

City of Elkhart, Indiana

the city with a heart.

The Honorable
Dick Moore

Mayor

Laura Kolo
Utility Services

Mike Machian
City Engineer

574.293.2571
Fax: 574.293.7658

Public Works &
Utilities Department
1201 S. Nappanee St.
Elkhart, Indiana
46516

August 25, 2010

Indiana Utility Regulatory Commission
National City Center 101 W. Washington Street
Suite 1500 E
Indianapolis, IN 46204

RECEIVED

SEP 02 2010

INDIANA UTILITY REGULATORY COMMISSION

RE: Remove Delinquent Charge – Billing
Remove Meter Deposit for Temporary Service
Remove Meter Yokes
Remove Loc Packs
Remove statement “relocating AMR device”
Increase Replacement Cost for Frozen Meters
Add Recording/Release of Water Liens

The Elkhart Water Utility is requesting a 30 day filing in seeking removal of delinquent charges, meter deposits for temporary service, meter yokes, loc packs and removing the statement “relocating AMR device”. The Utility is also requesting a new schedule of increased replacement of frozen meters and adding a recording/release of water liens fee.

The removal of delinquent charge – billing with approval will be placed in the Water Utilities current rules/policy manual.

Meter deposit for temporary service is no longer used for meters 5/8”- 2”. This service is covered under the Fire Hydrant meter deposit on page two of the current Schedule B. The Water Utility is requesting this item be removed due to the service being obsolete.

The removal of meter yokes with approval will be placed in the Water Utilities current rules/policy manual.

The removal of loc packs with approval will be placed in the Water Utilities current rules/policy manual.

The Water Utility is requesting the removal of the statement “relocating AMR device”. The only time an AMR device is moved is to benefit the Utility not the customer. The Utility feels it is not reasonable to charge the customer for a service that only benefits the Utility.

OLD

Ekhart Municipal Water Utility
Ekhart Indiana

APPROVED BY
CONFERENCE MINUTES

Schedule of Nonrecurring Charges

AUG 20 2008

INDIANA UTILITY
REGULATORY COMMISSION

Remove →

Delinquent Charge - Billings

All billings not paid within 17 days of the billing date are subject to a late payment charge of 10% on the first \$3.00 and 3% of the balance over \$3.00

Insufficient check charge \$27.50

Trip charge per hour, minimum 1 hour (1) \$25.00

After hours service call, minimum \$75.00

Visit to reconnect service (turned off for cause) \$50.00

Bacteriological analysis \$32.00

Fill swimming pool \$125.00

Permanent Disconnection Permit \$250.00

New customer deposit \$54.30

Street key rental (deposit) \$40.00

Meter Deposits for temporary service (includes 20% handling fee)

5/8" \$106.05

3/4" \$144.75

1" \$205.00

1-1/2" \$353.25

2" \$495.35

Remove →

Meter testing (5/8" - 1") \$50.00

Meter Yokes (includes 20% handling fee)

5/8" \$34.95

3/4" \$41.55

1" \$65.05

Remove →

Loc Packs (includes 20% handling fee)

1-1/2" copper \$44.30

2" copper \$54.35

1-1/2" galvanized \$45.60

2" galvanized \$69.05

Remove →

(Continued on next page)

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

I, Sue M. Beadle, City Clerk for the City of Elkhart, State of Indiana, do hereby certify that the attached is a true, complete and correct copy of Elkhart City Ordinance No. 5223, entitled, "An ordinance amending Ordinance No. 4978, entitled 'An ordinance establishing rates and charges for the use of and services rendered by the Water Works system of the City of Elkhart, Indiana' by replacing 'Appendix B – the Schedule of Non-recurring Charges' of this ordinance," which Ordinance No. 5223 was duly passed by the Common Council of the City of Elkhart, Indiana at its regular meeting on August 2, 2010, as the said ordinance remains on file and appears in said council records, and of which files and records I am the legal custodian.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Elkhart, Indiana, this 9th day of August, 2010.



Sue M. Beadle, Elkhart City Clerk

(SEAL)

Section 1. The entire "Appendix B - Schedule of Non-recurring Charges" of Ordinance No. 4978 is hereby deleted and replaced with "Appendix B - Schedule of Non-recurring Charges" attached to this Ordinance. The charges set forth in "Appendix B - Schedule of Non-recurring Charges" attached to this Ordinance are hereby adopted and established as the charges for the services described therein rendered by the Water Utility of the City of Elkhart, Indiana.

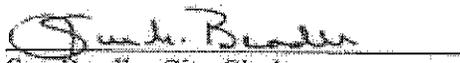
Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed up this Ordinance becoming effective as set forth herein.

Section 3. This Ordinance shall take effect upon its passage by the Common Council, approval by the Mayor, and publication according to law.

PASSED, ADOPTED, AND ORDAINED by the Common Council of the CITY OF ELKHART on this 2nd day of August, 2010.


David Osborne
President of the Common Council

ATTEST:


Sue Beadle, City Clerk

PRESENTED by me to the Mayor of the CITY OF ELKHART on the 4th day of August, 2010.


