

May 11, 2020

Pursuant to Executive Orders 20-04 and 20-08 by Governor Eric Holcomb in response to the COVID-19 pandemic, the May 11, 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, Samantha Sherrell and Ricky Sherrell with Sherrell Investments, LLC; Rob Weaver, WPGW; Clint Anderson of the Berne Witness and City of Berne Work Force Manager Kurt Dailey. An agenda was posted at the front door and a link to the agenda was available on the City of Berne website homepage.

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

On a motion by Rod Mason and a second by Ron Dull, the minutes of April 27, 2020 council meeting were unanimously approved by a Roll Call vote as follows:

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

Claims

John Wanner made a motion to approve the manual claims from April and the regular claims and payroll for May 15th. Kelly Amstutz mad the second and the motion was unanimously approved with the following Roll Call vote:

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

Consideration of Ordinance 724 An ordinance of the Common Council of the City of Berne, Indiana temporarily amending portions of Chapters 51 and 53 of the Berne City Code regarding the collection of charges and penalties for late payment thereof of the Waterworks System and Sewer System of the City of Berne due to COVID-19 Public Health Disaster Emergency declared by the Governor of the State of Indiana

City Attorney Dave Baumgartner explained that in Governor Holcomb's Executive Order, due to the COVID-19 pandemic, municipalities in Indiana that have their own utilities cannot disconnect the utilities for lack of payment as long as the Executive order is in place. Dave further explained that many municipalities, including Berne,

given the tenor of the order, stopped assessing late fees. State Board of Accounts has since advised cities via a webinar, that those municipalities that have waived late fees have to amend their utility rate ordinance allowing the waivers. Clerk Treasurer Gwen Maller added that her Clerk-Treasurer list serve had emails from clerk-treasurers who said their cities did the same thing and many felt there was an email circulated that stated that no late fees could be assessed during the Executive Order. When asked, Dave advised that the amended Ordinance is only temporary and will be in effect only as long as the Executive order is in effect.

Rod Mason made a motion to introduce Ordinance # 724 by short title on its first reading. Kelly Amstutz made the second and the motion was unanimously passed by the following Roll Call vote:

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

Ron Dull made a motion to waive and suspend the rules and procedures in order to adopt an ordinance at the meeting it was introduced. Curtis Wurster made the second and the motion was unanimously passed by the following Roll Call vote:

John Wanner	Aye	Ron Dull	Aye
Kelly Amstutz	Aye	Rod Mason	Aye
Curt	Aye		

John Wanner made the motion to adopt Ordinance #724 by short title. Ron Dull made the second and the motion was unanimously passed by the following Roll Call vote:

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

Attorney Comments Dave advised the council that he is working with Gwen to permanently amend the City of Berne Utility Ordinance in response to the passage of Indiana HB 1165, which no longer holds the landlord responsible for their tenant's unpaid utility bills. The language in our current ordinance has to be changed from holding the landlord responsible to holding the renter responsible for an unpaid city utility bill.

6:45 pm Public Hearing For Additional Appropriations Mayor Sprunger closed the regular meeting of the Council and opened the Public Hearing.

Clerk Treasurer Gwen Maller explained to the council that an additional appropriation is needed for money the city has already committed as our 25% match for the two projects in the Community Crossing grant. Gwen stated that she is presenting Ordinance 725 asking the council to approve the appropriation of \$219,419 from the Local Road and Bridge Matching Grant Fund and \$580,661.68, from the Community Crossing Grant Fund.

With no comments from the public, Mayor Sprunger closed the public hearing and reconvened regular council meeting.

Kelly Amstutz made a motion to introduce Ordinance # 725 by short title on its first reading. Rod Mason made the second and the motion was unanimously passed by the following Roll Call vote:

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

Ron Dull made a motion to waive and suspend the rules and procedures in order to adopt an ordinance at the meeting it was introduced. John Wanner made the second and the motion was unanimously passed by the following Roll Call vote

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

Curtis Wurster made the motion to adopt Ordinance #725 by short title. Rod Mason made the second and the motion was unanimously passed by the following Roll Call vote:

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

Annual CF-1 Filing

Sherrell Investments, LLC CF-1 filing for Real Estate Improvements at 917 Liechty Road, Berne. Samantha Sherrell updated the council on the money Sherrell Investments spent in the last year to better their position to either lease or sell their building, including removing the old paint line. As Clerk Treasurer, Gwen Maller stated that she reviews all Cf-1 applications, and in reviewing Sherrell Investments application, they spent more on real estate improvements than was on their CF-1 application and she recommended to council that they find Sherrell Investments in substantial compliance.

The members of council were given the opportunity by Sherrell Investments to tour the building last week. Rod Mason stated that his schedule regrettably did not permit him to tour the plant. He did express his concern of the repetitive pattern of year after year there is the hope of a potential buyer, but then no action takes place, and he does not want to see that pattern continue.

Samantha Sherrell assured the council that their intent has never been to keep coming back to the city for an abatement and they too want to sell or lease the property. Samantha said that they continue to be current on their city utility bill and while they could have walked away from the building, they are trying to do the right thing. Samantha also stated that they have used as many Berne businesses as possible in the continued refurbishing of the building and the council had the list of contractors and

their locations used in the past year. In response, Rod said he recognized the money and effort Sherrell's put into the building, but just wanted to raise a word of caution. Colton Bickel, Adams County Economic Development Director stated that he walked through the building this morning and wanted to commend Ricky and Samantha for the work they have done on the building. With the paint booth removed, Colton said the building is much more versatile. He continues to work leads on potential tenants or buyers and will continue to do so.

John Wanner stated that he had some serious misgivings about Sherrell and their CF-1 application because of the past history of always having a potential buyer and then nothing happens and for not being in complete compliance with their application. John reported that in walking through the building, he was impressed with the condition of the building and that it is basically move in ready. John thanked the Sherrell's for not walking away from the building amidst the obstacles they have encountered, many of which was not their own doing adding that we as a city do not want another Dunbar building on our hands. John said he would not have a problem approving their CF-1 filing for their tax abatement, which not only supports the efforts of Sherrell Investment, it also tells other potential industries that the City of Berne stands behind those willing to make an investment in Berne. While Sherrell did not hit all of their marks, John said they have worked hard, and have a viable building to lease or sell.

Council member Ron Dull thanked Ricky and Samantha for their continued efforts to upgrade the property. Having served on the council for all of Sherrell Investments CF-1 applications, Ron stated that he supports approving this application given the current circumstances.

Kelly did not have any further questions or comments but appreciated the information that she has heard tonight.

Curtis Wurster stated that he appreciates Sherrell Investment standing behind their property and making the investment in upgrading their building and getting it ready to sell.

With no additional questions or comments, Curtis Wurster made a motion to find Sherrell Investments LLC's CF-1 filings to be in substantial compliance. John Wanner made the second and the motion was unanimously approved with a Roll Call Vote as follows:

Kelly Amstutz	Aye	John Wanner	Aye
Ron Dull	Aye	Curtis Wurster	Aye
Rod Mason	Aye but will say nay next year		

Samantha and Ricky thanked the council for their approval of the CF-1 filing. Ricky offered anyone on the council the opportunity to tour the plant the next time they are

in town. Colton Bickel also offered to give a tour of the plant and Samantha thanked him for his efforts also on their behalf.

Mayor Comments

Mayor Sprunger reminded everyone of the importance of completing the 2020 U.S. Census and as of today, only 68.3% of our population has completed the census.

Brackney Construction has completed the long stretch along Water Street and are making good progress.

Fleming Excavation is continuing the work on the Village Way project with good progress being made.

Mayor Sprunger encouraged those needing to buy graduation gifts to consider buying Swiss Bucks from the Berne Chamber, which will keep money in the community and help local businesses.

Mayor Sprunger said that no decision has been made about when or if the pool will be opened this season, in part due to the current CDC/COVID-19 restrictive guidelines. Discussion by the council was held about the funding for the pool. Gwen Maller stated that she is concerned about the extended deadline for entities to pay their property taxes, which is the largest revenue source for the general fund. Funding for the cost of operating the pool comes from the general fund, which was \$70,000 last year.

The Mayor and the council agreed that no decision can be made at this time given the guidelines, and to bring this back for the Tuesday, May 26th meeting.

Ron Dull asked if the Pool Board could also be asked what they would see as their plan for opening. Kelly Amstutz asked what the plan might be in place if the pool was to open.

Kurt Dailey reported that it takes about two weeks to just get the pool ready, filled and the water tested. Mayor Sprunger stated that he will get in touch with Kurt Dailey and Pool Board President Jeff Sprunger so Jeff can get input from his board to have at the May 26th meeting.

Clerk's Comments:

Gwen Maller reported that in listening to a State Board of Accounts webinar, Clerk-Treasurers were advised that any adjustments to water bills should be approved by the governing body, even though our Ordinance allows the Clerk-Treasurer to make those adjustments internally. The adjustments provided to the council for their information included one-time water leak adjustments, write off's for non-payment move out, bankruptcy and returned checks. The date of the report is 1/1/2020-3/31/2020.

Curtis Wurster made the motion to approve the adjustments as discussed. Rod Mason

made the second and the motion was unanimously approved with the following Roll Call vote:

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

Council Comments

John Wanner stated that while he understands the unprecedented time we are in due to COVID- 19, he was a little surprised and shocked that Swiss Days has been cancelled this early. As a former member of the Swiss Days Committee, John said he was disappointed. In response, Rod Mason said he whole hardly endorsed the decision that was made to not hold a Swiss Days Festival this summer.

Ron Dull reported that he really likes the new water bill format and thanked Gwen and Mayor Sprunger for their work and on making the change. Rod Mason echoed Ron's comments on the improved water bills.

There being no other business to come before the Council and upon a motion duly made to adjourn by Ron Dull and seconded John Wanner, adjournment followed.

Gregg A. Sprunger, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer