

**CITY OF CLARKSVILLE
CITY COUNCIL BUSINESS MEETING
January 2, 2018**

The Clarksville City Council met in regular session January 2, 2018, in the Temporary Council Chambers at 7:00 p.m. with Mayor Val Swinton in the chair and Council Members Roger Doty, Todd Fails, Jeff Kolb, Diane Renning, and Kenny Smith present.

Motion Renning, Kolb, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (December 4, 2017).

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

The Council discussed options for the old City Hall building. Also discussed was the final repairs needed for 106 S. Main St. after the demolition was completed on the adjoining building.

Motion Doty, Smith, to approve fence building permit for Cheryl Wordes, 903 S Main St.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

Motion Kolb, Renning, to table City Hall fire insurance revised figures.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

Motion Kolb, Smith, to approve partial pay estimate number two to Lansing Brothers Construction Co., Inc. for Main Street asbestos removal and demolitions at 108, 112 and 114 S Main St in the amount of \$4,112.00.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

The Council discussed ongoing projects for the new ambulance shed.

The City Clerk submitted the annual notice of City Employee's wages:

Barry Mackey - \$47,236.60; Jeff Tiedt - \$12,492.31; Robert Landrum - \$22,582.00;
Cody Brown - \$6,692.25; Cody Niehaus - \$2,646.00; Nathan Wright - \$314.75;
Larry Betts - \$21,545.85; Lori Peterson - \$51,185.38; Kayla Hinders - \$26,186.00;
Matthew Kampman - \$56,796.31; Ryan McCully - \$42,279.60; Fred Backer - \$6,761.00;
Lee Engel - \$195.75; Kristen Clark - \$41,847.04; Sarah Jordan - \$17,393.28;
Cindy Wedeking – \$20,653.15.

Motion Renning, Doty, to designate the Clarksville Star as the official newspaper of the City of Clarksville for 2018.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

Motion Smith, Renning, to adopt first reading of Ordinance No. 278: AN ORDINANCE AMENDING CHAPTER 92, WATER RATES.

Section I. Chapter 92, Water Rates is deleted in its entirety.

The following is inserted in its place:

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

92.02 RATES FOR SERVICE. Water service shall be furnished at the following rates:

For the first 1,500 gallons.....\$12.00 each month
For over 1,500 gallons
Up to 15,000 gallons.....\$2.50 per 1,000 gallons
For all over 15,000 gallons.....\$2.25 per 1,000 gallons

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates established by resolution of the Council. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

1. Meters Read. Water meters shall be read on or about the first week of **each month**.
2. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on the **1st** day of **each month**.
3. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk **by the 20th of month issued**.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (**10%**) of the amount due shall be added to each delinquent bill that is not paid within **twenty (20)** days after the date of issuance.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred or posted on the customer's door and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance of (water) service.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
4. Fees. A fee of **Fifty Dollars (\$50.00)** shall be charged to a delinquent customer on the scheduled date for the discontinuance of (water) service, as shown on delinquency notice, and before service is restored. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property. Water service terminated due to delinquency shall require up to twenty-four (24) hours for service to be restored once payment is received. Water service that has been terminated for a thirty (30) day period or longer shall require owner be present at the time service is restored. A fee of fifty dollars (\$50.00) shall be charged for the usual or customary trips in the regular changes in occupancies of property.
5. In the event the water meter needs to be pulled in order to discontinue service to a delinquent customer, water service shall not be restored until a fee of one hundred dollars (\$100.00) is paid to the Clerk.
6. A charge of Twenty-Five Dollars (\$25.00) shall be charged when a bad check is returned by the bank or when there are insufficient funds for any charges either due to a bad check, or through an ACH or automatic withholding process. It is the intent and purpose of this paragraph that the City shall receive \$25.00 for any monthly payment which does not occur as a result of a failure of a credit card debit, an ACH withdrawal, a bad check, or any other system of automatic payments, electronic payments, or written payments.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant

moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a One Hundred and Fifty Dollar (\$150.00) deposit intended to guarantee the payment of bills for service.

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time. There shall be a Fifty Dollar (\$50.00) fee collected for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

Section II. This ordinance shall become effective upon passage of the City Council and after publication.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

First reading passed.

Motion Renning, Kolb, to adopt first reading of Ordinance No. 279: AN ORDINANCE AMENDING CHAPTER 99 SEWER SERVICE CHARGES

Section I. Section **99.02 RATE**, is deleted in its entirety.

The following is inserted in its place:

“The sewer rates for sanitary sewer use shall be 85% of the water bill each month. Individual Living Units without water service is \$10.00 per month.”

Section II. This ordinance shall be become effective upon passage of the City Council and after publication.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

First reading passed.

Motion Kolb, Smith, to adopt first reading of Ordinance No. 280: AN ORDINANCE AMENDING CHAPTER 100 STORM WATER DRAINAGE UTILITY

Section I. Section **100.02 FEE**, is deleted in its entirety.

The following is inserted in its place:

“Each residential, commercial, and industrial premise shall pay for storm water drainage system service provided by the City in the amount of \$7.00 per month.”

Section II. This ordinance shall become effective upon passage of the City Council and after publication.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

First reading passed.

Motion Kolb, Doty, to approve December expenditures and November financial reports as presented by the City Clerk.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None. MC.

The City Council held a work session to review the preliminary 2018/19 City Budget.

Motion Fails, to adjourn the regular City Council meeting at 8:21 p.m.

Val Swinton
Mayor

Attest: Lori A. Peterson
City Clerk/Treasurer