

REGULAR SESSION, COMMON COUNCIL, June 13, 2022

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on June 13, 2022. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

Mayor Senter led the Pledge of Allegiance and Councilmen Ecker offered prayer.

Mayor Senter presided for Council members Shiloh Carothers Milner, Duane Culp, Greg Compton, Don Ecker Jr, Randy Longanecker, and Jeff Houin. City Attorney Surrisi was present. Council member Robert Listenberger was absent. Deputy Clerk-Treasurer Williams was standing in for Clerk-Treasurer Gorski in her absence. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Ecker and Compton moved and seconded to approve the minutes of the regular session of the Common Council on May 23, 2022 as presented. The motion carried.

City Attorney Surrisi states that as for the discussion of Insurance Renewal that he would like to update the Council on the last couple of years. He states that the mayor had formed an insurance committee that meets monthly and Councilmen Ecker and Listenberger both serve on that. He states that others include Utility Superintendent Davidson, Police Chief Bacon, Human Resources Manager Klingerman, himself, and Bryan Howard from US Granules is a citizen member. He states that he believes that it is a great committee and they have had a lot of positive discussions and learned a lot about the insurance program over the years. He states that the brokers with Gibson Insurance and their risk management team from there lead the discussion and work with them developing an agenda of what they would like to talk about from month to month. He states that there have been several positives that have come from that over the last couple of years. He states that the bulk of the coverage except for health insurance and pollution coverage for underground storage tanks are on a separate renewal schedule. He states that this is addressing various liability coverages such as worker's compensation and property insurance. He states that overall, for this year the renewal on June 1st with 6.04% increase which seems like a very strong renewal given inflation this year. He states that as for the privacy liability coverage which is what provides cyber security coverage, the premium for their annual renewal is at the same rate they had seen last year.

He adds that Gibson has been able to get an extension of that coverage for three months through August but part of the conditions for getting that renewed for the long term is the implementation of IT services to the city. He states that once an IT Consultant is in place that there is going to be discussions with the Gibson team, the insurance carrier and the cities IT Consultant to see what additional steps need to be made to start general protection and make sure that they are

insurable in the cyber security market. He states that from what they heard that is not something unique to the marketplace right now as a lot of companies are seeing that cyber security is more of a pressing issue that is being scrutinized a little more closely by cyber insurance privacy liability carriers.

City Attorney Surrisi states that leads into the discussion on IT services and a little while back he had received some additional proposals to look at from two of the different providers that have closer comparisons of a full-service plan versus a more basic cyber security plan.

Houin states that he knows that he had sent these proposals to the IT Committee already and he will admit that he dropped the ball and nobody followed up on it. He states that it may be beneficial for the IT Committee to get together in the next couple of weeks and maybe have a recommendation by the next council meeting.

Milner states that she could do that because she saw in the memo provided to the council that it was sent to the IT Committee but she did not see the email. She adds that she had been having issues with her email and the city office had to start using a different email address for her.

Surrisi believes that will be fine as long as they get something together in the next meeting or two as they have a month or two before their insurance coverage falls off at the end of August. He adds that as long as people are showing progress then that is fine.

Houin states that he does not want to wait that long but he thinks that they need to get together real soon.

Compton states that they ought to make a goal of the next council meeting.

Mayor Senter states that he will get in touch with Laura Mann to get a meeting together.

Ecker states that he would appreciate that because he is looking towards the IT Committee for direction and suggestions.

Surrisi states that they will do that and get back to the council at the next meeting.

City Attorney Surrisi presented Ordinance No. 2022-2195, An Ordinance Regarding Parking Motor Vehicles in Residential Lawn Areas on first reading.

Surrisi states that as this ordinance has been talked about for a long time that he would encourage anyone that has additional comments on the particular language to reach out to him for any modifications before the next meeting or be prepared to debate it at the next meeting.

REGULAR SESSION, COMMON COUNCIL, June 13, 2022

ORDINANCE NO. 2022-2195

AN ORDINANCE REGARDING
PARKING MOTOR VEHICLES IN RESIDENTIAL LAWN AREASStatement of Purpose and Intent

In recent years, the Plymouth Common Council has heard many concerns regarding the parking of motor vehicles on lawn areas of residential properties. Those concerns included deterioration of lawn areas and the general aesthetics and property values of the City's residential neighborhoods. This year, the Mayor convened a committee to take a closer look at such concerns. The committee examined the issue and how other communities have attempted to restrict such parking, while balancing property owners' accessibility needs. The purpose and intent of this ordinance is to adopt restrictions on parking motor vehicles on residential lawns.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Plymouth, Indiana, as follows:

Section 1. Title VII, entitled Traffic Code, Chapter 71, entitled Parking Regulations, shall be amended by adding a new section, § 71.14 NO PARKING ON RESIDENTIAL LAWN AREAS, as follows:

§ 71.14 NO PARKING ON RESIDENTIAL LAWN AREAS

(A) It is unlawful to park a motor vehicle in a lawn area of a front yard, of a side yard, or of a rear yard of a lot zoned for residential use, if such lot abuts a public street where parking is permitted. Such conduct is deemed a public nuisance.

(B) The parking restrictions set forth in subsection (A) are not applicable to motor vehicles displaying a valid disability license plate or parking placard. Additionally, such parking restrictions are not applicable during the time of the annual Marshall County Blueberry Festival, beginning the Monday before Labor Day and running through Labor Day.

(C) For each violation of the parking restrictions set forth in subsection (A), the registered owner of the motor vehicle shall be assessed a fine of \$25.00.

