



## Meeting Agenda

4:30 – 6:00 PM, Wednesday Mar 20th, 2019 Lyons Town Hall

### I. General Business

- Amendments to Agenda
- Approve Minutes from Mar 6th
- Upcoming Meetings
- Audience Business

### II. Liaison Updates

- Board of Trustees Update - BoT Workshop on UEB Topics
- Staff, Engineering Update - Water Rights Review with BBA, Unmet Needs Priorities, Update to LMC Boards and Commissions "A simple majority of the members of a board or commission shall constitute a quorum" "Members. The Utilities and Engineering Board shall have no more than seven (7) voting members and any number of appointed non-voting members."

### III. Continued Business

- LMC Chapter 13 Code modifications - Fees and Interest - Both Longmont and Boulder have the fees in the code. Maybe we *should* consider putting the fee amounts in the code? Also, note that Longmont does NOT charge interest - even for payment plans. They simply disconnect sooner rather than later (residential at 27-45 days late and commercial at as little as 5 days late). Can't find any indication that Boulder charges interest. Perhaps we should consider removing the interest charges.

### IV. New Business

- Electric Utility - New Meters, Distributed Generation Policy, Rate Review
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### V. Parking Lot

- Stormwater - Steamboat Valley/High street
- Lighting Section in Construction Design Manual
- LRAP INF 2.2.1



## UEB Meeting Minutes, Mar. 6, 2019

**Meeting Time and Location:** Began at 4:30 at Town Hall.

**Attendance:** Aaron Caplan, Jim Kerr, Jay Stott, Lee Hall, Coco Gordon, Chuck Keim, Dan Reitz

**Staff:** Joe Kubala      **BOT Liaison:** Mike Karavas      **Guests:** Mark Browning

**Previous Minutes:** Feb. 20, 2019 minutes **approved** with modifications to Solar Setbacks section.

**BoT Report:** . Mike K.- workshop with PCDC, sale of Eastern Corridor property approved, money from the sale and FEMA reimbursement should allow for full reimbursement of funds used to purchase the property that came from water/wastewater utility fund, town received a grant to replace the 4th and Evans Bridge for Safe-to-School, preparing to start planning on the 2020 Lyons comprehensive plan that is done every 10 years

**Staff Update:** Joe K.- MEAN DG policy changes (UEB will take this up in future meeting), still waiting for RFPs for meters, recovery activity has occupied most of staff's time recently.

**2018 Q4 Financials-** review of Q4 utility fund financials. Discussion of possibility of capital improvement projects from water/wastewater fund. Monies from sale of water treatment and FEMA funds will reimburse water/wastewater funds.

**UEB Responsibilities from LMC- Sec. 2-8-200** Review of code language regarding charge and responsibilities of the UEB.

**LMC Code Modifications- Sec. 13-1-140 to 13-1-190-** discussion of code as relates to fees, penalties and interest for delinquent utility accounts and process for collections and cut offs. Should reinstatement fee be higher to recoup costs of shut offs? Currently \$25. What number would be appropriate? Other discussion of fees and process.

**Meeting ended:** 6 pm. **Minutes Submitted by:** Jay Stott & Aaron Caplan

## Boulder County Unmet Needs Assessment

### Priority Resiliency Projects – Lyons -

Community	Priority Level	Project Description	Total Cost	Resources	Previously Reported Unmet Need	Current Unmet Need	Notes
Lyons	1	Rebuilding & Repaving Roads that resulted from flood recovery efforts and equipment.	\$ 880,000.00	\$ -	\$ 250,000.00	\$ 858,000.00	CDBG-DR Round 3 Public access and safety
Lyons	1	Stream bank restoration from Highland Ditch to town limits	\$ 500,000.00	\$ -	\$ 500,000.00	\$ 600,000.00	Public safety and further erosion control
Lyons	1	Implement Storm Water Drainage Plan for Flood Prevention	\$ 2,500,000.00	\$ -	\$ 2,500,000.00	\$ 1,000,000.00	\$37M to implement entire ICON plan. This project is High Street only
Lyons	1	Installation of additional emergency warning systems for public safety	\$ 100,000.00	\$ -	\$ 50,000.00	\$ 100,000.00	Eastern Corridor & New Affordable Housing Neighborhood
Lyons	1	Installation of SCADA systems for early warning detection for public health.	\$ 150,000.00	\$ -	\$ 150,000.00	\$ 40,000.00	WWTP and Eagle Canyon Lift Station
Lyons	1	Full Street Restoration to codes and standards	\$ 1,000,000.00	\$ -	\$ 1,000,000.00	\$ 281,000.00	Storm water control and public safety Evans, 2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> St.
Lyons	1	Replacing backup Water Pump due to extended use during flood - public health & safety	\$ 250,000.00	\$ -	\$ 250,000.00	\$ 250,000.00	Manufacturer indicated reduced life following flood

<b>Fee</b>	<b>Description</b>	<b>Amount</b>
City of Longmont		
Late Notice	Notification by mail @ 19 days late	\$19
Meter Disconnect or Reconnect	Disconnect service or reconnect service (at meter)	\$29
Pole Disconnect or Reconnect	Disconnect service or reconnect service (at electric pole)	\$183
After Hours Reconnect	Reconnect service during non-regular hours	\$92
City of Boulder		
Disconnect	To terminate water service	\$38
Final Notice	To mail water service termination notice	\$14
Meter Removal	To remove water meter	\$81
Meter Reset	To reset water meter	\$67
Reconnect	To resume water service	\$40
After Hours Reconnect	To resume water service after 3 p.m. or on weekends or holidays	\$82
Special Read	Special meter reads and final bill meter reads	\$38
Meter Test	To test meter (fee is refunded if meter is inaccurate)	\$50

14.20.080. - Service charges.

- A. The city will charge the following fee for initial connection of service:
  - 1. Residential customer: \$22.00
  - 2. Commercial Customer: \$38.00
- B. It is the customer's responsibility to pay each utility bill when due. The city will charge the customer a fee based on the then current city financial policy, for each returned check, electronic fund transfer return, and each charged back credit card transaction.
- C. The city will charge a customer a combined notification fee and penalty charge of \$10.00 when: (1) the customer's account is unpaid 27 days after the original due date; or (2) the city visits the service address to hang a tag for disconnection. In addition, the city will charge the following fees whenever the city disconnects service for fraudulent use or noncompliance with this chapter:

1.		Disconnection or reconnection		
			<i>Regular Hours</i>	<i>Non-Regular Hours</i>
	a.	At the meter	\$29.00	\$ 92.00
	b.	At the electric pole	183.00	386.00
	c.	At the curb stop or meter pit	30.00	N/A

- D. Actual cost of installing a remote electric, water or combined electric and water reading device for customers with a utility meter located in an enclosed area of the service address who request that the city read their meters remotely without entering the enclosed area of the service address.
- E. When a contract is signed for an interim connection under this chapter, the city will charge the property owner or the owner's agent a fee of \$3.00 plus \$10.00 per connection.
- F. The city may add to the balance due all collection costs and fees, including attorney fees, incurred by the city or its representative in collecting the balance owed by the customer on disconnected utility accounts.
- G.

Owners of every building, premises, lot or structure, and lessees at the Vance Brand Municipal Airport, shall be liable for all water delivered to the premises and any wastewater collected from the premises. All water and wastewater rents and rates shall be a charge and lien upon the premises to which water is delivered and wastewater collected, from the date the same becomes due until paid. The city may collect such liens and liabilities by an action at law or equity to enforce the lien. In addition to an action at law or equity to enforce the lien, all water rents and rates may be certified by the clerk to the Boulder or Weld County treasurer to be collected and paid over by the Boulder or Weld County treasurer in the same manner as taxes. In case the tenant in possession of the premises or building contracts to pay the water and wastewater rent, such contract does not relieve the property owner from such obligation and lien, and the city shall not be required to look to any person whatsoever, other than the owner, for the payment of water and wastewater rents and rates.

(Code 1993, § 14.20.080; Ord. No. O-2003-77, § 2; Ord. No. O-2009-70, § 1, 12-8-2009; Ord. No. O-2014-67, § 2, 11-10-2014)

4-20-24. - Water Service Fees.

A person shall pay the following charges for water services:

- (a) To terminate water service ..... \$38
- (b) To deliver water service termination notice ..... 14
- (c) To remove water meter ..... 81
- (d) To reset water meter ..... 67
- (e) To resume water service ..... 40
- (f) To resume water service after 3 p.m. or on weekends or holidays ..... 82
- (g) Special meter read ..... 38
- (h) To test meter and meter tests accurate ..... 50

Ordinance Nos. 4946 (1985); 5068 (1987); 5150 (1988); 5240 (1989); 5341 (1990); 5425 (1991); 5525 (1992); 5676 (1994); 5760 (1995); 5835 (1996); 7439 (2005); 7495 (2006); 7564 (2007); 7629 (2008); 7767 (2010); 7820 (2011); 7874 (2012); 7945 (2013); 8004 (2014); 8088 (2016); 8147 (2017); 8213 (2017); 8291 (2018)

## LMC Modification - Interest - Late Fees

Based on some of our discussion during the editing of the Lien's section of the code I thought this would be the next appropriate section to tackle. Here is item 6 from our list.,

6- guidance on interest for delinquent utility acts. What amount is appropriate? Can it be waived? Under what circumstances? Administrative costs/late fees. Late fees are very low.  
Interest 180, late fee 150

Below is the current code dealing with that. Section 13-1-160 theft is kind of stuck in the middle of other things and so I included it to discuss moving it to another area.

Sec. 13-1-140. - Immediate suspension or termination of electric or water service.

In addition to and without waiving any other available remedy, the Town shall possess and may exercise the right to immediately suspend or terminate utility service to any property upon any of the following events:

(1)

The revocation of any license or permit for such service to the property.

(2)

Discovery of unauthorized use of, or connection to, the Town Utility System.

(3)

When suspension or termination is necessary to stop or prevent an actual or threatened discharge, action or activity which presents or may present an imminent or substantial interference, damage or endangerment to:

(a) the health, safety or welfare of persons or property; (b) the environment; or (c) the Town Utility System.

(4)

When termination is necessary to stop or prevent any use or escape of water which presents or may present a risk of substantial loss of water or any imminent and substantial endangerment to the property, health, safety or welfare of any person.

Sec. 13-1-150. - Termination for nonpayment; late fees.

Electric or water services may be terminated for delinquency and nonpayment of fees, rates or any other charges imposed pursuant to this Article. The termination of service shall be commenced in accordance with the following procedures, following a good faith determination by the Town that an account is delinquent.

(1)

The Town shall mail to the consumer a notice of delinquency for nonpayment and termination ("Notice of Deficiency and Termination"). The Notice of Deficiency and Termination shall include:

a.

A statement of the total amount of the deficiency and a demand for payment;

b.

The amount of interest to be charged to the outstanding delinquency pursuant to [Section 13-1-180](#) below;

c.

The date upon which service will be subject to termination in the event that the delinquency is not cured; such date shall be not less than seven (7) calendar days from the date of the Notice of Deficiency and Termination; and

d.

A description of the process by which the consumer can make such payment or obtain additional information concerning the delinquency.

(2)

The Notice of Deficiency and Termination described above shall be the only written notice of termination provided by the Town.

(3)

If a deficiency is not cured on or before the date of termination as stated in the Notice of Deficiency and Termination, the Town shall forthwith terminate services. The Town may take such steps as deemed necessary and convenient, including a physical interruption or disconnection of service, in order to enforce any termination.

(4)

In conjunction with this process as set forth herein, the Town shall have the authority to impose late fees on unpaid utility bills in order to offset the reasonable administrative costs and expenses of enforcing this Section. Such fees shall be set by resolution of the Board of Trustees and may be amended from time to time at the discretion of the Board of Trustees.

Sec. 13-1-160. - Theft of service.

(a)

Definitions. Terms and phrases shall have the following meanings for purposes of this Section:

Bypassing means the act of attaching, connecting or in any manner affixing any wire, cord, socket, motor, pipe or other instrument, device or contrivance to the Town Utility System or any part thereof in such a manner as to transmit, supply or use any utility service without passing through an authorized meter or other device provided for measuring, registering, determining or limiting the amount of electricity, gas or water consumed.

Tampering means the act of damaging, altering, adjusting or in any manner interfering with or obstructing the action or operation of any meter or other device provided for measuring, registering, determining or limiting the amount of electricity, gas or water consumed.

Tapping means the act of connecting by means of any device, instrument or other contrivance into the Town Utility System or any part thereof in such a manner as to use said utility service.

Utility service means the provision of electricity, gas, steam, water, sewer service or any other service or commodity furnished by the Town Utility System for compensation.

Unauthorized metering means the act of removing, moving, installing, connecting, reconnecting or disconnecting any meter or metering device for utility service by a person other than an authorized contractor, employee or agent of the Town Utility System.

(b)

It shall be unlawful for any person to commit the offense of theft of utility service. A person commits the offense of theft of utility service when the person knowingly and without authority to do so commits, authorizes, solicits, aids, abets or attempts any of the following acts with intent to obtain or use a utility service without compensating the Town Utility System for that utility service: bypassing, tampering, tapping or unauthorized metering. This Section shall not apply where the aggregate damage in any one (1) criminal episode is five hundred dollars (\$500.00) or more. A violation of this Section shall be punishable in accordance with the provisions of [Section 1-4-20](#) of this Code.

(c)

During the term of any officially declared local disaster/emergency pursuant to Section 24-33.5-709, C.R.S., the Town Administrator shall be authorized to make decisions regarding all Town utility services, including but not limited to shutting off utilities, restoring utility service, repairing facilities and reconnecting individual properties, taking into account such factors as public safety, risk of fire, need for utility service at a given location and duration of the emergency. The Town Administrator is specifically empowered to order that any or all utilities remain off for a designated period of time, in the interest of public health, safety and welfare. It is unlawful for any person to knowingly and without authority connect or remain connected to any Town utility service or to authorize, solicit, aid or abet any person in connecting or remaining connected to any Town utility service when an officially declared local disaster is in effect. A violation of this Section shall be punishable in accordance with [Section 1-4-20](#) of this Code.

(d)

The Town Administrator is authorized, during the term of any officially declared local disaster, to manage, restrict or prohibit access to the Town's water supply when, in the Town Administrator's sole discretion, allowing access to water presents a significant risk to public health, safety and welfare. The Town Administrator is specifically allowed to arrange for temporary nonpotable water supplies, including cisterns, water trucks and other means of storing or transporting water, to be placed in appropriate locations throughout the Town for use in emergencies only. It shall be unlawful for any person knowingly and without authority, to take or use any part of any such emergency water supply for any purpose other than the emergency use for which it is intended. A violation of this Section shall be punishable in accordance with [Section 1-4-20](#) of this Code.

Sec. 13-1-170. - Reinstatement of terminated service.

Any termination shall be rescinded by the Town upon a determination by the Town Administrator that the deficiency forming the basis for such termination has been cured or adequate arrangements for curing such deficiency have been made with the Town and that no further or other unlawful or illegal conditions or uses of the Town Utility System are evident on the property. The Town shall not reinstate service until the person requesting reinstatement has paid the full the amount of any applicable disconnection, new connection or reconnection charge imposed under this Chapter, and any and all other amounts then due to the Town from such person or property pursuant to this Chapter. For all Town utility services, a reinstatement fee of twenty-five dollars (\$25.00) shall be required for reinstatement of any terminated service in addition to all other required fees, rates and charges imposed pursuant to this Chapter.

Sec. 13-1-180. - Interest on all delinquent accounts.

All fees, rates, penalties, and other charges imposed pursuant to this Chapter that remain delinquent for a period of more than thirty (30) days shall be subject to and shall be assessed interest at a rate of six hundred sixty-six thousandth of a percent (.666%) per month (eight percent [8%] per annum) on all outstanding principal and interest owing. The Town Administrator shall have the authority to waive, release or reduce the amount assessed for interest where the Town Administrator finds that such action will permit or facilitate the payment or collection of a delinquent account.

Sec. 13-1-190. - No permits or licenses.

The Board of Trustees, or its boards, commissions, authorities and other appointed bodies, shall not issue any permit, license, liquor license or other Town approval, including subdivision, zoning or land use approval for any property, where there remains any deficiency or amount owing for utility connection, utility service or any other utility-related charge to such property imposed pursuant to this Chapter.