

CITY OF PERRY REGULAR COUNCIL MEETING
PERRY COMMUNITY BUILDING

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REGULAR CITY COUNCIL MEETING HELD VIRTUALLY THROUGH ZOOM AND IN PERSON
ON JANUARY 7, 2021

INVOCATION PRESENTED BY DEANNA SHAW, SHAFTSBURG COMMUNITY BIBLE CHURCH

PRESENT: COUNCILMEMBERS, KRAIG ELLIOTT, MINDY GALBAVI, LARRY LAMBERT,
BOB PORTER; MAYOR, SUSAN HAMMOND AND CITY CLERK DEVIN MILLER

ABSENT: COUNCILMEMBERS, ADAM GRASS AND TERRY WOOD

ALSO PRESENT: TREASURER, JO ANN VELTING
SUPT. DPW, JOHN SOUDER
POLICE CHIEF, KYLE BAWKS
STUDIO 130, ALEX MALLOY

Mayor called the meeting to order at 7:00 p.m.
Mayor led the Pledge of Allegiance.

01-07-21-01

Moved by Elliott, seconded by Porter to excuse Terry Wood from this council meeting. Carried, all yes.

APPROVAL OF THE AGENDA:

01-07-21-02

Moved by Lambert, seconded by Galbavi that the agenda be adopted as printed. Carried, all yes.

READING AND APPROVAL OF THE MINUTES:

01-07-21-03

Moved by Lambert, seconded by Elliott that we suspend the rules, waive the reading and approve the minutes from the December 17, 2020 regular meeting. Carried, all yes.

PRE-APPROVED REPORTS/PRESENTATIONS:

The following gentlemen gave a presentation to explain why the City may want a DDA and also were available for questions:

Bob Ottke, Planning Commission Chairman
Justin Sprague, CIB Vice President
Justin Horvath, SEDP President/CEO
Charles Donaldson, Program Specialist with the MEDC

COMMENTS FROM THE PUBLIC:

Justin Horvath shared that the Water Extension Grant is complete and he is just waiting for possible approval of grant.

COMMUNICATIONS:

Council received correspondence from City Attorney, information for DDA and Senate Bill No. 241.

MAYOR & DEPARTMENT HEAD REPORTS:

MAYOR reported that there is a new hire for the Deputy Clerk/Treasurer position and she will be requested to attend next meeting.

SUPT. OF DPW, JOHN SOUDER reported that the City has seven new utility connections and that he is applying for a water grant.

PRESENTATION AND APPROVAL OF THE BILLS:

01-07-21-04

Moved by Lambert, seconded by Elliot that we approve the bills as presented and that payment be authorized. Carried, all yes.

NEW BUSINESS:

Possible Approval of Water Tower Maintenance

Supt. of DPW gave a report about the Water Tower Inspection/submittal of funding applications.

01-07-21-05

Moved by Elliott, seconded by Lambert that we support the Supt. of DPW to move forward by submitting application of intent for possible funding through State Revolving Funds in regards to water tower's need for repairs. Carried, all yes.

Discussion- Water Shut Offs

Senate Bill No. 241, which has become law states a public water supply shall not shut off water service to any occupied residence due to nonpayment. The Act also states that it will be repealed effective March 31st, 2021.

Discussion- Create DDA

No action taken.

Possible Workshop for DDA

No action taken.

Discussion of A-Frame Signs

Moratorium on A-Frame Signs.

01-07-21-06

Moved by Elliott, seconded by Lambert that we support Moratorium created October 4, 2018, which stops current enforcement of A-Frame signs, until Finance & Ordinance committee meets and makes a recommendation to Council to possibly amend zoning ordinance Section 13.14 (C.3.). Carried, all yes.

Possible First Reading of Ord. Amendment No. 351

01-07-21-07

Moved by Lambert, seconded by Elliott that Water and Sewer amendment #351 regarding cleanup and clarification updates and which reads as follows be placed on the next agenda for possible adoption:

THE CITY OF PERRY ORDAINS:

Current city code Section 1040.02 is amended with the addition of the following paragraphs:

(e) Employees of the City shall have the right to enter any premises in which or on which City water is used, to inspect, repair or remove water meters or appurtenances in connection with water meters, at any and all reasonable times.

(f) It shall be unlawful for any person to open any valve or make any connection which will make possible the use of water which has not passed through a meter properly installed by the city.

Current city code Section 1040.03 is hereby repealed. The below cited code Section 1040.03 is substituted in its place and stead.