Section 2. This ordinance shall become effective after passage, due attestation, and publication as required by law. Further, this ordinance shall remain in effect until amended or repealed by the Common Council. Enforcement of this ordinance shall be undertaken by the Plymouth Police Department. From its effective date through October 15, 2022, the Plymouth Police Department shall issue written warnings for any violations of this ordinance; thereafter, the Plymouth Police Department shall issue the registered motor vehicle owner a ticket for any violations, pursuant to the penalty provisions of City Code § 71.14(C).

PASSED AND ADOPTED this ____ day of ____, 2022.

Mark Senter, Presiding Officer

ATTEST:

Lynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the ____ day of _____, 2022, at ____ o'clock ____ m.

Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this ____ day of ____, 2022.

Mark Senter, Mayor

City Attorney Surrisi presented Ordinance No. 2022-2196, The Sewage Rate Ordinance of the City of Plymouth and Ordinance No. 2022-2197, The Water Rate Ordinance of the City of Plymouth on first reading.

Surrisi states that they discussed this with the Baker Tilly staff at the last meeting and there is a publication for a public hearing ready to be advertised later this week for that to be held at the next meeting.

ORDINANCE NO. 2022-2196

**THE SEWAGE RATE ORDINANCE OF
THE CITY OF PLYMOUTH**

Statement of Purpose and Intent

The City has previously constructed and has in operation Sewage Works for the purpose of collecting and disposing of the sewage and stormwater of the City in a sanitary manner. It is necessary to establish a schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the Sewage Works, including stormwater management. Baker Tilly Municipal Advisors, LLC, the City's financial consultant, demonstrates in its annual financial management report of the City's Sewage Works that the anticipated future expenses will exceed anticipated future revenues. The consultant has recommended an increase in the monthly rates and charges imposed by the Sewage Works. The purpose and intent of this Ordinance is to implement the recommended sewage rate adjustments in the interest of maintaining the financial integrity of the City's Sewage Works. Prudence supports adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Plymouth, Indiana as follows:

Section 1. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.080, entitled Definitions, of the City Code, is repealed and replaced by the following:

50.080 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used §§ 50.080 through 50.092 shall be as follows:

- (A) "City" shall mean the City of Plymouth, Indiana, acting by and through the Board of Works and Safety.
- (B) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term debt.
- (C) "Equivalent Runoff Unit" shall mean a property with impervious area equal to or less than 12,000 square feet located within the City.
- (D) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (E) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average concentration as follows:

BOD not more than 240 mg/l
S.S. not more than 240 mg/l
Ammonia not more than 10 mg/l
Phosphorus not more than 10 mg/l
- (F) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis, and produce discharges to receiving waters that conform with all related Federal, State, and local requirements, and include all costs, direct and indirect, necessary to provide adequate wastewater and stormwater collection and transport on a continuing basis, and produce discharge that conforms with all Federal, State, and local requirements. (These costs include replacement.)
- (G) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges, and excessive strength surcharges.
- (H) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the Sewage Works equipment to maintain the capacity and performance for which such works were designed and constructed.

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from waste from industrial processes.

- (I) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (J) "Stormwater Department" shall mean a department of the Sewage Works created by Ordinance No. 2006-1914 for the purpose of planning, controlling, and operating and maintaining the City's stormwater management system, and to comply with Indiana Stormwater Quality Programs.
- (K) "Stormwater Ordinance" shall mean Ordinance No. 2006-1914, as amended from time to time, establishing regulations for stormwater management and creating a Stormwater Department of the Plymouth Municipal Sewage Works.
- (L) "User Charge" shall mean the charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (M) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental).
- Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
- Commercial User - shall mean any establishment involved in a commercial enterprise, business, or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.
- Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.
- (N) Any term not defined herein, but defined in the Sewer Use Ordinance, shall have the same meaning herein.
- Section 2, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.081, entitled Sanitary and Stormwater Users, of the City Code, is repealed and replaced by the following:

50.081 SANITARY AND STORMWATER USERS.

- (A) For sanitary sewer services, every person whose premises are served by said Sewage Works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the Sewage Works shall recover from each user and user class revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude with a user class.
- (1) User charges are subject to the rules and regulations adopted by the U. S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the Sewage Works equipment.
- (2) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:
- | |
|-----------------------|
| Class I - Residential |
| Commercial |
| Governmental |
| Institutional |
| Industrial |
- (B) For stormwater service, every person whose premises are within the City shall be charged for service provided in relationship to the number of Equivalent Runoff Units for the premises in the manner provided for in Section 6(b). The user charge is deemed reasonable and necessary to pay for the operation and maintenance of the Stormwater Department.

Section 3. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.082, entitled Sanitary Sewer Rate for Volume, of the City Code, is repealed and replaced by the following:

50.082 SANITARY SEWER RATE FOR VOLUME.

For the use of the service rendered by the Sewage Works for sanitary sewage, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Plymouth. Such rates and charges include user charges, debt service costs, excessive strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

- (A) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meter shall be read monthly, and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

Phase I – Effective =September 1, 2022 (August Consumption)

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

All Class I Users

(1) Treatment Rate per 1,000 gallons of usage per month:			
	User Charge	Debt Service	Total
	\$ 2.55	\$ 1.63	\$ 4.18
(2) plus Base rate per month:			
5/8" - 3/4" water meter	\$ 2.91	\$ 10.70	\$ 13.61
1" water meter	5.63	26.66	32.29
1 1/2" water meter	11.56	61.71	73.27
2" water meter	19.16	106.30	125.46
3" water meter	42.54	244.43	286.97
4" water meter	75.03	435.66	510.69
6" water meter	167.04	977.49	1,144.53

Outside Corporate City Boundaries

(3) Treatment Rate per 1,000 gallons of usage per month:				
	User Charge	Debt Service	Total	
	\$ 2.93	\$ 1.87	\$ 4.80	
(4) plus Base rate per month:				
5/8" - 3/4" water meter	\$ 3.34	\$ 12.29	\$ 15.63	
1" water meter	6.47	30.63	37.10	
1 1/2" water meter	13.28	70.90	84.18	
2" water meter	22.01	122.14	144.15	
3" water meter	48.88	280.85	329.73	
4" water meter	86.21	500.57	586.78	
6" water meter	191.93	1,123.14	1,315.07	

