

**CITY OF VIENNA
CITY COUNCIL MEETING
VIENNA CITY HALL
205 North 4th Street
December 20, 2023
6:30 P.M.
AGENDA**

1. Mayor Calls Meeting to Order.

2. Roll Call:

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

NEW BUSINESS

3. Omnibus Consent Agenda

- Approval of the December 6, 2023 Meeting Minutes
- Approval of the Warrant
- Approval of Treasurer's Report (November)

Motion _____ **Seconded** _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

4. Jason Taylor, Johnson County Commissioner- Request of street closure for county courthouse

5. Scott Hickam, Buessink & Hickam PC - Review of FY 2023 Financial Report

Approval/Acceptance of the 2023 Fiscal Year Annual Financial Report

Motion _____ **Seconded** _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

6. Authorization and Approval of Ordinance 23-04, An Ordinance Amending and Establishing Natural Gas Rates

Motion _____ **Seconded** _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

7. Authorization and Approval of Amendment to Natural Gas Management Agreement Between Utility Gas Management and City of Vienna, IL.

Motion _____ **Seconded** _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

8. Authorization and Approval of Memorandum of Understanding between Midwest Material, LLC and the City of Vienna, IL

Motion _____ **Seconded** _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

9. **PUBLIC COMMENT/ADDITION TO THE AGENDA**

10. **ELECTED/APPOINTED OFFICIALS**

- City Attorney
- Aleatha Wright, City Clerk
- Shane Racey, City Supt
- Michelle Meyers, Treasurer
- Jim Miller, Chief of Police
- Brent Williams, Fire Chief
- City Council
- Steve Penrod, Mayor

11. **Executive Session:** Employment/compensation as per 5ILCS 120/0(c)(1) Non-Union Salary Raises, and review of closed session minutes pursuant to 2.06 of the Open Meetings Act as per 5 ILCS 120/2(c)(21). Executive Minutes from 07-05-23 and 09-06-23.

Out of Regular Session into Executive Session:

Motion _____ Seconded _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

Out of Executive Session into Regular Session:

Motion _____ Seconded _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

12. Authorization of Approval of Non-Union salary adjustments effective January 1, 2024

Motion _____ Seconded _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

13. Authorization and Approval of content of semi-annual review of closed session minutes from 07-05-23 and 09-06-23 /consent to release or keep minutes closed for confidentiality.

Motion _____ Seconded _____

Hill _____ Moore _____ Elliott _____ Pitts _____ Racey _____ Tuey _____

14. **Adjournment:**

POSTED: 12-18-23 BY: 

CITY OF VIENNA
ORDINANCE NO. 23-04

AN ORDINANCE AMENDING AND ESTABLISHING NATURAL GAS RATES

WHEREAS, the City of Vienna owns and operates a natural gas system supplying natural gas for use and consumption by the residents and businesses of the City of Vienna, Illinois pursuant to authority granted by section 11-117-1 of the Illinois Municipal Code (65 ILCS 5/11-117-1); and

WHEREAS, the City of Vienna finds that it has authority under Section 11-117-12 of the Municipal Code (as 65 ILCS 5/11-117-12) to fix charges for the natural gas products and service provided to the residents and businesses of the City of Vienna; and

WHEREAS, the City Council finds that the aforesaid charges must at all times be sufficient to bear all costs of maintenance and operation, to meet interest charges on bonds and certificates, if any, issued on account thereof, and to permit the accumulation of a surplus or sinking fund to meet all unpaid bonds and certificates of maturity; and

WHEREAS, after careful investigation, the City Council of the City of Vienna has determined that it is in the best interest of the City of Vienna and it is necessary to adjust natural gas rates and charges.

NOW THEREFORE BE IT ORDAINED, by the City Council and the Mayor of the City of Vienna, Illinois as follows:

Section 1: Amendment. The Code of Ordinances of the City of Vienna, Title 5, Public Works, Chapter 52, Gas System, Section 52.18(B)(1) is hereby amended to repeal and delete sub-sub paragraph B(1)(d) and to insert in lieu thereof the following:

(d) Beginning January 1, 2024, large commercial customers will be charged a flat meter rate of one hundred dollars per month regardless of gas consumption.

A "large commercial customer" shall for purposes of this Chapter 52 of the Code of Ordinances be defined as any governmental, commercial, or industrial business or customer with a meter that permits a flow rate of natural gas in excess of 11,000 cubic feet per hour or who accepts delivery of natural gas through the meter at a pressure exceeding 50 pounds.

