

June 26, 2017

The Common Council met with Mayor William McKean for a regular meeting on Monday, June 26, 2017 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Philip Provost were present with Mark Wynn joining the meeting late. Also present were Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller.

Councilman Gregg Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Minutes

On a motion by Ron Dull and a second by Curtis Wurster, the minutes of the June 12, 2017 meeting were approved on a vote of 4 yeas and 0 nays.

Claims

On a motion by Gregg Sprunger and a second by Phil Provost, the claims were approved for payment on a vote of 4 yeas and 0 nays.

Honor and Remembrance

Mr. Don Finnigan, Mr. Walter Starrett and Portland City Judge Donald Gillipsie, Honor and Remembrance representatives were present to express their appreciation to the City of Berne and all of Adams County for their assistance in the recent Run for the Fallen event. Mr. Finnigan stated that the 140-mile Honor and Remembrance run from Fort Wayne to Indianapolis recognized 286 fallen military personnel from Indiana. He thanked the City for flying the Honor and Remember flag in support of this event. Mr. Finnigan stated that the founder of their organization, Mr. George Lutz, designed the flag especially for fallen military personnel after his own son was killed by a sniper in Fallujah Iraq. Mr. Finnigan stated that several first responder organizations have asked Mr. Lutz if the flag could also represent their fallen members. After much consideration, Mr. Lutz declined their request, but created a new flag designed specifically for first responders. Mr. Finnigan unveiled the new flag and then presented one to Indiana State Police Sergeant Dan Mawhorr and Adams County Chief Deputy Sherriff Eric Beer in recognition of their work with the Run for the Fallen event. The Council also thanked them and the members of Honor and Remembrance of Indiana LLC. for all their hard work.

2018 Salary Proposal

Mayor McKean stated that for 2018, he is proposing a 1.5% salary increase, plus a \$500.00 pay increase for each full-time employee, Clerk-Treasurer, Mayor and City Attorney. He is also proposing a \$300.00 increase for all department heads who are responsible for employees in their department and an additional \$200.00 to Kurt Dailey, John Crider and Terry Kongar due to their respective reporting responsibilities. Curtis Wurster made a motion to have the City Attorney prepare a salary ordinance for 2018 with the Mayor's proposal. Mark Wynn made the second and the motion was unanimously passed. 5 yeas and 0 nays

Ordinance #691

Ordinance #691 was presented for Council consideration. This ordinance creates the Motor Vehicle Highway Fund-Allocated and renames the current Motor Vehicle Highway Fund of the City of Berne. Clerk-Treasurer Gwen Maller informed the council that the State Legislature in HEA 1002 added to the Indiana Code IC 8-14-1-4 (c) which states "for funds distributed to a City or Town from the motor vehicle highway account after June 30, 2017, the City or Town shall use at least fifty percent (50%) of the money for the construction, reconstruction, and maintenance of the City's or Town's highways." The ordinance would create a new fund where the restricted 50% of the MVH funds would go helping the documentation process which will be required. Gwen also stated that the State Board of Accounts has not given their approval yet, so everyone is waiting to hear their ruling. But we needed to go ahead with an ordinance, because June 30th is fast approaching. If the State Board of Accounts does not approve of the creation of a new ordinance, Gwen stated that she will ask that it be rescinded. Curtis Wurster made a motion to introduce Ordinance #691 by short title. Ron Dull made the second and the motion was unanimously

passed. Gregg Sprunger made a motion to waive the rules and regulations to pass an ordinance on the night that it was introduced. Mark Wynn made the second and the motion was unanimously passed. Phil Provost made a motion to pass ordinance #691 on its final reading. Ron Dull made the second and the motion was unanimously passed. 5 years and 0 nays

Review of Golf Cart ORV Ordinance #692

Attorney Dave Baumgartner reported that HEA 1491 and 1200 were recently passed by the State Legislature that deal with golf carts and off- road vehicles (ORV's) . The Board of Works discussed this issue at their meeting last Wednesday and asked that it be on tonight's Council agenda. HEA 1200 added the requirement that states, "any and all operators and riders of an off-road vehicle who are under the age of eighteen (18) years shall wear helmets at all times while said off-road vehicle is in operation." This would amend section 70.72 by adding item (H) and would only apply to ORVs.

HEA 1491 deals with the definition of an operator of a golf cart and OVR and would amend ordinance Section 70.71. Our current ordinance requires the operator to be 18 years of age and have a valid driver's license. The new bill states that the operator must have a valid driver's license or be 16 years and 180 days of age and who holds an identification card issued by the BMV or a BMV issued photo exempt identification card. Discussion was held. Mark Wynn stated that he is in favor of the driver's license and the BMV I.D. card so that older people who no longer have a valid driver's license can drive a golf cart. Ron Dull said he also was in favor of that but questioned it pertaining to OVR since they can go a lot faster. The consensus was for Dave Baumgartner to prepare the ordinance and to have the golf cart requirements be a valid driver's license or be 16 years and 180 days of age with an identification card issued by the BMV or a BMV issued photo exempt identification card. The requirements for the ORV will be a valid driver's license and the wearing of a helmet.

Board of Works and Safety Meeting Update

The Board met on Wednesday June 21, 2017 and discussed several items. They approved the purchase of AEDs (automatic external defibrillator) for each police vehicle and one at City Hall. An additional AED was purchased at the request of Fire Chief John Crider for the fire department.

The Board approved several street closings and temporary signage for Swiss Days which will be the last full weekend in July.

The annual salt bids were opened. The Board of Works accepted the low bid from Cargill for de-icing street salt for \$65.82 a ton delivered and the low bid from Compass Minerals for \$116.66 a ton delivered for water softening salt pending review by the appropriate department heads.

The Board gave Kurt Dailey approval to work with City Attorney Baumgartner in preparing specification and advertise for a new street sweeper.

Attorney Comments

Dave Baumgartner said that he will prepare an ordinance for a new stop sign at the corner of Hoosier and Welty streets with the stop on Hoosier. This is the new street that was recently constructed by Smith Brothers due to the City vacating a section of Berne Street.

Councilman Comments

Councilman Ron Dull publicly thanked Dan Mawhorr, Eric Beer, Tim Taylor and Rob Johnson for all of support they gave to the Run for the Fallen event.

Councilman Mark Wynn invited the Council to a meeting with officials from INDOT on Thursday at 10:30 a.m. at the corner of U.S. 27 and C.R. 700 S. School Superintendent Scott Litwiller, State Rep. Matt Lehman and others will be meeting to discuss the need for a stop light at that intersection.

There being no other business to come before the Council and upon a motion duly made to adjourn by Curtis Wurster and seconded by Mark Wynn, adjournment followed. 5 yeas and 0 nays

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer