

January 9, 2012

The Common Council met with Mayor William McKean for a regular meeting on Monday, January 9, 2012 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present along with Attorney James Beitler, Jr. and Clerk-Treasurer Gwen Maller.

Jacob Werst and Krystal All, South Adams students, opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

The first item of business was for Council to elect a president for 2012. Mark Wynn nominated Gregg Sprunger. Curt Wurster made a motion that the nominations be closed. Ron Dull seconded the motion and it was unanimously passed. Gregg Sprunger will be the Council President for 2012.

On a motion by Ron Dull and a second by Curt Wurster, the minutes of the December 12, 2011 meeting were unanimously approved with the one correction to change "Phil" Litwiller to Scott.

On a motion by Gregg Sprunger and a second by Phil Provost, the claims were unanimously approved for payment.

Ron Dull made a motion to approve the 2012 Holiday Schedule according to the dates that were presented. Mark Wynn made the second and the motion was unanimously passed. The 2012 holidays are as follows:

Good Friday	Friday, 04/06/12
Memorial Day	Monday, 05/28/12
Independence Day	Wednesday, 07/04/12
Labor Day	Monday, 09/03/12
Columbus	Monday, 10/08/12
Veterans Day	Monday, 11/12/12
Thanksgiving	Thursday, 11/22/12
Day after Thanksgiving	Friday, 11/23/12
Christmas Eve	Monday, 12/24/12
Christmas Day	Tuesday, 12/25/12
New Years Eve	Monday, 12/31/12
New Years Day	Tuesday, 01/01/13

Gregg Sprunger made a motion to move the regular Monday night meetings to Tuesday nights at 7:30 for the following three holidays that fall on a meeting night, Memorial Day, Columbus Day, Veterans Day. Curt Wurster made the second and the motion was unanimously passed.

Attorney Jim Beitler introduced Ordinance # 222 by short title for Council consideration. This ordinance amends Ordinance #619 by establishing the pay of volunteer firemen who are full time employees of the City of Berne according to the Fair Labor Standards Act pursuant to 29CFR Section 778.415 through Section 778.421. Jim stated that according to the Department of Labor there is no prohibition to having City employees work at two different jobs with different rates. However, when overtime is involved, they have to be paid according to the Fair Labor Standards Act. Ron Dull made a motion to approve the first reading of Ordinance #222. Phil Provost made the second and the motion was unanimously passed. Gregg Sprunger made a motion to waive the rules and regulations to pass the second reading of an ordinance. Curt Wurster made the second and that motion was unanimously passed. Ordinance #222 was read for its third and final time by short title. Gregg Sprunger made a motion to adopt Ordinance #222 on its final reading. Mark Wynn made the second and the motion was unanimously passed.

There were not any bids submitted in November 2011 for annual concrete work. Ron Dull made a motion to re-advertise for concrete bids for 2012 and to amend the bids to include that the bidder be enrolled and participate in the e-verify system. Curt Wurster made the second and the motion was unanimously passed. The bids will be opened on February 13, 2012 at a Board of Public Works meeting.

#### **Student Government Comments**

Jacob and Krystal reported that the annual Stardust dance will be held at 8:00 p.m. on Saturday at the Well County Arts and Community Building.

### **Mayor Comments**

Mayor McKean stated that he had met Ben Adams and Wayne Boyer from Commonwealth Engineering and they reported that the project covered by the DR2 grant was on schedule and also within the budget. He thanked the Councilmen and the past Administration for moving ahead with the project.

### **Attorney Comments**

Jim presented an ordinance for Council to review that addresses unsafe buildings. As a third class City, we are able to adopt the state law for the unsafe building code. He stated that it is a multi-phase approach which will take time to implement. Council should contact him with any questions about the ordinance.

### **Councilmen Comments**

Gregg Sprunger read resolution 2011-8 and asked that it be made a matter of record. The resolution is as follows:

#### **RESOLUTION 2011-8**

**SHORT TITLE: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ADAMS COUNTY SOLID WASTE MANAGEMENT DISTRICT WHICH RECOGNIZED JOHN F. MINCH FOR HIS YEARS OF SERVICE AND WHICH EXPRESSES THE BOARD'S GRATITUDE FOR HIS CONTRIBUTIONS TO THE DISTRICT.**

WHEREAS, John F. Minch, by virtue of his elected office as Mayor of the City of Berne, Indiana, has served as a member of the Board of Directors of the Adams County Solid Waste Management District ("District"), for the past eight (8) years; and

WHEREAS, during his years of service, John F. Minch ably fulfilled his duties as a Board member and brought to the Board a calm, deliberate and insightful voice of reason; and

WHEREAS, Mayor Minch's service to the District Board will come to a close on December 31, 2011; and

WHEREAS, the District Board of Directors, for themselves, District employees, and all citizens of Adams County wish to express their gratitude to John for his contributions to the District;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Adams County Solid Waste Management District as follows:

RESOLVED: that John F. Minch has served the District well, conducting himself with integrity, good sense and good judgment;

RESOLVED: that on behalf of its members, District employees and Adams County citizens, the Board of Directors hereby expresses its deep appreciation and gratitude to John for his contributions and years of service and hereby extends to him the District's best wishes in whatever the future may hold;

RESOLVED: THAT THIS Resolution, upon its adoption, be made a matter of public record in the records of the District, that a duly executed copy be presented to John F. Minch and that a duly executed copy be presented to the Clerk-Treasurer of the City of Berne, Indiana with the request that this Resolution be spread of record in the minutes of the Berne Common Council in recognition of the contributions made to the District by John F. Minch, Mayor of the City of Berne, Indiana.

DULY PASSED, ADOPTED AND RESOLVED on this 19<sup>th</sup> day of December, 2011 by the Board of Directors of the Adams County Solid Waste Management District.

Board of Directors of the Adams County Solid Waste Management District  
John L. Schultz            Charles E. Cook            DuWayne W. Herman  
Douglas L. Bauman      Kim A. Fruechte            Edwin E. Coil  
Attest: Rebecca S. Cochran, Controller

Ron Dull reported that the park pavilion has new managers, Chad and Kris Biberstein. The Park Board will have an organizational meeting soon.

Gregg Sprunger stated that he is open to any Council ideas or suggestions that they may have.

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

ATTEST:

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William F. McKean, Mayor

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Gwen Maller, Clerk-Treasurer

