

**MINUTES
FELSENTHAL CITY COUNCIL
9/11/18
4:30 PM
Town Hall**

A quorum being established, Mayor Newbury called the meeting to order. At roll call the following members were present: Mr. Eads, Mr. Holland, Mr. Crawford and Ms. Jones. Mr. Newbury was not present.

Mr. Eads moved, and seconded by Mr. Holland, to accept the minutes for the previous meeting (8-14-18). The roll call vote was unanimous. The motion passed.

Old business

A contract for services has been received from Mickey Parker, Wastewater operator, class 2. The town will use Mr. Parker's license, and he will oversee David Culp in this matter for the next two years. David will have to be licensed as a class one operator for two years before he can take the test.

At our last meeting, our minutes from that meeting failed to list the places that we posted the Compliance letter--naming all attempts to make sure all our users had access to it. The places are as follows: Town Group Email, Town Facebook page, Town Website posting, a link to website was printed on each water bill that was mailed towards the end of July, and the notice is posted prominently on our bulletin board at the Town Hall. This notice was due to a violation with ADH. While changing Public Works Superintendents, we failed to send one water sample in. We just had to post the violation in several places and send the sample in. This has been done and all is well. There are no further penalties.

New Business

We have agreed to sell the sewer pipe that has been in our possession for several years and not being used for anything. Mr. Hill and Mr. Kelly will purchase the pipe for \$1,000.00 to be used for a project on U Alley.

The Tax Levy Resolution #116-18 was brought to the council. Mr. Eads moved, and it was seconded by Mr. Clawson, to adopt the tax levy resolution. The roll call vote was unanimous. The motion passed.

Resolution #113-18 was then presented. Mr. Holland moved, and seconded by Mr. Clawson, for adding the new building and deleting several items from inventory. There were also a few corrections in the inventory as part of the resolution. The roll call vote was unanimous. The motion passed.

The Mayor presented to the council her conversation with an attorney from AML. A citizen brought up a question about our 40% late penalty on our water bills and its legality. Mr. Mike Morton and Mr. Al Johnson, two of our citizens, were participants in this discussion. The Mayor told the Council and the visitors that she had called AML legal department, and their response was they didn't know of any reason we could not do what the council voted to do. There is no statute known to address the circumstance and little case law. The only case the AML lawyer found having to do with late penalties resulted in judges stating that municipalities could use whatever means necessary as an incentive to get patrons to pay their bills on time. Mr. Motion said he thought that it wasn't legal to charge late fees on top of last fees, meaning that charging a percentage late fee based on last month's balance due—after one month late charges were added—was not legal. Mr. Al Johnson produced some research he had done having to do with municipalities as public utilities. The Mayor told him that her understanding was that municipalities were not under the same set of statutes as

were public utilities such as AT&T or Entergy. She told Mr. Johnson that AML told her that we had totally different rules from them. After a lengthy discussion of concerns, the Mayor told the citizens that she would research further into this matter and let them know at the next meeting if she found out anything different. She also stated that if an injustice or irregularity were found that we would do all in our power to make that right.

The Financial Reports for August 2018 were presented and examined by the Council. Mr. Holland moved, and it was seconded by Mr. Eads to accept the financial reports as written. The roll call vote was unanimous. The motion passed.

Ms. Jones moved to adjourn the meeting, and the motion was seconded by Mr. Eads. The roll call vote was unanimous. The motion passed.

Mayor

Recorder/Treasurer