Phase II – Effective September 1, 2023 (August Consumption)

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

All Class I Users

(1) Treatment Rate per 1,000 gallons of usage per month:				
	User Charge	Debt Service	Total	
	\$ 2.68	\$ 1.71	\$ 4.39	
(2) plus Base rate per month:				
5/8" - 3/4" water meter	\$ 3.06	\$ 11.24	\$ 14.30	
1" water meter	5.91	27.99	33.90	
1 1/2" water meter	12.14	64.80	76.94	
2" water meter	20.12	111.62	131.74	
3" water meter	44.67	256.65	301.32	
4" water meter	78.78	457.44	536.22	
6" water meter	175.39	1,026.36	1,201.75	

Outside Corporate City Boundaries

- (3) Treatment Rate per 1,000 gallons of usage per month:

User	Debt	Total
<u>Charge</u>	<u>Service</u>	<u>Service</u>
\$ 3.08	\$ 1.96	\$ 5.04

- (4) plus
Base rate per month:

5/8" - 3/4" water meter	\$ 3.08	\$ 12.91	\$ 16.43
1" water meter	6.79	32.16	38.95
1 1/2" water meter	13.95	74.46	88.41
2" water meter	23.12	128.25	151.37
3" water meter	51.33	294.89	346.22
4" water meter	90.52	525.60	616.12
6" water meter	201.52	1,179.29	1,380.81

- (B) For residential users of the Sewage Works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equating a month). The schedule on which said rates and charges shall be determined is as follows:

Phase I – Effective September 1, 2022

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

	User	Debt	Total
	<u>Charge</u>	<u>Service</u>	<u>Service</u>
Residential:			
Single-family dwelling unit	\$ 15.26	\$ 18.67	\$ 33.93

Outside Corporate City Boundaries

	User	Debt	Total
	<u>Charge</u>	<u>Service</u>	<u>Service</u>
Residential:			
Single-family dwelling unit	\$ 17.53	\$ 21.45	\$ 38.98

Phase II – Effective September 1, 2023

(Outside corporate City boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

	User	Debt	Total
	<u>Charge</u>	<u>Service</u>	<u>Service</u>
Residential:			
Single-family dwelling unit	\$ 16.02	\$ 19.60	\$ 35.62

Outside Corporate City Boundaries

	User	Debt	Total
	<u>Charge</u>	<u>Service</u>	<u>Service</u>
Residential:			
Single-family dwelling unit	\$ 18.41	\$ 22.52	\$ 40.93

- (C) For the service rendered to the City of Plymouth, said City shall be subject to the same rates and charges established in harmony therewith.
- (D) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than One Hundred Ninety-two Dollars (\$192.00) per monitoring event, plus the actual cost for each time sampling equipment is used, or One Hundred Fifty-five Dollars (\$155.00) for each time sampling equipment is used, whichever is greater, all as determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

Section 4. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.083, entitled Determining Sanitary Sewer Volume, of the City Code, is repealed and replaced by the following:

50.083 DETERMINING SANITARY SEWER VOLUME.

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect, and the sewage service shall be billed at the appropriate rates, except as hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for qualities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewage system.

- (A) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate for charge provided in this Ordinance, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition is a user of water from another source which is not measured by a water meter or is measured by a meter which is not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (C) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then, for billing purposes, the base charge and the flow rates and charges shall apply for each of the number of residential lots, parcels of real estate, or buildings served through the single water meter, with all such rates and charges being billed on a single bill in the name of the property owner.

- (D) In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that an additional units charge shall be added thereto, in the amount equivalent to the customer's applicable base rate for a $5/8'' - 3/4''$ water meter per month per dwelling unit over one (1) served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms, or any other space or spaces in which cooking facilities are provided.

- (E) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the City that a portion of water is measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (F) In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months, the billing for sewage service for such users shall be based upon the water usage of the last previous calendar month of March. In the case of domestic and residential users who do not have a billing history for March, their rate will be based on a citywide average from residential customers from the month of March.

- (1) In the event the water usage for the months of May, June, July, and August is greater than the water used by such user for the previous month of March, then the billing for sewage service shall be computed on the water use for the last previous month of March.

- (2) In the event water usage is less in the months of May, June, July, and August, then billing shall be based upon the actual water used in said month.

Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage as registered by the water meter service portion of the premises used for residential purposes would qualify under the sprinkling rate.

Section 5. Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.084, entitled Sanitary Sewer Rates for Strength of Sewage, of the City Code, is repealed and replaced by the following:

50.084 SANITARY SEWER RATES FOR STRENGTH OF SEWAGE.

In order that the rates and charges may justly and equitably be adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner, by such method, and at such times as the City may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (A) Normal domestic waste strength should not exceed a biochemical oxygen demand of 240 milligrams per liter of fluid, or suspended solids in excess of 240 milligrams per liter of fluid, or ammonia in excess of 10 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

Phase I – Effective September 1, 2022*

- (1) **Rate Surcharge Based Upon Suspended Solids**
There shall be an additional charge of \$.64 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.
- (2) **Rate Surcharge Based Upon BOD**
There shall be an additional charge of \$.41 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.
- (3) **Rate Surcharge Based Upon Ammonia**
There shall be an additional charge of \$.74 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.