Sue Beadle, City Clerk

Schedule of Nonrecurring Charges

Insufficient check charge	\$	27.50
Recording/Release of water liens	\$	23.00
Liens are for assessment and tap contracts only		
Trip charge per hour, minimum 1 hour (1)	\$	25.00
After hours service call, minimum	\$	75.00
Visit to reconnect service (turned off for cause)	\$	50.00
Bacteriological analysis	\$	32.00
Fill swimming pool	\$	125.00
Permanent Disconnection Permit	\$	250.00
New customer deposit	\$	54.30
Street key rental (deposit)	\$	40.00
Meter testing (5/8"-1")	\$	50.00
Replacement cost of frozen meter		
5/8"	\$	131.43
3/4"	\$	173.57
1"	\$	237.14
1-1/2"	\$	378.25
2"	\$	586.43
Fire hydrant meter deposit	\$	900.00

Fire hydrant use, metered fee

See metered rates and charges
on page 1 of the tariff

Fire hydrant use, un-metered water fee

\$76.65 / per hour

Fee for illegal use of hydrant

- The fee for illegal use of a hydrant will be \$900.00 plus consumption, which is equal to the fire hydrant meter deposit, plus the recovery of charges for the amount of water stolen. Stolen water charges will be calculated using the utility's approved metered rates and charges. The amount of water stolen will be estimated by the utility's superintendent on a per incident basis.

Service Line Repair

Time and Materials

- Labor will be charged at \$25 / per hours (see trip charge)
- Material will be charged according to material bid plus 20% handling fee
- Equipment will be charged according to established equipment charges

Tap Fees

Up to and including 1"	\$	675.00
For taps greater than 1"	Actual Cost	

(1) Trip charge includes special meter reading, turn off or turn on sprinkling meter, missed appointments or other services requiring a trip to the customers location.

***CONSOLIDATED REJECTION SHEET**

AUDITOR'S OFFICE FEE SCHEDULE

- Transfer Fee - \$5.00 per Parcel Number up to 10 parcels
Flat \$50.00, anything over 10 Parcel Numbers
- Plats - Flat \$5.00 per Plat
- Sales Disclosure Fee - Exempt Transaction - \$0.00 (No Fee)
Non-exempt Transaction - \$10.00 per Sales Disclosure Form
- Copies - .15 per page (B&W) .25 per page (Color)

RECORDER'S OFFICE FEE SCHEDULE

Recording Fees:

- | | | |
|--|---------|----------------|
| 1. Deeds | | |
| Not Exceeding 8 1/2" X 14" | \$16.00 | |
| Each Additional Page | 2.00 | |
| 2. Mortgages | | |
| Not Exceeding 8 1/2" X 14" | 14.00 | |
| Each Additional Page | 2.00 | |
| *3. Miscellaneous/Affidavits | | |
| Not Exceeding 8 1/2" X 14" | 11.00 | ← Record Lien |
| Each Additional Page | 2.00 | |
| *4. Release/Partial Release/Assignment | | |
| Not Exceeding 8 1/2" X 14" | 12.00 | ← Release Lien |
| Each Additional Page | 2.00 | |
| 5. Any Document Exceeding 8 1/2" X 14" | | |
| First Page | 20.00 | |
| Each Additional Page | 5.00 | |
| 6. Mechanic's Lien | | |
| First Page w/ one 1st Class Mailing | 13.00 | |
| Each Additional Page | 2.00 | |
| Each Additional Mailing | 2.00 | |
| 7. Horizontal Properties/Plats/Surveys | | |
| First Oversized Page | 20.00 | |
| Each Additional Oversized Page | 5.00 | |

Additional Fees:

- | | |
|--|--------|
| 8. Each Additional Cross Reference | \$1.00 |
| 9. Copies | |
| Per Page Not Exceeding 8 1/2" X 14" | 1.00 |
| Larger Than 8 1/2" X 14" | 2.00 |
| 10. Certifying or Acknowledging a Document | |
| Per Document | 5.00 |
| 11. Non-Conforming Page | |
| Per Page | 1.00 |

Uniform Commercial Codes Fees:

- | | |
|---|--------|
| 12. Original Filing, Amendment, Continuation, Termination (2 Pages or Less) | \$9.00 |
| 13. Original Filing, Amendment, Continuation, Termination (3 Page or More) | 13.00 |
| 14. UCC Search (1 Name) | 10.00 |
| Each Additional Name | 5.00 |

* **(NON-CONFORMING NOTE):** Regular documents must be no larger than 8 1/2" X 14", at least 10 point type, on white paper of at least 20 lb. weight, no permanently bound or continuous forms, 2" clear margins at the top and bottom of first and last page with 1/2" margins elsewhere.

*TO BE PUBLISHED IN THE ELKHART TRUTH – July 16, 2010
AND POSTED IN THREE (3) PUBLIC PLACES IN THE CITY OF ELKHART, INDIANA:*

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Common Council of the City of Elkhart, Indiana ("Common Council") during its regular meeting starting at 7:00 p.m., on Monday, August 2, 2010, in the Common Council Chambers, which is located on the 2nd floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana 46516, to consider the adoption of Proposed Ordinance 10-O-24, an ordinance amending Ordinance No. 4978, entitled "An Ordinance Establishing Rates and Charges For the Use of and Services Rendered By the Water Works System of the City of Elkhart, Indiana" by replacing "Appendix B -The Schedule of Non-recurring Charges" of this Ordinance (the "Ordinance"). The Ordinance includes, among other things, the following proposed charges for the Water Works of the City of Elkhart, Indiana ("Water Works"):

Schedule of Non-recurring Charges

Insufficient check charge	\$ 27.50
Recording/Release of water liens (Liens are for assessment and tap contracts only)	\$ 23.50
Trip Charge per hour, minimum 1 hour (1)	\$ 25.00
After hours service call, minimum	\$ 75.00
Visit to reconnect service (turned off for cause)	\$ 50.00
Bacteriological analysis	\$ 32.00
Fill swimming pool	\$ 125.00
Permanent Disconnection Permit	\$ 250.00
New customer deposit	\$ 54.30
Street key rental (deposit)	\$ 40.00
Meter testing (1/8" – 1")	\$ 50.00
Replacement cost of frozen meter	
5/8"	\$ 131.43
3/4"	\$ 173.57
1"	\$ 237.14
1-1/2"	\$ 378.25
2"	\$ 586.43
Fire hydrant meter deposit	\$ 900.00
Fire hydrant use, metered fee	See metered rates and charges on page 1 of the tariff

MINUTES OF THE REGULAR COMMON COUNCIL MEETING
OF AUGUST 2, 2010

Present: Council President Dave Osborne
Council Members Brian Thomas, Ralph Bean, Ron Troyer, David Henke,
Brent Curry, Mary Olson, Rod Roberson and Tonda Fimes

Absent: No council members were absent.

Council President Dave Osborne called the meeting to order.

Barkley Garrett, Economic Development Manager, led the assembly in the Pledge of Allegiance.

President Osborne asked for a moment of silent meditation.

The clerk called the roll.

Minutes for Approval

Minutes of the July 12, 2010 City Council Meeting
Minutes of the July 19, 2010 City Council Meeting

Councilman Brian Thomas said that Councilwoman Mary Olson was absent from the July 12 council meeting, but the minutes reflect on pages 5, 6 and 7 that she voted on the adoption of resolutions. He moved, seconded by Councilman Ralph Bean, to amend the minutes to correct those votes, which motion carried unanimously by voice vote. There were no other corrections to the minutes, and Councilman Thomas moved, seconded by Councilwoman Olson that the minutes be approved as amended and placed of record, which motion carried unanimously by voice vote.

Presentations and Introductions

There were no presentations or introductions.

The clerk read proposed resolution 10-R-57 by title only. Councilman Troyer moved, seconded by Councilman Curry, to remove the proposed ordinance from the table, which motion carried unanimously by voice vote. Councilman Bean moved, seconded by Councilman Troyer, to pass the proposed ordinance on second reading, and President Osborne opened the floor for council discussion and asked Mr. Garrett to speak.

Mr. Garrett said the Memorandum of Agreement ("MOA") has been changed from the original MOA submitted to the council, and council members received a copy last week of the new MOA signed by the company. He said the words "excluding benefits" were added after "\$35,000.00" in paragraph 1 and after "\$33,250.00" at the end of paragraph 2. He said in all other respects the MOA is the same as originally submitted to the council.

Councilman Henke moved, seconded by Councilwoman Hines, to amend the resolution to incorporate the amended MOA, and President Osborne asked for discussion on the motion.

Councilman Henke said he appreciates Mr. Garrett's following through with adding these words to the MOA as he requested, but he queried how they were omitted in the first place from the MOA because he thought that the MOA's had standard wording. Mr. Garrett said there is a template for the MOA's, but they are prepared by the Legal Department and sent to him for approval before sending it to the company for signature, and he could not speculate why it was not included originally in this one.

Following council discussion, President Osborne opened the floor for public comments. There were no comments from the public, and President Osborne returned discussion to the council.

Councilwoman Olson moved, seconded by Councilman Henke, to adopt the proposed resolution as amended, and there being no further council discussion, President Osborne called for the vote on the adoption of the resolution as amended, and the vote was as follows: Ayes: Thomas, Bean, Troyer, Henke, Curry, Olson, Roberson, Hines and Osborne. Nays: None. The motion carried unanimously, 9 to 0, and the resolution was adopted as amended.

Mr. Vranjes advised the council that it passed proposed ordinance 10-O-24, amending Ordinance No. 4978, entitled "An ordinance establishing rates and charges for the use of and services rendered by the Water Works system of the City of Elkhart, Indiana" by replacing "Appendix B - the Schedule of Non-Recurring Charges," without amending to make the minor word change that was made to the Appendix B, which change was to add the words "plus consumption" after the \$900.00 fee for illegal use of hydrants.