

**COUNCIL PROCEEDINGS  
CITY OF ATTICA**

**8-8-2022**

The Common Council for the City of Attica met on August 8, 2022, at 6:00 P.M.

Those present at the meeting were: Council Members; Mr. Larry Grant, Mr. Scott Voorhees, Mrs. Valerie Maus, Mrs. Patricia Hargan, and Mrs. Kaylie Carnahan. Also, present were Attorney Ingrid Barce, Mayor Duane Roderick, and Clerk Treasurer Joanne Broadwater.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS:**

- **Grant made a motion to approve the minutes from the July 11<sup>th</sup>, council meeting, Hargan seconded, all were in favor and the motion passed.**

**CITIZENS PETITIONS:**

- John Hunt asked the Council for permission to close Council St. West of McDonald Park and a portion of Perry St. on Saturday and Sunday September 17<sup>th</sup> and 18<sup>th</sup>. The Council unanimously approved the request.
- Spencer Deery, candidate for State Senate, introduced himself to the Council.
- Ed Burris – asked the Council about the Nuisance Ordinance with respect to a neighbor of his that has 50 pigeons. Burris has concerns regarding the potential health issues this can cause, especially Histoplasmosis which is caused by bird and bat droppings. Roderick stated the cities Director of Public Works has spoken with the owner of the birds about concerns and was told that all the birds have been inoculated. Roderick stated the owner of the birds requested to address the council regarding the neighborhood concerns.

Voorhees stated the way the Ordinance is written, the owner of the birds will have to request a permit granted by the Council to keep the birds.

Burris asked if there is a limit on the number of buildings a person can have on their property and if he had a permit to bring in the buildings, Grant stated no permits were issued for the buildings to be brought to the property. Burris asked what can be done about that, Grant stated the process has already begun to address the issue.

Jennifer Wickman, another neighbor by the pigeons, addressed the council with concerns. She stated the pigeons are only let out at night, and the birds are congregating on adjacent homeowners' roofs and property. Wickman also stated the property owner with the pigeons' brought buildings from Williamsport to his Attica property that were not new, which is a violation of her homeowner's association rules, that are not being enforced by the development owners. The new resident painted the sheds after dark to make them look new and began construction of a fence without proper city permits.

Hargan asked if there are two locations being discussed, Burris stated no he lives adjacent to the property with the birds.

Maurice Loy, another resident close to the bird owner, addressed the council about his concerns. He is concerned about the decrease in property values because of the birds. Loy also stated there are multiple residents near the birds that are on oxygen or have other health issues that could be impacted by the number of birds that are being housed and released daily near their property, and the large quantity of bird droppings on neighboring properties.

Roderick stated the Health Department should be contacted to make sure what the rules are, but he also wants to give the bird owner an opportunity to address the Council.

There was continued Council discussion regarding the concerns, Roderick asked the cities legal counsel who is responsible for enforcing HOA rules. Attorney Ingrid Barce stated that all covenants in an HOA are considered civil matters and are to be enforced by the established HOA board, not the city. The city is responsible for only enforcing violations of city ordinances.

Grant stated the bird owner reached out to him prior to this meeting and explained all the birds are inoculated, Grant asked the homeowner to come to the September Council meeting to address the concerns that have been raised to him prior to the public meeting from neighbors.

Residents continued to voice their concerns, Grant stated the Council needs to give the property owner, that concerns are being voiced about, the opportunity to defend himself before any decisions are made.

Gary Hiller, an adjacent neighbor, addressed the council stating that they purchased their property because of the restrictive covenants that were in place for the neighborhood, and he was told that it was the cities responsibility to enforce those covenants. Grant responded that the city enforces city ordinances only and if it is a violation of a covenant, that is a civil matter and not enforced by the city.

Attorney Ingrid Barce restated that the city cannot enforce covenants, those are a civil matter. The city can only enforce city ordinances.

Voorhees stated he wasn't in favor of 50 pigeons, but felt all parties have the right to be heard, and he would like the input of the health department to assist with the council's decision.

Carolyn Carlson addressed the Council stating when she was on the Council they addressed a downtown pigeon issue, and she is surprised there is not an ordinance on record.

Carnahan stated a letter needs to be sent to the owner requesting he appear before the Council at the September meeting. Roderick agreed and said the city attorney would send a letter to owner of the pigeons.

Steve Martin addressed the Council stating he believes the owner of the pigeons raises and sells them as well as racing them and makes money from these ventures. Roderick stated it may be an issue if the owner is running a business.

Debbie Martin addressed the Council, she stated she and Gary Hiller spoke to Mark Little, who owns the addition about the covenants. She stated she was given a copy of the covenants when she purchased their home, and they are not being enforced. Debbie stated several of the rules listed in the covenants and asked Mark who is supposed to enforce these. Per Debbie, Mark stated he recorded the covenants at the Fountain County Courthouse and thought the city would enforce them. Debbie asked what they need to do to have these enforced? Attorney Barce stated again that it is a civil matter that needs to be addressed through an HOA board, the city will not enforce the covenants.

Police Chief Miller restated what attorney Barce said, the city of Attica will not enforce any HOA covenants, it is a civil matter.

#### **COMMITTEE REPORTS:**

- None

#### **DEPARTMENT HEADS:**

##### **Eric Swank Director of Public Works:**

- Was not present.

##### **Police Chief Garret Miller:**

- The APD responded to 481 calls for service in July.
- Officer Viray and Dillon were involved in a vehicle pursuit that started in Vermillion County. APD officers deployed stop sticks and disabled the vehicle without incident.
- Officer Fesler has completed his field training and is working a regular rotation within the department.
- Chief Askren reported back to the school as the SRO
- Officer Dillon will be reporting to the police academy on August 29<sup>th</sup> for his 16-week training.
- Chief Miller stated he is working a late rotation and may not respond to messages in the mornings if he was working late.
- Officer Swisher has returned to full-time duty.