- (4) **Rate Surcharge Based Upon Phosphorus**

There shall be an additional charge of \$.74 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid. Rate becomes effective August 1, 2023, when NPDES permit limits are applied.*

Phase II – Effective September 1, 2023

- (1) **Rate Surcharge Based Upon Suspended Solids**
There shall be an additional charge of \$.67 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.
- (2) **Rate Surcharge Based Upon BOD**
There shall be an additional charge of \$.43 per pound of biochemical oxygen demand for BOD received in excess of 240 milligrams per liter of fluid.
- (3) **Rate Surcharge Based Upon Ammonia**
There shall be an additional charge of \$.98 per pound of ammonia for ammonia received in excess of 10 milligrams per liter of fluid.
- (4) **Rate Surcharge Based Upon Phosphorus**
There shall be an additional charge of \$.98 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid.

- (B) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

- (B) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

Section 6, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.085, entitled Stormwater User Fee, of the City Code, is repealed and replaced by the following:

50.085 STORMWATER USER FEE.

- (A) The user fees for stormwater shall be \$5.00 per month per Equivalent Runoff Unit.

- (B) Equivalent Runoff Units shall be determined as follows:

	<u>Square Feet</u>	<u>ERUs</u>
For Impervious Area	1 - 12,000	1
For Impervious Area	12,001 - 24,000	2
For Impervious Area	24,001 - 96,000	8
For Impervious Area	Over 96,000	32

- (C) Customers seeking a re-determination of their Impervious Area calculation must file an application for the same on an application form provided by the Board through the Director of Public Works office. Applications must be accompanied by the appropriate application fee set forth below:

- (1) Residential application fee - \$25.00
- (2) Non-Residential application fee - \$100.00

If it is determined that a parcel's impervious area is less than initially established and as a result the parcel is subject to a lower ERU, the application fee shall be refunded.

Section 7, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.086, entitled Billing for Sanitary and Stormwater Service, of the City Code, is repealed and replaced by the following:

50.086 BILLING FOR SANITARY AND STORMWATER SERVICE; AND PAYMENT.

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

- (A) The rates and charges for all users with open accounts shall be prepared and billed monthly.
- (B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

- (C) All rates and charges billed for open accounts are due on the 4th day of any given month (in months where the 4th day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until the next business day in which the City Clerk-Treasurer's office is open). Bills that are not paid by the due date are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15th day of any given month (in months where the 15th day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If delinquent bills are not paid in the time allowed, any water service to the property shall be disconnected. In order for a customer to have water service to the property resume, a reconnection fee of Thirty Dollars (\$30.00) must be paid by the customer (See City Code § 51.43(F)), in addition to the payment in full of all delinquent charges and rates. For sewer-only accounts, if delinquent bills are not paid in the time allowed, an administrative fee of Thirty Dollars (\$30.00) must be paid by the customer, in addition to the payment in full of all delinquent charges and rates.

(D) When a customer requests that water service be disconnected at a property (or requests to discontinue sewer only service) a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10th day following the billing date (in months where the 10th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until the next business day in which the City Clerk-Treasurer's office is open).

Section 8, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.087, entitled Creation of Stormwater Utility Revenue Fund, of the City Code, is repealed and replaced by the following:

50.087 STORMWATER UTILITY REVENUE FUND.

(A) The City has established the Stormwater Utility Revenue Fund. All proceeds received as a result of user fees and charges or penalties assessed by §§ 50.085 and 50.086(C) or subsequent amendments hereto, shall be deposited in the Stormwater Utility Revenue Fund. Proceeds from this Revenue Fund shall be for the exclusive use of the City's Stormwater Department which includes, but is not limited to, the following:

- (1) Stormwater management services, such as studies, design, permit review, plan preparation, and development review.
- (2) Operation, maintenance, repair, and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- (3) Project costs related to constructing major or minor structural improvements to the City's stormwater-related infrastructure.
- (4) Administrative costs associated with the management of the Stormwater Department user fee and the administrative costs associated with MS4 compliance and reporting to the state and federal authorities.
- (5) Debt service financing of the City's stormwater-related capital improvements.
- (6) Funding of studies, such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.
- (B) On the last day of each month, proceeds remaining in the Revenue Fund shall be first transferred to the Stormwater Department Operating Account so that the Operating Account maintains a balance equal to the operating and maintenance expenses (excluding replacements) of the Stormwater Department for the next two months. Any proceeds remaining in the Revenue Fund after the transfers to the Stormwater Department Operating Account shall be transferred to the Stormwater Utility Improvement Account. Funds held in the Operating and Improvement Accounts may be used to pay operating and maintenance expenses of the Stormwater Department.

Section 9, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.088, entitled Charges for Non-Recurring Sanitary Sewer Customers, of the City Code, is repealed and replaced by the following:

50.088 CHARGES FOR NON-RECURRING SANITARY SEWER CUSTOMERS.

- (A) Fees associated with shipping and handling of treatable waste generated by a customer approved by the City of Plymouth Utilities Superintendent shall be billed at an hourly rate to include, as necessary to complete such shipping and handling, wages and benefits for employees and normal contracted commercial trucking rates determined by the Superintendent.
- (B) Self-contained portable toilets (R.V.'s, motor homes, etc.) shall be billed \$14.19 per discharge up to 30 gallons of treatment and billing. This fee would apply only to a non-city resident who cannot produce a valid water bill.
- (C) Bio-solids or septage which have been trucked in by a private hauler shall be billed at \$.084 per gallon. In the event the City of Plymouth Utilities Superintendent determines the Department should truck the material, the customer shall be assessed \$.084 per gallon plus trucking, wage, and benefit fees to perform the task.

Section 10, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.089, entitled Review of Rates, of the City Code, is repealed and replaced by the following:

50.089 REVIEW OF RATES.

In order that the rates and charges for sanitary and stormwater sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the City shall cause a study to be made within a reasonable period of time following the first two years of operation following the date on which this Ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the Sewage Works, and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the wastewater treatment systems and Stormwater Management Department.

Hereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the City shall cause a similar study to be made for the purpose of reviewing the fairness, equity, and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the City or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the City shall determine to be best under the circumstances. The City shall, upon completion of said study, revise and adjust the rates and charges as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 11, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.090, entitled Prohibited Wastes, of the City Code, is repealed and replaced by the following:

50.090 PROHIBITED WASTES.

The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the City's sewage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system, and for the regulation, collecting, rebating, and refunding of such rates and charges.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards including the National Pollutant Discharge Elimination System (NPDES) Permit issued to the Sewage Works, or as may be contained in the EPA General Pretreatment Regulations, 40 CFR Part 403, and any amendments thereto, or the City's Pretreatment Program.

Section 12, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.091, entitled Appeals, of the City Code, is repealed and replaced by the following:

50.091 APPEALS.

Any differences that may arise between users and officials of the Sewage Works that cannot be resolved at any level may be appealed to the Board of Works and Safety of Plymouth.

Section 13, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, Section 50.092, entitled Special Rates, of the City Code, is repealed and replaced by the following:

50.092 SPECIAL RATES.

The Board is hereby further authorized to enter into special rate contracts with customers of the Sewage Works where clearly definable reduction in cost to the Sewage Works can be determined, and such reduction shall be limited to such reduced costs.

Section 14, Title V, entitled Public Works, Chapter 50, entitled Sewers, Rates and Charges, of the City Code, is amended by adding the new Section 50.093, entitled Deposits for Sewer Only Accounts, as follows:

50.093 DEPOSITS FOR SEWER-ONLY ACCOUNTS.

(A) A prospective residential customer seeking a sewer-only account with the City shall pay a deposit of \$120.00 prior to the furnishing of the services. The deposit shall be refunded to the customer upon payment of the final charges for sewer service after the discontinuance of the services. Payment of such deposit is not required of persons who hold title to the real estate where the sewer service is to be provided, which is sufficient to guarantee the payment of the costs of the sewer service.

(B) If a customer for whom a deposit has been credited remains delinquent on his or her sewer bill for a period of 45 days, the Clerk-Treasurer may apply the deposit to the delinquent sewer bill. If any funds remain after application to the delinquent sewer bill, the Clerk-Treasurer may apply the balance to any other fee owed to the City.

(C) New accounts opened for non-residential sewer-only users shall pay a deposit in the amount equal to the billing for 1-1/2 months of anticipated sewer usage or \$120.00, whichever is greater. Such deposit must be made prior to initiation of sewer service. However, the Board of Public Works and Safety is hereby given the authority, after a

petition is presented to it, to waive all or any part of the deposit as required and as calculated in this subchapter.

(D) The customer deposits required in divisions (A) and (C) above shall not accrue interest.

Section 15. Invalidity – The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which shall be given effect without such invalid part or parts.

Section 16. Repeals of Conflicting Ordinances - All ordinances or parts of ordinances in conflict herewith are hereby repealed, including specifically, Ordinance Numbers 92-1548, 94-1615, 96-1673, 2000-1783, 2002-1805, 2008-1951, 2010-2007, 2016-2099, 2017-2111, 2017-2128 and 2020-1724, in their entirety. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 17. Effective Date - The rates and charges as herein set forth shall become effective on the next monthly billing after adoption of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage, publication, and signing by the Mayor.

PASSED AND ADOPTED this ____ day of ____, 2022.

Mark Senter, Presiding Officer

ATTEST:

Lynn Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the ____ day of _____, 2022, at ____ o'clock ____ m.

Lynn Gorski, Clerk-Treasurer

Approved and signed by me this ____ day of _____, 2022.

Mark Senter, Mayor

ORDINANCE NO. 2022-2197

THE WATER RATE ORDINANCE OF THE CITY OF PLYMOUTH

Statement of Intent and Purpose

Baker Tilly Municipal Advisors LLC, the City's financial consultant, demonstrates in its annual financial management report of the City's Water Utility that the anticipated future expenses will exceed anticipated future revenues. The purpose and intent of this Ordinance is to implement the recommended water rate adjustments in the interest of maintaining the financial integrity of the City's Water Utility. Prudence supports adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Plymouth, Indiana as follows:

Section 1. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.40 entitled Deposits, of the City Code, is repealed and replaced by the following:

51.40 DEPOSITS.

- (A) The City Clerk-Treasurer shall collect the payment of a customer deposit of One Hundred and Fifty Dollars (\$150.00) from the prospective residential customers of the City Waterworks for water service prior to the furnishing of such services. Such customer deposit shall be refunded to the customer upon the payment of the final charges for water service after the discontinuance of such services to the customer.
- (B) In the event a customer for whom a deposit has been credited remains delinquent on his or her water bill for a period of 45 days, the Clerk-Treasurer shall be empowered to apply said deposit to the delinquent water bill. If any funds remain after application to the delinquent water bill, the Clerk-Treasurer shall be empowered to apply the balance to any delinquent garbage pick-up bill, stormwater bill, wastewater bill, or any other fees said customer may owe the City.
- (C) The customer deposit of One Hundred and Fifty Dollars (\$150.00) required in division (A) of this section shall not accrue interest and therefore no interest on the One Hundred and Fifty Dollars (\$150.00) deposit shall be payable to the customer on return of the deposit to the customer after utility services are terminated by said customer.
- (D) New accounts opened for non-residential water users are hereby required to first make a deposit with the Water Utility in the amount equal to the billing for one and one-half (1½) times the highest monthly utility bill based upon a review of the past year's billings for the property, or the anticipated amount of one and one-half (1 ½) months utility service based upon the nature and character of the customer's use of the property for properties connected for the first time, or One Hundred and Fifty Dollars (\$150.00), whichever is greater. This deposit must be made prior to the water being turned on for said user. However, the Plymouth Common Council is hereby given the authority, after a petition is presented to it, to waive all or any part of the deposit as required and as calculated in this subchapter.