(e) In addition to the flat meter rates set forth in sub-sub paragraphs (c) and (d) above, there shall be imposed a monthly delivery charge on all natural gas delivered to customers that shall be at all times

sufficient to cover or bear the cost of operation and maintenance of the gas system, including the depreciation cost or replacement cost of capital equipment, and bond and interest cost, if any.

The monthly delivery charges shall be expressed in dollars and cents per therm and shall be a combination of the following:

- a) A base rate; and
- b) The cost of natural gas delivered at the City gate.

(f) Beginning January 1, 2024, the base rate imposed on residential and business customers, other than large commercial customers, shall be \$4.00 per MCF of natural gas flowing through the meter.

(g) Beginning January 1, 2024, the base rate for large commercial customers shall be \$2.00 per MCF of natural gas flowing through the meter.

(h) In the event a large commercial customer fails to use at least 20,000 MCF of natural gas in a calendar year, such customer shall commencing the following calendar year pay a base rate equal to that charged to residential and business customers until such time as the large commercial customer has consumed 20,000 MCF of natural gas in a calendar year at which time the base rate for large commercial customers shall be imposed again.

Section 2: Repeal. This ordinance repeals the existing Title 5, Chapter 52, Section B(1)(d) and Section 52.33 (C) and (D) of the Code of Ordinances of the City of Vienna and all prior ordinances, resolutions, or motions in conflict of herewith. All sections, paragraphs and provisions of Chapter 52, Section 52.18 and Section 52.33 that are not expressly amended or repealed by this ordinance are hereby reenacted and shall remain in full force and effect.

Section 3: Savings Clause. If any section, paragraph, term or condition of this ordinance shall hereafter be deemed invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the remainder of this ordinance which will remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on January 1, 2024, following passage, approval, and publication as required by law.

Dated this _____ day of December, 2023, pursuant to a roll call vote as follows:

AYES: _____

NAYES: _____

ABSENT: _____

APPROVED this ____ day of December, 2023.

Steven Penrod, Mayor

ATTEST: _____
Aleatha Wright, City Clerk

**AMENDMENT TO
NATURAL GAS MANAGEMENT AGREEMENT
BETWEEN UTILITY GAS MANAGEMENT AND
CITY OF VIENNA, ILLINOIS**

THIS AMENDMENT TO THE NATURAL GAS MANAGEMENT AGREEMENT (“NGMA”) is entered into on December 20, 2023 and is effective January 1, 2024, (this “Amendment”), between UTILITY GAS MANAGEMENT (“MANAGER”) and City of Vienna, Illinois, (“CLIENT”).

WHEREAS, MANAGER and CLIENT are parties to a NGMA amended on November 7, 2018; and

WHEREAS, MANAGER and CLIENT have agreed to amend certain terms and conditions of the NGMA;

NOW, THEREFORE, in consideration of the premises and the respective promises, conditions, terms and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, MANAGER and CLIENT do hereby agree that Section 5.1 Price (a) shall be replaced in its entirety as follows:

1. Section 5.1 Price.
 - (a) For all volumes delivered to CLIENT that are not volumes delivered to CLIENT pursuant to the PEFA Agreement (Non PEFA Volumes”), for all such management services provided by MANAGER, CLIENT shall pay MANAGER a Monthly Management Fee of eight cents (\$.08) per MMBtu delivered to the specified Point of Delivery into the Transporting Pipeline; and
3. Except as otherwise stated in this Amendment, all other terms and conditions of the NGMA shall remain in full force and effect.
4. This Amendment may be executed by the Parties in separate counterparts and initially delivered by facsimile transmission or otherwise to all such counterparts and shall together constitute one and the same instruments.
5. This Amendment shall be governed by, construed and enforced under the laws of the State of Kansas without giving effect to its conflicts of laws principles.

IN WITNESS WHEREOF, each Party has caused this Amendment to be executed by its duly authorized representative, effective as of the Effective Date.

MANAGER: UTILITY GAS MANAGEMENT

Signature
Printed Name: Ron Ragan
Title: Partner
Date: 12/20/2023

CLIENT: CITY OF VIENNA, ILLINOIS

Signature
Printed Name: Steve Penrod
Title: Mayor
Date: 12/20/2023