**Fire Chief Mike Little:**

- Had nothing to report.

**Joanne Broadwater, Clerk-Treasurer:**

- Financials were handed out.
- Emailed prior to the meeting information on a P-card, which is a way for department heads to have credit cards in their names to expedite department purchases. Broadwater stated she will present more details on this program at the next meeting.
- Chief Miller explained to the Council that most companies he works with have gone electronic and do not want to send an invoice and wait on payment after the next Board of Works meeting. He has personally had to put items on his personal credit card then asked for reimbursement.

**UNFINISHED BUSINESS:**

- Eric Walsh from Bakertilly Financial Advisors spoke first regarding the water project. He handed out information about the financial impact of the project cost based on the bids the city received.

Eric spoke about how to fund the project; he presented multiple options regarding the amount of money the city borrows to fund this project and how each option impacts the city's finances.

The project bids came in at 4.1 million dollars, then a construction contingency of \$200,000 will be added on top plus additional costs for engineering, and other related services, for a total project cost of \$4,834,000 dollars.

Eric went through the different options to fund the project, using capital assets vs funding the whole project though water rate increases, and or reducing the scope of the project.

Voorhees clarified what the project includes. Roderick stated he isn't sure if the radio reads for the meters are included in this estimate.

The council discussed the necessity of the project, and that they city must move forward with the project.

Chief Miller asked Mr. Walsh if he would recommend using capital to buy down the loan. He stated he would not recommend using more than 1 million, however, it is important for the council to consider how long it took to build that reserve, possibly decades compared to the amount of rate savings that would generate for the citizens. If spending a million dollars in cash reserve flexibility only created a saving of a dollar or two, is it worth it?

Eric Walsh replied the council needs to consider how long it took to build the cash reserves and it is worth spending that money to save the utility customer a couple of dollars? Roderick stated any increase will cause a concern.

The council continued to discuss the funding options for the water project. Broadwater stated that in the next couple of years there will be a new Federal lead and copper rule that goes into effect, increasing the city's operating costs by \$50,000+ per year.

Walsh explained the city also makes an annual fire hydrant rental payment from the general fund to the water fund of approximately \$50,000. When the water rates increase this payment will also increase. With the full proposed rate increase this annual payment will increase to approximately \$75,000 per year. The city is allowed by state statute to include this cost of the water bill as a hydrant rental fee. If the full fee is included in the water bill it will be an additional \$4 on top of the water rate increase.

Roderick asked if the city could afford to pay the \$50,000 hydrant fee per year? Walsh stated he has budgeted that expense into the financial plan, however, if you add the \$25,000 increase on top of the \$50,000 the city will likely not have any surplus revenues in the future and potentially be in the negative in their operating budget.

To stay on the state SRF loan calendar the council must act on their rates at the next meeting, with the proposed rate increase being introduced tonight. Walsh recommends introducing the highest rate with the option of decreasing that rate at the public hearing in September. Roderick agreed starting out with the highest rate tonight with the option of reducing that at the public hearing.

**Grant made a motion to suspend the rules and pass the ordinance on the first reading, Hargan seconded, all were in favor, motion passed.**

**Hargan made the motion to pass Ordinance 2022-0808A, the ordinance authorizing the acquisition, construction, and installation by the City of Attica, certain improvements, extensions to the city's water works and the issuance of and sale of bonds to pay for the improvements, Carnahan, seconded, all were in favor, motion approved.**

Eric Walsh handed out and reviewed the most recent version of the Financial Plan with the council.

Eric Walsh brought up the opportunity for the City to issue a general obligation bond and showed in the financial plan how doing this would impact the city's financials. Walsh explained the details of how the GO bonds work.

The council continued to discuss the timing of the marketplace and other projects in the downtown area with reference to the GO bond.

**Maus made the motion to adopt Ordinance 2022-0808B amending Chapter 9 Article 6 waterworks rates and charges, Hargan seconded, all were in favor, motion passed.**

Voorhees asked the mayor about being involved in the budget process and salary ordinance; Roderick stated he would reach out to each council member individually for their input into the salary ordinance.

**NEW BUSINESS:**

- Grant stated Scott Gregory contacted him to let him know that he is playing at the riverfront on September 10, the Moose will be providing food. Scott asked the council to reimburse him gas money for that evening. Voorhees stated he would cover the cost; Roderick stated it could be taken out of promotions as well.
- Roderick asked Chief Little if he would do a ceremony at riverfront for 9-11.

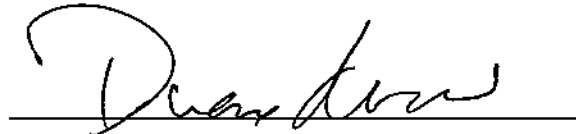
**MISCELANOUS:**

- None

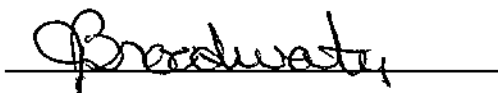
**ADJORNMENT:**

Roderick stated he had no further business and requested a motion to adjourn. **Hargan made the motion to adjourn, Maus seconded, all were in favor, motion passed, meeting adjourned.**

The next regular Council meeting will be held Monday, September 12<sup>th</sup>, 2022, at 6:00pm.



Duane Roderick, Mayor

ATTEST: 

Joanne Broadwater, Clerk-Treasurer