Section 2. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.41 entitled Schedule Generally, is repealed and replaced by the following:

51.41 SCHEDULE GENERALLY.

That there shall be and there are hereby established for the use of and the service rendered by the Waterworks system of the City of Plymouth the following rates and charges, based on the use of water supplied by said Waterworks system:

Phase 1 – Effective September 1, 2022 (August Consumption)
(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used	Rate Per 1,000 Gallons			
	Inside Corporation		Outside Corporate	
	<u>Gallons Per Month</u>	<u>City Boundaries</u>	<u>City Boundaries</u>	
	First 3,000	\$4.96	\$5.70	
	Next 7,000	4.48	5.15	
	Next 20,000	3.73	4.29	
	Next 70,000	3.01	3.46	
	Next 200,000	2.28	2.62	
	Over 300,000	1.94	2.23	
(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.	Size of Meter (Inches) 5/8" – 3/4"	Gallons	Monthly Minimum	
			Inside Corporate	Outside Corporate
			<u>City Boundaries</u>	<u>City Boundaries</u>
			\$14.90	\$17.13
			37.07	42.61
			51.71	59.44
			73.95	85.02
			110.78	127.38
			184.57	212.21
			368.56	423.69
	1"	3,005	736.59	846.61
	1 ¼"	7,953		
	1 ½"	11,467		
	2"	17,430		
	3"	27,303		
	4"	51,172		
	6"	116,237		
(C) Fire Hydrants	Private fire hydrants, per hydrant	Per Month		Per Annum
		\$40.07		\$480.84
		No Charge		No Charge
Flushing hydrants				

(D) Public fire hydrants, per meter, per month

<u>Size</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate City Boundaries</u>	<u>Outside Corporate City Boundaries</u>
5/8" - 3/4"	\$3.66	\$4.21
1"	9.17	10.54
1 1/4"	14.66	16.84
1 1/2"	18.32	21.05
2"	29.32	33.69
3"	54.97	63.16
4"	91.61	105.26
6"	183.23	210.53

(E) Fire Protection Services – Sprinkler Connections

<u>Size</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate City Boundaries</u>	<u>Outside Corporate City Boundaries</u>
1"	\$19.28	\$22.15
1 1/2"	56.45	64.86
2"	119.45	137.25
3"	347.00	398.70
4"	738.86	848.95
6"	2,146.03	2,465.79
8"	4,572.29	5,253.56
10"	8,223.01	9,448.24
12"	13,282.29	15,261.35

Phase II – Effective September 1, 2023 (August Consumption)
(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used

<u>Gallons Per Month</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Inside Corporation City Boundaries</u>	<u>Outside Corporation City Boundaries</u>
First 3,000	\$5.16	\$5.93
Next 7,000	4.66	5.35
Next 20,000	3.88	4.46
Next 70,000	3.13	3.60
Next 200,000	2.37	2.72
Over 300,000	2.02	2.32

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Size of Meter (Inches)</u>	<u>Monthly Minimum</u>	
	<u>Inside Corporate City Boundaries</u>	<u>Outside Corporate City Boundaries</u>
5/8" - 3/4"	3,005	\$15.50
1"	7,953	38.56
1 1/4"	11,467	53.79
1 1/2"	17,430	76.93
2"	27,303	115.24
3"	51,172	191.97
4"	116,237	383.28
6"	277,655	765.84

(C) Fire Hydrants

	<u>Per Month</u>	<u>Per Annum</u>
Private fire hydrants, per hydrant	\$41.67	\$500.04
Flushing hydrants	No Charge	No Charge

(D) Public fire hydrants, per meter, per month

<u>Size</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate City Boundaries</u>	<u>Outside Corporate City Boundaries</u>
5/8" - 3/4"	\$3.81	\$4.38
1"	9.54	10.96
1 1/4"	15.25	17.52
1 1/2"	19.05	21.89
2"	30.49	35.03
3"	57.17	65.69
4"	95.27	109.47
6"	190.56	218.95

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(E) Fire Protection Services – Sprinkler Connections

<u>Size</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	\$20.05	\$23.04
1 ½"	58.71	67.46
2"	124.23	142.74
3"	360.88	414.65
4"	768.41	882.90
6"	2,231.87	2,564.42
8"	4,755.18	5,463.70
10"	8,551.93	9,826.17
12"	13,813.58	15,871.80

Phase III – Effective September 1, 2024 (August Consumption)

(Outside corporate city boundaries rates and charges are approximately 14.9% higher than the rates and charges for customers inside corporate city boundaries.)

(A) Quantity of Water Used

<u>Gallons Per Month</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Inside Corporation</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
First 3,000	\$5.37	\$6.17
Next 7,000	4.85	5.57
Next 20,000	4.04	4.64
Next 70,000	3.26	3.75
Next 200,000	2.46	2.83
Over 300,000	2.10	2.41

(B) Minimum Charge Per Month. Each user shall pay a minimum charge per month in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Size of Meter (Inches)</u>	<u>Monthly Minimum</u>		
	<u>Gallons</u>	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>5/8" – 3/4"</u>	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	3,005	\$16.13	\$18.54
1 ¼"	7,953	40.13	46.10
1 ½"	11,467	55.99	64.31
2"	17,430	80.08	91.98
3"	27,303	119.96	137.79
4"	51,172	199.88	229.70
6"	116,237	399.00	458.75
	277,655	796.09	915.56

(C) Fire Hydrants

	<u>Per Month</u>	<u>Per Annum</u>
Private fire hydrants, per hydrant	\$43.34	\$520.08
Flushing hydrants	No Charge	No Charge