1040.03 FREE SERVICE PROHIBITED; BILLING, UTILITY RATES AND CHARGES SCHEDULE

No free service shall be furnished by the water system to the City, to any person, public or private, or to any public agency or instrumentality. Charges for service furnished by the system shall be billed and collected as established by the current schedule of utility rates and charges, as established by the City Council and amended from time to time by the City Council.

Current city code Section 1040.06 is hereby repealed. The below cited city code Section 1040.06 is substituted in its place and stead.

1040.06 CHARGES FOR SERVICE IN CITY.

(a) Monthly Base Charge. All premises in the City shall be subject to a monthly base charge according to the size of the water meter and service connected to the premises, in accordance with the current schedule of utility rates and charges.

(b) Commodity Charge. In addition to the monthly base charge, all premises in the City connected to the system shall pay a commodity charge for the amount of water used at the rate as established in the City schedule of utility charges.

(c) Connection Charge. A connection charge shall be charged to each premises in the City connected to the City water system. This charge shall be the sum of the following:

- (1) The actual cost of all labor and material and any other expenses required to provide the necessary service, up to and including the curb box and valve;
- (2) The actual cost of all labor and material required to provide the necessary metering equipment; and
- (3) An administrative fee of fifteen percent of both paragraphs (c) (1) and (2) hereof.

If the connection is constructed and paid for directly by the property owner, the City shall waive the connection charge, except for the actual costs incurred by the City of inspecting such connection. All construction shall be in accordance with City specifications.

(d) Benefit Charge. In addition to the connection charge, a benefit charge in accordance with the current schedule of utility rates and charges as established by the City Council shall be charged for each single-family residential equivalent in the City connecting to the system after the effective date of this section.

The single-family residential equivalency shall be determined from the Table of Unit Factors set forth in Section 1040.08. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the benefit charge for single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

Rules for interpreting the Table of Unit Factors are as follows:

- (1) The minimum equivalent factor for users shall be 1.0.
- (2) Equivalent units for users not originally contained in such Table may be added thereto from time to time by resolution of Council.

- (3) Where multiple businesses exist at one location, the various businesses shall be combined for determining the equivalent units at such location.

Current City Code Section 1040.07 is repealed and the below cited Section 1040.07 is substituted in its place and stead.

1040.07 CHARGES FOR SERVICE OUTSIDE CITY.

(a) Monthly Base Charge. All premises outside the City shall be subject to a monthly base charge, in accordance with the current schedule of utility rates and charges, according to the size of the water meter and service connected to the premises.

(b) Commodity Charge. In addition to the monthly base charge, all premises outside the City connected to the system shall pay a commodity charge for the amount of water used, at the rate as established in the City schedule of utility charges.

(c) Connection Charge. A connection charge shall be charged to each premises outside the City connected to the City water system. This charge shall be the sum of the following:

- (1) The actual cost of all labor and material and any other expenses required to provide the necessary service, up to and including the curb box and valve;
- (2) The actual cost of all labor and material required to provide the necessary metering equipment; and
- (3) An administrative fee of thirty percent of both paragraphs (c) (1) and (2) hereof.

If the connection is constructed and paid for directly by the property owner, the City shall waive the connection charge, except for the actual costs incurred by the City of inspecting such connection. All construction shall be in accordance with City specifications.

(d) Benefit Charge. In addition to the connection charge, a benefit charge in accordance with the current schedule of utility rates and charges, shall be charged for each single-family residential equivalent outside the City connecting to the system after the effective date of this section.

Current City code Sections 1040.09, 1040.10, 1040.11, and 1040.115 are repealed and the below cited Sections 1040.09, 1040.10, 1040.11, and 1040.115 are substituted in its place and stead.

1040.09 TURN-ON/OFF CHARGE.

When the supply of water is shut off by the City for nonpayment of water charges, a turn-on charge in accordance with the current schedule of utility rates and charges, shall be made to restore service to the premises. When the supply of water is shut off by the City at the request of the water customer, a turn-off/on charge in accordance with the current schedule of utility rates and charges, shall be made.

1040.10 SECURITY DEPOSIT.

A cash deposit in accordance with the current schedule of utility rates and charges, as security deposit from a user shall be required for each user.

1040.11 FIRE HYDRANT RENTAL.

For the use of water through fire hydrants and for the availability of such water, the City shall pay, in equal quarterly installments, a sum in accordance with the current schedule of utility rates and charges. Such payments shall be made from the funds legally available for such purposes or from the proceeds of taxes which the City levies within the Charter tax rate limitations.

1040.115 FIRE HYDRANT FEE.

A fire hydrant use fee shall be charged in accordance with the current schedule of utility rates and charges, for the filling of swimming pools, tankers for grass turf, paving equipment, etc. Any Fire Department or emergency authority shall be exempted from the provisions of this Section.

Current City code Section 1042.12 (a) and (b) are repealed and the below cited 1042.12 (a) and (b) are substituted in its place and stead.

1042.12 CHARGES FOR SEWER SERVICE IN CITY.

(a) WATER USERS.

1. The rate for a single-family residential premises connected to the City water system shall be charged in accordance with the current schedule of utility rates and charges.
2. The rate for any premises connected to the City water system, other than a single-family residence, shall be charged in accordance with the current schedule of utility rates and charges. For each single-family residential equivalency of the premises, as determined from the Table of Unit Factors as provided in subsection (c) hereof. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the rate for a single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

(b) NON-WATER USERS.

1. The rate for a single-family residential premises which is not connected to the City water system shall be charged in accordance with the current schedule of utility rates and charges.
2. The rate for any premises which is not connected to the City water system, other than a single-family residence, shall be charged in accordance with the current schedule of utility rates and charges, for each single-family residential equivalent, based on the single-family residential equivalency of the premises, as determined from the Table of Unit Factors as provided in subsection (c) hereof. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the rate for a single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

Current City Code Section 1042.08 (a) is hereby repealed. The below cited code Section

1042.08 (a) is substituted in its place and stead.

1042.08. CONDITIONS OF SERVICE; TERMINATION; BILLING; INSPECTIONS.

(a). The City shall maintain, at its expense, the sewer main and the wye designated and presently installed for that property. The customer shall install and maintain, at his or her expense, that portion of the service commencing with the wye designated for his or her premise.

These Ordinance amendments shall take effect 30 days from date of publication. Carried, all yes.

Possible Approval of Resolution to Amend Fee Schedule

01-07-21-08

Moved by Elliott, seconded by Lambert that we accept and adopt the following resolution:

IT IS RESOLVED, that whereas the City of Perry Ordinance Section 1040.05 provides that various fees shall be charged by the City in accordance with the schedule of fees established by Resolution of the City Council,

The City of Perry does hereby adopt the following fee schedule for Water Uses and Charges:

Section 1040.09

Turn On/Off Charge

Nonpayment Turn on Charge	\$50.00
Requested Turn off/on Charge	\$30.00

Section 1040.10

Security Deposit

\$75.00

Section 1040.11

Fire Hydrant Rental

Per Hydrant Annually	\$225.00
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Section 1040.115

Fire Hydrant Use Fee

First 10,000 gallons	\$100.00
Over 10,000 gallons	\$100.00 Plus Current use rate per 1000 gallons

The Fee Schedule adopted herein shall be effective immediately and shall supersede any Fee Schedule previously adopted by the City. Carried, all yes.

Possible Resolution to Set Public Hearing for New Ambulance Special Assessment

01-07-21-09

Moved by Porter, seconded by Lambert that we accept and adopt the following resolution:

WHEREAS the Perry City Council has determined that a special assessment is necessary and proper to defray the cost to the City of providing ambulance service to the parcels of property within the City benefitted by ambulance service.

THEREFORE, the City of Perry does hereby propose to create a Special Assessment District of the property benefitted by said ambulance service,

consisting of all improved parcels of property within the Perry City limits.

The City of Perry does hereby determine to hold a hearing on the estimate of the cost of ambulance service and on the question of creating a Special Assessment District on the property to be especially benefitted. Said hearing shall be held on the 4th day of February, 2021 at 7:15 p.m.

The City Assessor is directed to complete the plans and estimates for services to be funded by special assessment.

The City Clerk is directed to mail notice of said hearing by first class mail to each owner of or party in interest in the property located within the proposed special assessment district whose name appears upon the last local tax assessment records of the City at least ten (10) days before the date of said hearing.

The City Clerk is further directed to publish in a newspaper of general circulation in the City a notice of said hearing. Said publication shall be published not less than five (5) days before the hearing.

Carried, all yes.

ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:

None.

ITEMS FOR NEXT AGENDA

1. Expense Approval for CIB to Show DDA Estimate of Tax Capture
2. Discussion- Create DDA
3. Possible Workshop for DDA

ADJOURNMENT: 9:05 P.M.


Susan J. Hammond, Mayor 1/14/21
Date


Devin Miller, Clerk 1-18-21
Date