

**UTILITY ADVISORY BOARD MEETING
February 10, 2014
CITY COUNCIL CONFERENCE ROOM
5:30 P.M.**

MEMBERS PRESENT

Daniel Peterson
Shawn Libby
Arthur Hoffman
Tom Willis

ABSENT

Sharon Parshley

OTHERS PRESENT

Blaine Cox, Deputy City Manager
Peter Nourse, DPW Director
Mr. Paul Hatfield, Appellant
Marilyn & Tim Donnelly, Appellant
Lisa Heselton, Appellant

MINUTES

1. Call to Order.

Daniel Peterson called the meeting to order at 5:30 P.M. Sharon Parshley was absent, all other Board members were present.

2. Acceptance of January 13, 2014 Minutes

Arthur Hoffman **MOVED** to accept the minutes of January 13, 2014. The motion received a second and was **ADOPTED** with three votes affirmative and one abstention (Mr. Willis).

3. Old Business

3.1 Paul Hatfield Appeal

Deputy City Manager Cox explained that the City Attorney provided counsel that per the ordinances, the UAB could abate only one billing quarter of Mr. Hatfield's paid sewer fees. "The aggrieved user shall notify the Business Office in writing that said bill is contested before the next billing for this wastewater service."

Arthur Hoffman **MOVED** to abate 12.75 units of sewer fees and further to recommend to the City Manager and City Council to abate and refund the remainder of the sewer fees paid by Mr. Hatfield. The motion received a second and was **ADOPTED** on a unanimous voice vote.

3.2 Muzzey Abatement

Mr. Cox and Mr. Nourse explained that the City did not refuse to turn off Mr. Muzzey's water service. The City turned his service off as he requested which coincided with his plumber's repair of the leak.

3.3 Austin Appeal

Deputy City Manager Cox shared with the Board the three photos received Sunday, February 9, 2014 from the appellant. The Board determined that these failed to adequately document the details of the leak.

Mr. Libby **MOVED** to deny the abatement due to lack of documentation. The motion received a second and was **ADOPTED** on a unanimous voice vote.

3.4 Abatement Request Period

Public Works Director Nourse recommended keeping the abatement eligibility period at 90 days and also recommended that both the Water and Sewer abatement period language should read the same using the current sewer ordinance verbiage. Mr. Nourse further recommended that language be added to both ordinances requiring the appellant to pay any uncontested fees up front.

Arthur Hoffman **MOVED** to support and recommend to the City Council's Codes and Ordinance Committee the suggested changes by Director Nourse. The motion received a second and was **ADOPTED** on a unanimous voice vote.

4. Appeals

4.1 Heselton Appeal

Ms. Heselton was present and explained her abatement request.

Deputy City Manager Cox recommended that no abatement be granted.

The above recommendation is based upon the following findings:

- The customer does not dispute the metered usage amounts.
- The water was produced by the City and delivered to the customer.
- The water used entered the sewer collection system and ultimately treated by the Wastewater Treatment Facility.
- The customer is able to set up a payment plan with the Utility Billing Office.

Daniel Peterson **MOVED** to deny the abatement. The motion received a second and was **ADOPTED** on a unanimous voice vote.

4.2 MIB LLC

Deputy City Manager recommended an abatement of 878 units of sewer valued at \$5,478.72.

The above recommendation is based upon the following findings:

The customer has provided documentation showing that a leak occurred under a section of building where the leaked water was absorbed into the ground. From the usage data as well as the timing of an initial abatement request, it appears this leak has existed for the last four billing quarters.

After a brief discussion regarding the requirements of the ordinances relative to the timing of the abatements requested, Arthur Hoffman **MOVED** to abate 434.5 units of sewer valued at \$2,711.28. The motion received a second and was **ADOPTED** on a unanimous voice vote.

4.3 Donnelly Appeal

The customer seeks an abatement of both water and sewer due to a leaking water meter.

Ms. Donnelly was present and explained her abatement request. She concluded her remarks by asking the City to explain why a water meter that is only 4 years old had failed by developing a leak at the base of the meter.

Deputy City Manager Cox recommended an abatement of 412.5 units of sewer valued at \$2,574.00.

The above recommendation is based upon the following findings:

- The customer claims and City personnel have verified that a leak occurred and that the leaked usage did not enter the sewer system.
- Usage during leak period eligible for abatement is 434 units.
- Average normal usage is 21.5 units based upon four quarters of normal usage.
- Estimated leaked usage is 434 actual usage minus 21.5 average units = 412.5 leaked units.

Tom Willis **MOVED** to abate 412.5 units of sewer fees valued at \$2,574.00. The motion was seconded and was **ADOPTED** on a unanimous voice vote.