(D) Public fire hydrants, per meter, per month

<u>Size</u>	<u>Rate Per Month</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
5/8" – 3/4"	\$3.96	\$4.55
1"	9.92	11.40
1 ¼"	15.86	18.22
1 ½"	19.81	22.76
2"	31.71	36.43
3"	59.46	68.32
4"	99.08	113.84
6"	198.18	227.71

(E) Fire Protection Services – Sprinkler Connections

<u>Size</u>	<u>Rate Per Year (Billed Monthly)</u>	
	<u>Inside Corporate</u>	<u>Outside Corporate</u>
	<u>City Boundaries</u>	<u>City Boundaries</u>
1"	\$20.85	\$23.96
1 ½"	61.06	70.16
2"	129.20	148.45
3"	375.32	431.24
4"	799.15	918.22
6"	2,321.14	2,666.99
8"	4,945.39	5,682.25
10"	8,894.01	10,219.22
12"	14,366.12	16,506.67

(F) Temporary Users. Water furnished to temporary users, such as contractors, shall be charged on the basis of the metered rates set forth above, as estimated and established by the Waterworks Superintendent.

(G) Charges for Partial Month Service. When a Utility customer either connects to or disconnects from the Utility at a time of the month other than the first day of the month (i.e., service for a partial month), then that customer shall be charged as follows:

(1) For flat rate connection charges (i.e., sprinkler connections and hydrant service), the customer shall be charged for one-half (1/2) of the monthly rate if the services were connected for one (1) to and including fifteen (15) days of the calendar month. If the customer was connected for sixteen (16) through thirty-one (31) days of the calendar month, the customer shall be charged for the entire monthly rate.

(2) Metered connections shall be billed for one-half (1/2) of the minimum rate, or actual consumption, whichever is greater, for service that has been provided for only one (1) through fifteen (15) days of the calendar month. Service provided for metered connections for sixteen (16) through thirty-one (31) days of the calendar month shall be charged the entire minimum monthly rate, or the actual consumption rate, whichever is greater.

(H) After hours service charge (non-emergency only):

(1) After hours and Saturdays – \$70.00 minimum for first two hours.

After two hours an additional \$35.00 per hour per employee.

Sundays and Holidays – \$90.00 minimum for first two hours.

After two hours an additional \$45.00 per hour per employee.

Section 3. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.42 entitled Tapping Fees, is repealed and replaced by the following:

51.42 TAPPING FEES.

A tap charge shall be collected from each customer prior to connection to the water system. The minimum size for water service line for new construction is one (1) inch. The charge for any connection shall be an amount sufficient to reimburse the water department for labor, material, and overhead necessary for tapping the main, installation of service from the main to the property line (including curb stop), and the cost of furnishing and installing a suitable water meter. In no event shall the charge for such connection be less than One Thousand Dollars (\$1,000.00).

Section 4. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.43 entitled Deferred Payment Charge, Section 51.44, entitled Billing, and Section 51.45 Reconnection Fee, of the City Code, are all repealed and replaced by the following:

51.43 BILLING FOR WATER SERVICE; AND PAYMENT.

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

(A) For the purpose of billing and collecting the rates and charges for water use, water meters shall be read monthly and the users shall be billed monthly; provided, however, that the City shall have the option of reading meters on a quarterly basis and billing the customer estimated bills in the first 2 months of each quarter with the final bill based upon meter reading until such time as the replacement meters and remote reading devices have been installed.

(B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(C) All rates and charges for active accounts are billed on or before the 20th day of the month and are due on the 4th day of the following month (in months where the 4th day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to make payment). Bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of two percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15th day of any given month (in months where the 15th day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If

delinquent bills are not paid in the time allowed, the customer's account shall be placed on the delinquency list and assessed an administrative process fee in the sum of Thirty Dollars (\$30.00). Any water service to the property for such accounts shall be scheduled for disconnection. All accounts placed on the delinquency list are assessed the administrative fee regardless of whether the bill is paid in full prior to the time the water service is physically disconnected.

- (D) When a customer requests that water service be disconnected at a property a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10th day following the billing date (in months where the 10th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to make payment). Final bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period.

- (E) Water service to a customer shall be disconnected for any of, but not limited to, the following reasons:

- (1) A result of the nonpayment of any water account in the customer's name, in accordance with the rules, regulations and ordinances previously establishing the policy for delinquent charges.
 - (2) Any check issued to the City in payment of charges or fees that is returned to the City and dishonored because of nonsufficient funds in the issuer's bank account or because of a closed account, the water service shall be disconnected immediately.
 - (3) Service shall be disconnected immediately in the event that the mailed utility bill is returned to the City as undeliverable by the United States Postal Service.
- (F) A customer must become current on their outstanding water service bill and all associated fees before reconnection of service will be scheduled.
- (G) Notwithstanding, any other policy for review of utility charges, if a customer disputes the rates and charges reflected on a monthly bill, he may request a hearing before the Plymouth Board of Public Works and Safety prior to any disconnection of water service. Such request must be filed in writing with the Clerk-Treasurer by the 4th day of the month (in months where the 4th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until the next business day in which the City Clerk-Treasurer's office is open to file the request). The hearing will be scheduled during the first regularly scheduled meeting of the Plymouth Board of Public Works and Safety held during the month in which the request is filed. Any late request, filed after the time allowed, will not delay disconnection of water service. After hearing all evidence presented at a hearing, the Board is empowered to order any relief it deems appropriate under the circumstance, including, but not limited to, directing the Clerk-Treasurer to waive delinquency processing fees or other fees or charges assessed.

Section 5. Invalidity – The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which shall be given effect without such invalid part of parts.

