

3-18-80

ORDINANCE NO. 354

AN ORDINANCE RELATING TO ELECTRICAL AND WATER SERVICES PROVIDED BY THE CITY OF WATHENA, KANSAS, PROVIDING FOR A DEPOSIT PRIOR TO THE FURNISHING OF SAID UTILITY SERVICES, PROVIDING FOR COLLECTION AND PAYMENT FOR SAID SERVICES, PROVIDING FOR A PENALTY FOR DELINQUENT PAYMENTS, PROVIDING FOR THE TERMINATION OF SAID SERVICES, PROVIDING FOR A CHARGE FOR DISCONNECTION AND RECONNECTION OF SERVICES, PROVIDING FOR THE PLACE OF PAYMENT FOR SAID SERVICES, AND REPEALING ORDINANCE NO. 345.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. (a) SECURITY DEPOSIT FOR WATER SERVICE.

That from and after the effective date of this Ordinance each applicant for water service shall make a cash deposit with the City of Wathena (herein City) in the amount of \$25.00. Such deposit shall serve as security for the payment of charges for water thereafter furnished by the City to the premises described in the application, provided, that said applicant shall be entitled to have the security deposit refunded after being a water user on said premises for three consecutive years and after establishing, in the opinion of the City Clerk, a record of satisfactory payment for water services during said three year period.

(b) PAYMENT OF ACCRUED BILLS FROM SECURITY DEPOSIT.

In the event that water service shall be discontinued for failure to pay any bill due the City for water, or for any other reason, such security deposit shall be applied to the payment of any and all accrued bills and amounts due from the customer to the City, and if there shall remain any surplus of such deposit, the same shall be returned to the customer. In the event such cash deposit is insufficient to pay the amount due for water furnished, and other proper charges, the deficiency due shall constitute a personal liability of the customer. The City shall continue to hold the cash deposit made by each water customer as a guarantee for the payment of all future water bills but shall refund the same to the customer upon discontinuance of the use of such water service and the payment of all water bills, penalties and other charges to the date of the discontinuance of service.

SECTION 2. (a) SECURITY DEPOSIT FOR ELECTRICAL SERVICE. That from and after the effective date of this Ordinance each applicant for electrical service shall make a

cash deposit with the City of Wathena (herein City) in the amount of \$75.00. Such deposit shall serve as security for the payment of charges for electricity thereafter furnished by the City to the premises described in the application, provided, that said applicant shall be entitled to have the security deposit refunded after being an electrical user on said premises for three consecutive years and after establishing, in the opinion of the City Clerk, a record of satisfactory payment for electrical service during said three year period.

(b) PAYMENT OF ACCRUED BILLS FROM SECURITY DEPOSIT.

In the event that electrical service shall be discontinued for failure to pay any bill due the City for electricity, or for any other reason, such security deposit shall be applied to the payment of any and all accrued bills and amounts due from the customer to the City, and if there shall remain any surplus of such deposit, the same shall be returned to the customer. In the event such cash deposit is insufficient to pay the amount due for electricity furnished, and other proper charges, the deficiency due shall constitute a personal liability of the customer. The City shall continue to hold the cash deposit made by each electrical customer as a guarantee for the payment of all future electrical bills but shall refund the same to the customer upon discontinuance of the use of such electrical service and the payment of all electrical bills, penalties and other charges to the date of the discontinuance of service.

SECTION 3. DUE DATE FOR WATER AND ELECTRICITY ACCOUNTS.

All water and electricity accounts owed to the City of Wathena are due and payable in full on the first day of each month for the utilities used during the immediately preceding month.

SECTION 4. PAYMENT OF ACCOUNTS WITHOUT PENALTY. All

water and electricity accounts may be paid between the first and tenth days of each month without a penalty being assessed against the user for late payment.

SECTION 5. PENALTY FOR LATE PAYMENT. Any water and/or

electricity account not paid in full on or before the tenth day of each month shall be assessed a late payment penalty equal to ten percent of the amount of the unpaid account and such penalty shall be considered a part of the account and shall be immediately due and payable.

SECTION 6. DISCONNECTION OF SERVICE FOR FAILURE TO PAY ACCOUNT. If any water or electricity account is not paid in full, including penalty, by the fifteenth day following due date, then such utility services shall be terminated and disconnected by the City of Wathena, at 8:00 o'clock A.M. on the sixteenth day following the due date, provided, no water or electrical service shall be disconnected without the Governing Body of the City first conducting a hearing to determine whether said utility service should be disconnected. The utility user shall be notified of said hearing and shall have the right to attend the same and present evidence to the Governing Body of the reason for failure to pay the delinquent utility bill.


SECTION 7. CHARGES FOR DISCONNECTION AND RECONNECTION. In the event that water and/or electricity service shall be terminated and disconnected as authorized by Section 6 of this Ordinance there shall be a charge of \$10.00 assessed for the disconnection of any water service and a \$10.00 charge assessed for the disconnection of any electricity service and an equivalent sum shall be assessed against the customer for the reconnection of each of such services. Services to the customer shall not be resumed until payment in full of all delinquent bills, penalties, interest, disconnection charges and reconnection charges.

SECTION 8. PLACE FOR PAYMENT OF ACCOUNTS. All water and electricity accounts shall be paid at the office of the City Clerk, at the City Hall in Wathena, unless otherwise designated by the City.

SECTION 9. REPEALER. Ordinance No. 345 and all other Ordinances or parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

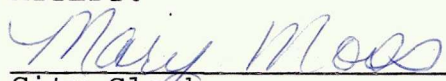
SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the publication in The Wathena Times, official City Newspaper.

PASSED by the Council and APPROVED by the Mayor this 4th day of March, 1980.



Mayor

ATTEST:



City Clerk

The Wathena City Council met in regular session, Tuesday, November 5, 1991 at 7:00 p.m. at the City Hall. The meeting was called to order by Mayor Andy Clements. Prayer was offered by Geary Engemann. Roll call was answered by Councilmen Geary Engemann, Randy Cluck, and Ivan Foley. Councilmen Jerry Euler and Robert Wisler, Jr., were absent. Also present were W.P. Feuerbacher, Jack Euler, Dana Foley, Attorney Robyn Johnson, City Attorney Bill McQuillan, Superintendent Paul Lehman, and Assistant City Clerk Doris Delzeit.

Motion by Geary Engemann, second by Randy Cluck to approve the minutes of the October 15th regular meeting and the October 21st special meeting. Vote-unanimous.

Motion by Geary Engemann, second by Ivan Foley to approve the bills as listed. Vote unanimous.

Building permits were submitted by David Tucker for a garage at his residence at 103 Kansas, Howard Gummig for a new residence at 4th and Jesse, Tim Haedt for a new residence on Summit street, Dr. Linda Hrenchir for a modular home at 109 Benton, and Jerry Acord for a new home on Summit street. No action was taken on the Acord permit pending verification of setback regulations. Dr. Hrenchir's permit was approved contingent upon approval by the city attorney as to compliance with the new state law. Motion by Randy Cluck, second by Geary Engemann to approve the other permits as submitted. Vote-unanimous.

The council discussed the city policy of new utility customers being able to use a co-signer, who has well-established credit, as a responsible agent for their account to avoid a security deposit on their utilities. It was decided that no co-signers will be allowed and that the city shall follow in strict accordance with the city ordinance concerning deposits for new accounts from here on out. Motion by Geary Engemann, second by Ivan Foley. Vote-unanimous.

The methods of repayment of the Kansas Partnership Loan were discussed. Attorney Robyn Johnson presented information on this and let the city know that they need to pass a resolution stating how they intend to repay this Kansas Partnership Loan. A motion was made to authorize Novak and Lay to update their proposal on the lagoon and sewer extension. Motion by Randy Cluck, second by Geary Engemann. Motion failed (Engemann, Cluck, Foley,-No). After further discussion the council directed the city attorney to contact Novak & Lay for an estimate of Novak & Lay's fee to provide up-dated engineering costs before any other action is taken.

The council authorized the City Clerk to solicit bids from different accounting firms to perform the annual audit for the city's 1991 books. Sealed bids will be opened at the December 3, 1991 council meeting. Motion by Ivan Foley, second by Randy Cluck. Vote-unanimous.

The mayor signed a proclamation to proclaim November 17-23, 1991, as American Education Week in behalf of USD #406.

Discussion was held about organizing a group of area business people to work together to improve and promote our local

businesses. The councilmen are to bring to the next meeting, names of people who may be interested in organizing and getting such a group started.

At 8:05 a motion by Ivan Foley and second by Geary Engemann was made to go into executive session with the city attorney for 20 minutes to discuss a legal matter. The council returned to regular session at 8:25. No action was taken on executive session.

The Doniphan County Economic Development Commission has asked for the City of Wathena's support and a commitment of \$500.00 toward a Community Strategic Planning Grant if the grant is awarded. The motion was made by Ivan Foley, second by Randy Cluck to have Mayor Clements sign a resolution, letter of support, and pledge of \$500.00 from the City of Wathena. Vote-unanimous.

The city attorney is to check on the KP&L contract extensions and action will be taken at the next meeting.

There being no further business, motion was made by Geary Engemann, second by Ivan Foley to adjourn. Vote-unanimous.