

Utility Appeals Board
March 1, 2016
Minutes

Board Members Present:

Tom Arnold, Carlos P. Baía, Beth Campbell, Councilor Brent Todd

Staff Present:

Jeff Hoadley, Tere Segalini, Josh Worthen, Rob Young, Lucie Muhlfelder

Meeting called to order at 8:00 a.m.

Minutes of the April 21, 2015 meeting

Beth Campbell moved approval. Tom Arnold seconded the motion. Minutes approved unanimously.

Case #2016-001: 66 Dominique Drive

Bret Loggood stated that he was seeking a one-time \$100 reimbursement. He explained that he had done a major replanting of his lawn and had watered it extensively. He noted that the water didn't go into the City's sewer system as such he was seeking the reimbursement for a portion of the sewer charges.

Councilor Todd provided Mr. Loggood with a copy of the City's Water Division "Summary of Rates and Fees." He drew Mr. Loggood's attention to the clause that stated that "Credits for water used not entering the sewer (car washing, swimming pools, irrigation, ice rinks, etc.) are not given."

Upon reading that clause, Mr. Loggood understood that his appeal was not grantable. He thanked the board for giving him a voice and complimented the City's staff on their responsiveness.

Beth Campbell moved to deny the appeal. Tom Arnold seconded the motion. Motion passes unanimously.

Case #2016-002: 30 Pine Acres Drive

Mr. Khatiwada explained that he closed on the purchase of this home on October 22nd. He questioned why there were multiple meter readings cited in October at the property and raised the concern that those multiple meter readings inflated the bill. Tere Segalini drew Mr. Khatiwada's attention to the notes on the paperwork he had in his possession that indicated that only one of the readings was actually billed. The others were noted as being discarded.

It was noted that, according to the staff log, on December 4, 2015 the customer indicated to City water billing staff that a toilet had been running. Staff recommended that he have that fixed as soon as possible. Mr. Khatiwada claimed that he had turned the water off to that toilet in question when he closed on the house in October.

Councilor Todd asked if the meter was working properly. Staff noted that the meter had been tested and was within industry standards. Councilor Todd also asked about subsequent billing. Staff noted that Mr. Khatiwada's January bill came back down in terms of usage.

Councilor Todd stated that based on the record, the subsequent usage, and the meter test, he did not see grounds for accepting the appeal.

Ms. Campbell explained to Mr. Khatiwada that if the board voted to deny the appeal, it could grant him a payment plan to mitigate the financial impact of the bill.

Mr. Khatiwada asked about the \$24.91 credit on his bill. Ms. Segalini responded that the credit was likely the product of the out-of-cycle billing done when the property transferred ownership in October. The system caught Mr. Khatiwada's overpayment later and thus the reason for the credit. Mr. Khatiwada stated that his opinion was that the credit was only given when he complained about his bill. He stated that if he had said nothing, he would not have been given that credit. He challenged the City's billing procedure.

Councilor Todd reiterated what Ms. Campbell had stated regarding the payment plans and cited different alternative time periods for such plans ranging from 3 months, 6 months or longer.

At this point, Mr. Khatiwada departed the Council Chambers prior to the conclusion of the hearing stating that the board was "not fair."

Councilor Todd moved to deny the appeal but to provide Mr. Khatiwada with a payment plan. Ms. Campbell seconded the motion with an amendment that the payment plan be specified at 12 months. Motion passes unanimously.

Case #2016-003: 104-106 Merrimack Street

Cheryl Wright stated that she owned this duplex. It is a rental property that affords her the ability to financially support the home she lives in.

Ms. Wright explained that the tenant in #104 only informed her on January 4th that she had a running toilet despite the fact that the tenant admitted that she first noticed the running toilet on Christmas Eve.

Once Ms. Wright's husband looked into the running toilet, he discovered that the valve to turn off the water to the toilet was frozen and he also discovered that the hot water tank in the basement was leaking.

Ms. Wright acknowledged that, having witnessed the board's work with the prior two cases, her appeal would not be supported. She had assumed that the board had the flexibility to grant appeals based on an appellant's hardship but now understood the fact-based standard the board uses.

Carlos Baía asked staff what would be the range of the payment plan timeframes they could consider. Ms. Muhlfelder noted that there is a precedent for allowing an appellant 24 months to pay off a particularly large bill in the past.

Carlos Baía moved to deny the appeal with the condition that Ms. Wright be granted a 24 month payment plan and the waiver of the applicable late fee. Councilor Todd seconded the motion. Motion passes unanimously.

Meeting adjourned at 8:45 a.m.

Respectfully submitted,

Carlos P. Baía