Section 5. Repeals of Conflicting Ordinances – All ordinances or parts of ordinances in conflict herewith are hereby repealed, including specifically, Ordinance Numbers 1079, 1088, 1229, 90-1512, 91-1518, 93-1582, 93-1590, 94-1613, 94-1641, 96-1663, 97-1670, 98-1715, 98-1718, 2000-1784, 2002-1826, 2009-1993, 2012-2035, 2015-2091, 2017-2115, 2017-2129, and 2020-2173, in their entirety. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

Section 17. Effective Date - The rates and charges as herein set forth shall become effective on the dates noted for each phase after adoption of this Ordinance.

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This Ordinance shall take full force and effect after its passage and due attestation and due publication as required by law.

Passed and adopted by the Common Council of the City of Plymouth, Indiana, on the _____ day of _____, 2022.

Mark Senter, Presiding Officer

ATTEST:

Lynn Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana, this _____ day of _____, 2022.

Lynn Gorski, Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2022.

Mark Senter, Mayor

City Attorney Surrisi states that for Stellar Communities construction has been going at River Park Square Phase Two as there are some new sidewalks. He adds that Rees Theatre still continues to move along.

Street Superintendent Marguardt states that Councilmen Ecker had gotten ahold of him last week and asked some questions in regards to fuel and where they are on that. He states that he had gotten together information for him over email and they have discussed it. He wishes to inform the rest of the council where they are on fuel.

He states as for diesel back in 2020 they paid \$2.51 a gallon and in 2021 it was \$2.23 a gallon. He states that this year he got locked at \$2.95 a gallon on March 3, 2022. He states that was a couple months after they took the original bids as it took time to get back down to what the original bid price was. He believes that given the circumstances they are doing well for diesel and they have received one load of 7,500 gallons and they still have two loads locked in to get this year. He adds that in talks with Ceres Solutions that there is some guarantee that the city would be one of their important customers if something were to happen with supply so the city will still get its fuel.

He states that as for gasoline they figure they will need five loads of 8,000 gallons totaling 40,000 gallons. He states that in 2020 they paid \$2.09 a gallon and in 2021 they paid \$1.97 a gallon. He states that this year they had not gotten locked into a price. He states that in talks with Ceres Solutions that gas has never really got to a point to lock in at that they would suggest. He states that on January 28, 2022 they bought 5,001 gallons at \$2.76 to top off their tanks and on March 17, 2022 6,001 gallons at \$3.31 to top off their tanks. He states that at the time it was still better off than to

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buy off market and that it would be extremely high to lock in. He adds that they were hoping things would eventually mellow out but things have not. He states on May 31, 2022 they received 8001 gallons at \$4.20 and that was a full load. He states that they are definitely under what the pump price is and he knows that their price will always be under that given that they do not pay every tax but they do pay some tax. He states that when they buy from transport load it is also a little cheaper as well.

He states that year-to-date they have purchased 19,003 gallons at a cost of \$67,384.10. He states that they started off at the warehouse with \$180,000.00 in their budget and when they were getting closer to this toward the end of last year that they spoke with the Clerk at that time and her response was that they would just do an additional appropriation this year. He states that they were aware that they were going to have to be tight even if they got in at the original bid price. He adds that the warehouse pays for all the oil and gasoline for all the vehicles. He states that as of now the free balance for warehouse is \$43,666.53 and they have estimated that they are going to need another 21,000 gallons of gasoline this year. He states that they should be able to cover their next load unless things go really bad. He states that in talking with Ceres Solutions that day that they would be willing to come talk fuel with the council. He states that they said that the city can lock fuel at any time they want but the city would be locking in at a higher price. He adds that they said that they do not tell their customers what to do but rather what their costs are. He states that a load usually lasts them a little over two months for gasoline.

Compton asks for clarification on topping it off every two months.

Marquardt states that every two months they could use a full load. He states that these first two on January 28 and March 17 were made with a concern on what fuel is doing at that point. He states that was before the war that everything is getting blamed on for what is happening in the world. He states that they have been watching that but this is where they are right now. He states that he doesn't know how this is affecting every other department as the warehouse bills each department.

Ecker states that he doesn't have to suggest to each department head to watch their budget but there is a lot of things coming up that the city committed to do doing and they got the funds. He states that if there is any way that they can control the spending as best they can to keep it to what they need versus what they want that it would obviously help their situation as well as others. He states that if there is anything that they can do to take a look at budgets to reallocate funds then they are there. He states that he is not there to accuse anyone of misdoing but this is a serious situation

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and he is aware that they are not the only ones in this position. He adds that the County and State have similar situations and they think it is their responsibility to be on top of it as best they can.

Marquardt states that the hard part comes down to Warehouse being a line item and it is its own budget. He states that the only things aside from fuel that are paid out of warehouse is the mechanics wages, insurance, and a few medical items. He states that they may have to do an additional appropriation to warehouse.

Houin would like to add to what Councilmen Ecker said about being cognizant of the budget but also would like to encourage department heads to be aware of anything they can do to conserve fuel and be more efficient with usage.

Compton adds that they are not aware what it is going to be like in October or December.

Marquardt states that he was told from Ceres Solutions that if they wanted to lock in for the first six months of next year that they may have a better chance at a little bit better pricing than if they tried to lock in 28,000 gallons before the end of the year.

Ecker states that he just doesn't want to affect the service that is provided to the citizens.

Mayor Senter asks how the usage has been this year for fuel.

Marquardt states that he believes usage has been close to normal quantities.

Council Members Ecker and Longanecker moved and seconded to accept the following

communications:


- Minutes of the Board of Public Works and Safety meeting of May 23, 2022
- June 13, 2022 Check Register
- May 24, 2022 Technical Review Committee Minutes
- Letter from Marshall County Council on Aging
- Council Memo – 6-8-22 – Insurance Renewal
- Council Memo – 6-8-22 – IT Services

The motion carried.

There being no further business to come before the Council, Council Members Milner and

Longanecker moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 6:48

p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor