasized again, that her experience of having worked with lower income, under privileged individuals and families, the \$250.00 upfront deposit will create a hardship for the underserved population in our community. She stated that she could support the fee if those needing assistance were allowed to make installments of \$50.00 over a five month period.

Rod asked if this could be done internally with an Excel spreadsheet type of a system to track installments for those who fall under a certain income level. Gwen stated that she does not see a way to track this kind of an option, being a two person office and having on average, 25 move ins and move outs per month.

Kelly asked that consideration be given that would allow a potential renter the ability to bring in their current W2 statement, and if their income falls below the federal income poverty level, they be given the opportunity to fill out an application allowing for an installment plan for making their deposit payments. Rod agreed with Kelly's suggestion and that it would put the onus on the renter to provide the needed information by having them filling out an application. If an installment plan is not possible, Rod asked if there could be an option on a case by case basis, and if the city could give relief if there is proof of hardship. Gwen stated that she does not have the option to use her discretion but can only follow an ordinance in order to meet to State Board of Accounts requirements.

In answering Ron's question on the action that can be taken in this meeting, Dave explained that if the council wishes to make changes in the language in Ord. 726 tonight, whether it is changing the amount of the deposit, or allowing for installments, it can be done at this meeting and approved, or the council could ask for the changes and Ord. 726 be brought back for consideration at the July 13th meeting.

Gwen stated that given her 29 years as Clerk-Treasurer, knowing how the office operates, and how people pay their bills, she would like the council to reconsider the option of allowing installments.

When asked by Curtis what landlords require for a deposit, Dave replied that from his experience, landlords normally require the equivalent of one month's rent.

Ron asked that if installments are not an option, thought be given by the council to lowering the deposit to \$150-\$200 with the option to revisit the ordinance if the deposit does not cover the loses of unpaid utility bills. There was no additional discussion on lowering the deposit amount.

Kelly asked for clarification on the section (G) concerning unclaimed deposits. Dave explained that after 7 years, unclaimed property gets turned over the Indiana State Attorney General's office, which has a database available with names, addresses and amount of unclaimed property that the person or family can claim for payment.

Rod Mason made a motion to adopt Ord. 726 as written. Curtis made the second. With no additional discussion, the motion to adopt Ord. 726 was passed on a vote of 3-1 as follows:

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

Board of Public Works and Safety Meeting Update

Mayor Sprunger reported on the June 17th monthly meeting of the board.

The annual salt bids were opened as advertised. Mayor informed the council that Detroit Salt was the lowest bid for de-icing salt at \$72.19 a ton delivered, and Cargill was the only bid for softener salt at a cost of \$119 per ton delivered. Both bids were unanimously approved by the board.

Lehman Park opened to the public on Sunday June 14th. New signage about social distancing replaced the old signs. Per the recommendation of the Adams County Health Department, Mayor Sprunger stated that the public restrooms at the park remain closed at this time.

Progress on opening the pool continues, but there is not an opening date available at this time. As soon as a firm date is set, a news release will be sent to the media, and information will be made available on the City of Berne website as well as the City of Berne Face Book page.

Attorney Comments None

Clerk Comments:

Gwen informed the Council that the City did receive our June tax distribution. The amount received was 51.8% of the total expected but was only 3.6% less than last year. Last year at this time, the City received \$467,000.00 from our TIF district, at this time the city has only received \$258,000 or 30% less than last year. Gwen said that with the tax deadline extended to mid-July, some of our biggest industries have not paid their spring taxes yet.

Mayor Comments

Mayor Sprunger reminded everyone of the importance of completing the 2020 U.S. Census and as of today, 70.4% of our population have completed the census.

The chamber sponsored Community wide garage sale is scheduled for August 7 & 8th. City issued garage sale permits are not required for this event.

Brackney Construction is completing large sections of work, as well as hooking up laterals on Water Street and working in the Franklin Street area.

Flemings have put the topcoat on the Village Way project. Grading of the drainage area and seeding will be done later. The road is open and is a nice addition to the city and the area.

Council Comments

Ron asked the status of the census if data shows the city is underreported, as well as employment census employment opportunities. Mayor Sprunger stated that with COVID, dates have been pushed back including having Census workers going door to door. The Mayor said he get will additional information on employment opportunities, and the deadline for finishing the census.

Ron asked Dave when the ordinance passed tonight will go into effect. Dave advised that the notice of the change has to be published in the paper one time, then it will be in effect. When asked, Gwen stated that it will not take long to get the software ordered and installed. Gwen also said her office is planning to send out letters to the landlords informing them of the deposit requirement for new service of \$250.00 and the July 1st effective date.

Rod noted that even though it is outside of the Berne City limits, he is very concerned about the large number of patrons he observed last Saturday at Pine Lake. Pine Lake employs a number of Berne citizens and there did not appear to be an attempt at crowd control. Rod said he observed a large number of cars in the parking lot and is very concerned with overcrowding and lack of social distancing. He said he does not know who is managing Pine Lake, but the Sheriff's department or other appropriate officials need to be contacted.

As Fire Chief, John Crider stated that they did have to make a run to Pine Lake Saturday and the way cars were parked and lack of fire lines will be addressed by

him with the State Fire Marshal.

Ron mentioned that there are youth leagues in the area not associated with South Adams Youth League and he is happy that local kids do have a chance to play in other leagues in the surrounding area.

With nothing further to discuss and on a motion by Ron and a second by Curtis adjournment followed.

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer