

September 26, 2011

The Common Council met with Mayor John Minch for a regular meeting on Monday, September 26, 2011 at 7:30 p.m. in the Council Chambers at City Hall. All councilmen were present along with Attorney Bob Biberstein and Clerk-Treasurer Gwen Maller.

Ron Dull opened the meeting with the pledge of allegiance and Gregg Sprunger gave the invocation.

On a motion by Ron Dull and a second by Gregg Sprunger, the minutes of the September 12, 2011 meeting were unanimously approved.

On a motion by Mike Poulson and a second by Curt Wurster, the claims were unanimously approved for payment.

Attorney Jim Beitler, Adams County Economic Director Larry Macklin, and Mr. Kip Gerber, President of Ring-R came before the council to request a tax abatement for new manufacturing equipment. Ring-R is expanding their business and is locating it in Berne at 750 E. Parr Road. They will be manufacturing 20 and 40 foot barges and accessory equipment for Poseidon Barge in Fort Wayne. They are also going to manufacture Curse Buster which is a patented plow-layer vertical tillage machine for North American Ag-Gro. They are investing \$560,000 in new manufacturing equipment and expect to initially generate 13-15 new jobs. A notice will be published in the Berne Tri-Weekly for a public hearing to be held on October 11, 2011 at 8:00 p.m. Attorney Bob Biberstein read Resolution 2011-9-26 by short title which is as follows:

RESOLUTION 2011-9-26

SHORT TITLE: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE ESTABLISHING AN ECONOMIC REVITALIZATION AREA, WAIVING NON-COMPLIANCE, AND GRANTING TAX ABATEMENT FOR NEW MANUFACTURING EQUIPMENT

WHEREAS, the Applicant, Ring-R, 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 and 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 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 is 750 E. Parr Road, 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 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, 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.

NOW, THEREFORE, 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. 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).

4. That the Applicant, to obtain the deductions provided I.C. 6-1.1-12.1-4.5, shall file a certified deduction application 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 the 11th day of October, 2011 as the date and, at the hour of 8:00 P.M. (local time) as the time, and Common Council Chambers, Berne 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 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; the failure to submit the completed statement of benefits form to the designating body before the initiation of the redevelopment for which the person desires to claim a deduction; the failure to designate an area as an Economic Revitalization Area before the initiation of the redevelopment; and the failure to make the required findings of fact before designating an area as an economic revitalization area.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF BERNE, STATE OF INDIANA, THIS 26TH DAY OF SEPTEMBER, 2011.

COMMON COUNCIL OF THE CITY OF BERNE

Ronald N. Dull
D. Michael Poulson
Gregg A. Sprunger
Curtis L. Wurster
Mark D. Wynn

John F. Minch, Mayor and Presiding Officer

ATTEST:
Gwen Maller, Clerk-Treasurer

**EXHIBIT "A"
LEGAL DESCRIPTION**

Tax Parcel #01-08-33-400-005.000-010

750 E. Parr Road, Berne, Indiana

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section Thirty-three (33), Township Twenty-six (26) North, Range Fourteen (14) East in Adams County, Indiana; thence West along the North line of said Quarter Quarter Section a distance of Three Hundred Ten (310) feet to a point; thence South parallel with the East line of said Quarter Quarter Section a distance of Two Hundred Three (203) feet; thence East parallel to the North line of said Quarter Quarter a distance of Three Hundred Ten (310) feet to a point; thence North on and along the East line of said Quarter Quarter Section a distance of Two Hundred Three (203) feet to the place of beginning; containing 1.44 acres, more or less.

ALSO:

Commencing at 203 feet South of the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section Thirty-three (33), Township Twenty-six (26) North, Range Fourteen (14) East, in Adams County, Indiana; thence West parallel with the North line of said Quarter Quarter Section a distance of 310 feet; thence South parallel with the East line of said Quarter Quarter Section 141 feet; thence East 310 feet to the East line of said Quarter Quarter Section; thence North on and along the East line of said Quarter Quarter Section 141 feet to the place of beginning; containing 1 acre, more or less.

Gregg Sprunger made a motion to pass Resolution 2011-9-26. Ron Dull made the second and the motion was unanimously passed.

Kyle Velasco, Berne Democrat Chairman, came before Council to ask permission to have Main Street closed on the evening of October 25, 2011 for the Halloween parade. He also asked permission to work with Police Chief Tim Taylor for traffic and crowd control and permission to use the City Hall garage for the costume contest judging. He stated that they would pay any overtime expenses that are associated with the parade. They are also working with the Berne Chamber of Commerce and the Berne Red Hatters. Curt Wurster made a motion to approve the three requests made by the Berne Democrats for the Halloween parade. Mark Wynn made the second and the motion was unanimously passed.

Mayor Minch informed the Council that the Berne Chamber of Commerce is interested in selling their horse barn that is located off of Water Street. It is seldom used except for Swiss Days. They do have another interested buyer that would keep it open for the Amish to use during Swiss Days. The Board of Works didn't think it was something the City would be interested in, but

wanted the decision to be made by the Council. Mike Poulson made a motion that the Council is not interested in purchasing the Berne Chamber's horse barn. Curt Wurster made the second and the motion was unanimously passed.

Attorney Biberstein submitted a survey from Bill Wemhoff for the old water tower property. Mark Wynn made a motion to have Attorney Biberstein move forward in reviewing state statues to see the appropriate way to dispose of the property and to see what an appraisal would cost. Ron Dull made the second and the motion unanimously passed.

Attorney Biberstein also submitted a survey from Bill Wemhoff for the small parcel of land at the corner of Berne and Welty streets that Smith Brothers is deeding back to the City of Berne. It is on the Northwest corner of the property. No official action was taken.

Ron Dull made a motion to direct Bob Biberstein to forward electronically to Trachselwald, Switzerland a copy of the proposed Sister City Resolution for their review. All Councilmen reviewed it and didn't have any changes. Gregg Sprunger made the second and the motion was unanimously passed.

Attorney Comments:

Bob stated that he is working on several issues pertaining to the new Immigration law; the Firearm law; and the prevailing wage law for public works projects. Discussion was held and Bob recommended holding off on any public works projects until January 1, 2012.

Council Comments:

Ron Dull asked when Buckeye Street will be paved. Shannon Smitley informed them that there is still pipe lining work that needs to be done in that area and the street won't be paved until LICA can come in and do all the streets in the project at once.

Ron also informed the Council that South Adams High School seniors are having a "Senior Service Day" on October 19, 2011. Let him know if there are any jobs that need to be done at the pool or the ball diamonds and he will let the sponsors know.

There being no other business to come before the Council and upon a motion duly made to adjourn by Curt Wurster and seconded by Mark Wynn, adjournment followed.

John F. Minch, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

