

**MINUTES
UTILITY COMMISSION MEETING
MAY 11, 2023**

The meeting was called to order at 6:00 p.m.

Present: Bernstein, Cremons, DeMars, Groschen; Commissioner: McCune; Clerk: Christopherson; Attorney: Lemmons;

Absent: DeLoach and Fredericks, both with notice.

APPROVAL OF AGENDA (Additions/Deletions): Bernstein moved to approve the agenda as submitted, with the deletion of item 5, noting that Met Council is reassigning members and Sue Vento is no longer in the Township's district; and adding Discussion of Restructuring of Ordinance 12 with Fines Reflective of Water Usage and Request from Weston Woods Regarding Their Irrigation Billing to the added agenda items. DeMars seconded. Ayes all.

APPROVAL OF MINUTES OF MARCH 9, 2023: DeMars made the motion to approval of the March 9, 2023 minutes. Bernstein seconded. Ayes all. There was some discussion of Gem Lake's involvement in the Township's Clean Up Day.

CONSENT AGENDA: Bernstein moved to remove the consent agenda so the Utility Commission can discuss the consent agenda freely. DeMars seconded. Ayes all.

There was some discussion of changing the "Consent Agenda" to "Discussion Agenda". There was discussion of the Republic Call Log. There was discussion of the Watermain Leak Reports, and what the Township does in lieu of watermain leaks.

Bernstein moved to approve the consent agenda as presented as follows: A) Receive Monthly Service Report; B) Receive Republic Call Log; C) Receive Solid Waste Abatement Report; D) Receive 1st Quarter Sewer & Water Report; E) Receive Watermain Leak Reports; F) Receive Water Efficiency Rebate Program Update. Cremons seconded. Ayes all.

CONRAD SOLBERG, 5381 WEST BALD EAGLE BOULEVARD -- WATER BILL DISPUTE: The Town Clerk introduced a water bill dispute. These come to the Commission when a resident has gone back and forth with multiple staff and want the Commission to review. The memo is in the packet explaining the situation where the

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resident's water meter read high usage due to a water softener issue. The resident had to pay to repair his water softener and is requesting reduction of the water bill by 50%. It was brought up that the Commission would like to consider the concept of whether or not a resident, under normal circumstances, could pay the bill. The resident wrote a note back stating that he wants the reduction due to the Township not notifying him of the high usage until it was too late. The Town reads meters when it schedules to for quarterly utility billing.

According to the Ordinance the resident is in charge of water usage. Perhaps he was a snowbird? There was some discussion of how if the softener is running, it usually makes a noise.

The resident is on a fixed income. It was brought up that if the resident could prove that he could put something in place to ensure that this would not happen again, then the Board or the Commission could consider reducing the bill. It was noted that a way to give some relief is to take off the 10% interest, and have him pay off the bill over time. There was some agreement of the Town waiving the 10% interest completely and offer the resident 6 months to pay the outstanding balance off.

Bernstein made the motion to waive interest fees and penalties for six (6) months to pay the bill in total. DeMars seconded. Ayes all.

FUTURE JOINT POWERS AGREEMENT WITH NORTH OAKS: The Town Clerk introduced this agenda item to the Commission. He, the Town Attorney, Town Board Chair, and the Public Works Director have been meeting with the City of North Oaks for the past year, since the serving of the termination of the JPA water agreement with the City due to pressing water concerns. This committee is working on putting together a path forward when it comes to water and water usage. It was brought to the Clerk's attention that the City of Shoreview provides the City of North Oaks water at 125% of the cost. The Clerk had the Town Finance Officer run some numbers based on this water format, including that North Oaks would be in charge of maintenance, repairing, etc.

The Town Attorney explained some pros and cons with the method Shoreview is using based in light of the Lake Level Lawsuit. If the water is sold at a wholesale value, the Town has no enforcement capacity in light of the current water issues and water restrictions. It was noted that perhaps the Town can add in some language relating to enforcement. There were some questions of monitoring and discussion with the Attorney of what that looks like, hypothetically. The Township has to report annually how much water is being supplied. It was brought up that if any overuse occurs, perhaps the Township could word in a fee of 150% over x amount of water, etc. Perhaps there could be language if someone has violated the 75/90 rule in one quarter, they get a warning; if they violate the 75/90 rule in another quarter, then they would be fined or no longer receive water service.

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It was brought up that the City of North Oaks would need to be under the same restrictions as the Township: Water bans, water meters, etc. But, the City isn't set up for those same restrictions, like the Township is. There was discussion of water users, and how even during a drought year the Township didn't hit the 75/90 per capita rule. It was brought up to propose charging 150% or 200% right off the bat and noting that it will go down to 125% once everyone gets metered. Maybe even put in a stipulation that they have 1 year to get all homes metered.

It was noted that this is just for discussion currently, that staff wants to continue working with North Oaks representatives prior to any sort of recommendation to the Town Board. There was some discussion of next steps if the Township does this, and next steps for North Oaks if the Township does not do this. The judge is on this case until it's done, and she will want to know what the Township is doing to conserve water. So, it is in the Town's best interest to choose wisely. The Commission would like to see the Township offer something with force behind it: either eliminate the water completely, or charge double.

There will be continued discussion. There is some PR opportunity for the Township regarding water conservation, or the Township can part ways.

DeMars made the motion to cut off discussion with North Oaks regarding water. There were no seconds. The motion dies. There was some discussion and it was decided that two more meetings with the committee is reasonable.

PUBLIC WORKS DIRECTOR REPORT: The information for the Public Works Department Activity for April 2023 was in the packet for the Commission to review.

ADDED AGENDA ITEMS: Discussion of Restructuring of Ordinance 12 with Fines Reflective of Water Usage: The Town Clerk introduced that staff has worked on proposed Ordinance language for an amendment to Ordinance 12. The changes include the changing of water usage fee from \$40 to \$100, and if there is a legal emergency that that exact fine goes from \$100 to \$500. There was some discussion of how the Town notifies the violators, with fines in their utility billing. The Town is a complaint driven government, so unless staff sees it while driving around, neighbors sometimes let the Town know. There was some discussion of enforcement and what that could look like with a Community Engagement Officer. There was some discussion of the Lake Level Lawsuit. There was some discussion of how to even enforce water meter installation.

There was some discussion of the dollar amount, some thought it should be higher, some agreed with what staff wrote. There was consensus that there should be something in there about repeat offenders.

Request from Weston Woods Regarding Their Irrigation Billing: The Town Clerk introduced this item noting that staff had a meeting with Weston Woods regarding State Fair parking, irrigation, and road projects. Last year the Utility Commission moved them

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to a tier 4, but since they have reduced their water usage by 14%, their bill still went up 55%. They would like to be moved back to tier 3 because of good faith that they are trying to decrease water usage. Staff will have utility billing pull some items and numbers for discussion at next month's meeting.

NEXT MEETING DATE: The next meeting date will be June 8, 2023.

DeMars moved to adjourn the meeting at 7:36 p.m. Bernstein seconded. Ayes all.

Respectfully Submitted,

Megan R. Wede
Recording Secretary