Mr. Willis also **MOVED** to direct the Public Works Department to investigate the meter failure and report back to the Board. The motion received a second and was **ADOPTED** on a unanimous voice vote.

5. Chapter 17 Ordinance Change

Director Nourse handed out a draft of "Proposed Changes to Chapter 17 of City Ordinance - Water" (copy attached).

Mr. Willis suggested a change to Section 17.34 (c). Specifically, where it reads "... the Department will advise the customer in writing of the obligation to investigate and correct such leakage at their expense" should be changed from "investigate and correct" to instead

read "investigate and respond..." Director Nourse indicated that he was amenable to the change.

Mr. Willis **MOVED** to accept and recommend the proposed changes to Chapter 17, with the minor change of "correct" to "respond," to the City Council's Codes and Ordinances Committee. The motion received a second and was **ADOPTED** on a unanimous voice vote.

6. Sewer Connection Statute and Information

There was no discussion on this item.

7. Financials

There was no discussion of this item.

8. Other

There was no discussion of this item.

9. Adjournment

Shawn Libby **MOVED** to adjourn the meeting. The motion received a second and was **ADOPTED** by a unanimous voice vote.

The meeting adjourned at 7:15 P.M.

Respectfully,

Blaine M. Cox
Deputy City Manager

BMC: sam

**Proposed Changes to Chapter 17 of City Ordinances – Water
Regarding Inclusion of Water Conservation Measures Incumbent
Upon Customers to the City System**

Codes/Ordinances Committee 06 February 2014

DRAFT

Revisions following 2/6/14 Codes Committee

17.3 Policy Statement

Proposed addition of new (g) below

(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a public resource of value, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer Failure to correct leakages on their property is considered willful waste of water.

Propose addition of new 17.34

17.34 Enforcement of Water Wastage

Treated drinking water produced by City facilities and distributed through the City distribution system is a public resource of value, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer Failure to correct leakages on their property is considered willful waste of water.

- (a) Mobile/Manufactured Home Parks and other accounts with individual unit meters and a master meter(s). Such accounts will have summed the total consumption value of individual unit meters for each regular billing cycle.

This summed value will be compared to the master meter consumption value or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings will constitute the obligation of the customer to investigate and if necessary correct water leakage at their expense on their property. Such variations when found will be documented by the Department of Public Works and notice sent to customer in writing. Upon receipt of notification, Customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. In cases where there is no leakage but increased consumption, the Customer has the obligation to communicate the credible explanation for the increased consumption to the Department. Failure of the customer to respond to such notice by communicating actions to correct water leakage or by communicating the credible explanation for increased consumption will constitute grounds for termination of water service following the 90 day period until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of water fees above the average quarterly consumption accrued during the 90 day period will not be heard.

~~(b) Accounts of Individual Unit Meters without Master Meters. The Department of Public Works monitors average quarterly consumption of customer accountss in an advisory interest to the customer. When monitoring, if above normal consumption or otherwise a potential leakage of water on the customer's property is observed, and the Department will issues a written advisory to the customer. advisory notice, to customers when consumption for a given quarter is noted as being notably higher than the historical average quarterly consumption. Customers in receipt of such notice shall investigate and as necessary correct any water leakage found on their property at their own cost. Customers have the obligation to advise the Department of their actions to correct leakage, or otherwise advise the Department with the credible explanation of increased~~

Comment [p1]: We don't want to explicitly state that the customer has no obligations. We also want to make it clear that advisories will only be issued when noticed.

Comment [p2]: Codes Comm thought this was "draconian" given that customers could have paid their bill. And this problem is not common with individual small customers.

Comment [p3]:

~~consumption. Customers who receive such notices but take no action to investigate and correct leakage as necessary and communicate such repairs or communicate the credible explanation for increased consumption with the Department within 90 days of receipt of notice will have water service terminated until such repairs are complete and communicated or the credible explanation has been communicated. In such cases, an appeal to the Utility Advisory Board for abatement of water fees above the average quarterly consumption accrued during the 90 day period will not be heard.~~

(b)

- (c) Water Leaks on Customer Property Known to Exist by Department of Public Works. In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property, the Department will advise the customer in writing of their obligation to investigate and correct such leakage at their expense. Failure of the customer to correct any leakages and inform the Department within 7 days of receipt will constitute grounds for termination of water service until such leakage is corrected. In the event of a known leak of significant volume on customer property which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City supply.

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17.2 Definintions

Water Leakage: The loss of City water on the private property of a City water customer due to a compromise of customer's interior or exterior plumbing.