



## **Meeting Agenda**

4:30 – 6:00 PM, Wednesday Jun 19th, 2019 Lyons Town Hall

### **I. General Business**

- Amendments to Agenda
- Approve Minutes from Jun 5th
- Upcoming Meetings
- Audience Business

### **II. Liaison Updates**

- Board of Trustees Update -
- Staff, Engineering Update -

### **III. Continued Business**

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### **IV. New Business**

- MEAN Energy Efficiency Incentive Programs
- 2019 Q1 Financials
- Smart Meter Opt Out policy
- LMC Chapter 13 Code modifications

### **V. Parking Lot**

- LRAP 2.2.1/ Hwy 66 project
- Stormwater - Steamboat Valley/High street
- Lighting Section in Construction Design Manual
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## UEB Meeting Minutes, June 6, 2019

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

**Attendance:** Aaron Caplan, Lee Hall, Coco Gordon, Jay Stott

**Staff:** Victoria Simonsen    **BOT Liaison:** Mike Karavas    **Guests:** G. and C. Kikel

**Previous Minutes:** May 8, 2019 minutes **approved**. May 15, 2019 minutes **approved**.

**Audience Business:** Glen and Charlotte Kikel- Concerns about RF metering on homes. Health concerns related to RF- Why not analog meters? (do they have solar?) Made request for analog meter? Do we have one (Victoria)? They do want to install solar (so town would be obligated to use smart meter). Manufacturing data of current meter says they do not emit RF. What part of this issue is appropriate for UEB? Are there mitigation options for RF? What other sources are there for RF? Should UEB recommend that town allow some exceptions. Victoria says there are no more analog meters.

**BoT Report:** Mike K.- Strategic Plan Update, Longs Peak, School Crossing, Skate Park, CDOT, Wastewater Plant, E. Corridor.

**Staff Update:** No good leads on a Utilities Director currently. Wastewater surcharges are coming in higher than anticipated. MEAN rebate options. Utility project- e corridor sewer to Clarks has been awarded and started. Some property owner concerns. Public Works Building #1 is done. Town equipment will be moved soon. Building #2 is progressing (done July?) won't be occupied until sewer is done. Apple Valley water line moving forward. Summitt Project is moving forward. Working with Longmont on alternative water share that they will accept (other than CBT).

**LMC Part 13:** Review of work so far. Utility fees, other fees and charges. **Motion to recommend all changes to code to BOT. All in Favor.**

**New Cell Tower:** Investment fee?

**MEAN Survey:** Responding to MEAN survey.

**Meeting ended:** 5:50 pm.    **Minutes Submitted by:** Jay Stott

**[CUSTOMIZE AS NEEDED FOR YOUR LOCAL UTILITY]**

**FOR IMMEDIATE RELEASE**  
**DATE HERE, 2019**

**[CONTACT INFO HERE]**

## **[UTILITY HERE] offers energy efficiency programs**

[UTILITY HERE], in partnership with its wholesale electric power supplier, the Municipal Energy Agency of Nebraska, is offering four energy efficiency programs with the goal of saving local utility customers money on their electric bill through energy efficiency improvements.

Three of these programs offer cash incentives for homeowners to make energy efficient upgrades in the areas of insulation, cooling systems and home thermostats. An LED lighting program is also available for non-residential customers including businesses, churches, schools and municipal buildings. Here is a rundown of the four programs:

### **Smart Thermostat Program**

Provides a cash incentive of up to \$100 paid directly to residential customers to help cover the cost of installing a qualifying smart thermostat.

### **Attic Insulation Program**

Provides cash incentives of \$0.15 / per square foot with a maximum incentive of \$300 per existing residential dwelling for attic insulation.

### **Cooling System Tune-Up Program**

Provides a \$30 cash incentive to residential homeowners who have their cooling system tuned up by a HVAC contractor, regardless of what type or age of cooling system (air conditioner/air or water source heat pump).

### **Commercial LED Lighting Program**

Provides cash incentives paid directly to commercial customers to help cover the cost of lighting upgrades and replacements for existing facilities.

These programs are available to customers of [UTILITY NAME] through its wholesale power partnership with the Municipal Energy Agency of Nebraska. For more information on these programs, contact [UTILITY NAME] or go to [www.nmppenergy.org/mean](http://www.nmppenergy.org/mean) to download program guidelines and application forms.

	Revenue (\$)	Expenses (\$)				Rev - Exp.	Utility (MwH or Kgal)		Peak
	(All Sources)	Purchase	Debt	All Other	Total Exp.		Purch. Amt	Sold Amt	
<b>Electric Fund</b>									
1st Quarter	\$430,144	\$250,432	\$24,141	\$105,756	\$380,329	\$49,815	3,274	97.9%	24 Jan 8 pm
Budget (1st Q)	\$451,414	\$250,707	\$37,648	\$107,007	\$395,361	\$56,053		3,205	7 Feb 9 pm
								#DIV/0!	4 Mar 9 pm
2nd Quarter					\$0	\$0			
Budget (2nd Q)	\$451,414	\$250,707	\$37,648	\$107,007	\$395,361	\$56,053			
								#DIV/0!	
3rd Quarter					\$0	\$0			
Budget (3rd Q)	\$451,414	\$250,707	\$37,648	\$107,007	\$395,361	\$56,053			
								#DIV/0!	
4th Quarter					\$0	\$0			
YTD	\$430,144	\$250,432	\$24,141	\$105,756	\$380,329	\$49,815	3,274	97.9%	
Budget (annual)	\$1,805,655	\$1,002,827	\$150,590	\$428,028	\$1,581,445	\$224,210		3,205	
	24%	25%	16%	25%	24%	22%			
<b>Water Fund</b>									
1st Quarter	\$171,511	\$29,315	\$77,570	\$67,177	\$174,062	(\$2,551)	16,275	71.5%	
Budget (1st Q)	\$241,050	\$51,900	\$77,570	\$111,220	\$240,691	\$360		11,642	
								#DIV/0!	
2nd Quarter					\$0	\$0			
Budget (2nd Q)	\$241,050	\$51,900	\$77,570	\$111,220	\$240,691	\$360			
								#DIV/0!	
3rd Quarter					\$0	\$0			
Budget (3rd Q)	\$241,050	\$51,900	\$77,570	\$111,220	\$240,691	\$360			
								#DIV/0!	
4th Quarter					\$0	\$0			
YTD	\$171,511	\$29,315	\$77,570	\$67,177	\$174,062	(\$2,551)	16,275	71.5%	
Budget (annual)	\$964,200	\$207,600	\$310,281	\$444,881	\$962,762	\$1,438		11,642	
	18%	14%	25%	15%	18%	-177%			

	Revenue (\$) (All Sources)	Expenses (\$)				Rev - Exp.	Utility (MwH or Kgal)	
		Purchase	Debt	All Other	Total Exp.		Purch. Amt	Sold Amt
<b>Wastewater</b>							87.0%	
1st Quarter	\$158,076	\$0	\$75,111	\$139,954	\$215,065	(\$56,989)	10,330	
Budget (1st Q)	\$183,325	\$0	\$75,111	\$137,971	\$213,082	(\$29,757)	11,875	
2nd Quarter		\$0			\$0	\$0		
Budget (2nd Q)	\$183,325	\$0	\$75,111	\$137,971	\$213,082	(\$29,757)	11,875	
3rd Quarter		\$0			\$0	\$0		
Budget (3rd Q)	\$183,325	\$0	\$75,111	\$137,971	\$213,082	(\$29,757)	11,875	
4th Quarter		\$0			\$0	\$0		
YTD	\$158,076	\$0	\$75,111	\$139,954	\$215,065	(\$56,989)	11,875	10,330
Budget (annual)	\$733,300	\$0	\$300,445	\$551,884	\$852,329	(\$119,029)	47,499	
	22%		25%	25%	25%	48%		22%
<b>Stormwater</b>								
1st Quarter	\$29,479	\$0		\$5,502	\$5,502	\$23,977		
Budget (1st Q)	\$29,688	\$0	\$0	\$29,629	\$29,629	\$59		
2nd Quarter		\$0			\$0	\$0		
Budget (2nd Q)	\$29,688	\$0	\$0	\$29,629	\$29,629	\$59		
3rd Quarter		\$0			\$0	\$0		
Budget (3rd Q)	\$29,688	\$0	\$0	\$29,629	\$29,629	\$59		
4th Quarter		\$0			\$0	\$0		
YTD	\$29,479	\$0	\$0	\$5,502	\$5,502	\$23,977		
Budget (annual)	\$118,750	\$0	\$0	\$118,515	\$118,515	\$235		
	25%		#DIV/0!	5%	5%	10203%		#DIV/0!

## Financial Review

### Electric

Purchased exactly what was budgeted, \$250,000.

in Q1 of 2016 we purchased \$243,000, in 2017 \$240,000, in 2018 \$240,000 (the same for both)

Refinancing electric debt had \$15,000 in legal costs, but it is already saving over \$50,000 this year. Estimated debt payments now \$96,000.

No other expenses showed anything much off of budget.

We accounted for 98% of electricity we purchased.

Peak Electric usage continues to be around 8 PM, when no solar is producing.

### Water

Still not properly accounting for water. We account for 72% of water purchased, the amounts seem on par with previous years.

What is the budgeted \$81,500 joint bond listed in capital improvements?

### Wastewater

Gas cost for wastewater was 37% of budgeted amount, why?

While revenue was \$25,000 less than budgeted for in Q1, it was \$30,000 more than the last 4 quarters.

Check when rate increase or wastewater went into effect.

## Smart Meter Opt Out Policy

Should the town look into creating a policy to allow customers to opt out of smart meters?

Some customers have expressed health and privacy concerns with these meters, including with the meters they already have. Can we and should we allow for analog meters to be installed?

Some states like Washington and California are requiring an opt out option -

<https://www.utilitydive.com/news/washington-regulators-require-utilities-to-offer-smart-meter-opt-outs/521126/>

Others like Kansas decided not to require an opt-out option -

<https://www.utilitydive.com/news/kansas-regulators-reject-mandating-smart-meter-opt-out-programs/550643/>

Xcel does not offer an opt out option

[https://www.xcelenergy.com/billing\\_and\\_payment/understanding\\_your\\_bill/smart\\_meters\\_privacy\\_and\\_radio\\_frequency](https://www.xcelenergy.com/billing_and_payment/understanding_your_bill/smart_meters_privacy_and_radio_frequency)

Colorado Springs offers an opt out option - <https://www.csu.org/pages/amr-opt-out-r.aspx>

What would the cost be? Meter itself around \$50. Cost of sending someone to read them. Cost to overall meter system efficiency. Those with solar also need a 2nd meter that measures hourly data. The Town has implemented this requirement because our electric provider MEAN requires this or they will use the Name Plate or the full production capability of the system rather than the actual production in determining their charges.

We have not found any companies making analog meters. We can only purchase refurbished meters

[https://www.electrahealth.com/Analog-Electric-Meter--Watt-hour-Meter--Analog-Only-Electric-Utility-Meter\\_p\\_51.html?a\\_aid=ssm&chan=aemr](https://www.electrahealth.com/Analog-Electric-Meter--Watt-hour-Meter--Analog-Only-Electric-Utility-Meter_p_51.html?a_aid=ssm&chan=aemr) This would indicate at some point we might run out of analog meters.

Report on one cities Opt out policy debate -

<https://www.statesman.com/NEWS/20160828/Smithville-council-to-decide-smart-meter-opt-out-program>

Are we making an exception that sets a precedent that any time you don't like something you can request it not to be done? What about the concerns of a neighbors meter, or banning wireless routers, or banning cell phones?

With regards to privacy concerns and someone not wanting the town to know their usage. We have seen the effect of not being able to monitor individual wastewater usage and how that prevents us from determining exactly what locations are putting high strength waste into the system.

Will this hurt the towns sustainability goals? The more people who put in analog meters with solar production the less data we get to determine if customers generating solar are helping.

7- appeals. Sec 210. Current code allows appeal of basically everything. What can and can't be appealed should be clarified and procedures/criteria included. Ch 2 art 4 sec 20 does discuss quasi judicial proceedings, may offer some guidance. Many towns don't allow this type of Appeal.

Lyons current Sec. 13-1-210. - Appeals.

Any final order, directive or decision of the Town Administrator relating to the administration or enforcement of this Chapter may be appealed to the Board of Trustees by providing written notice of appeal to the Town Clerk within ten (10) days after the effective date of the order, directive or decision being appealed. Upon receipt of a timely notice of appeal, the Town Clerk shall schedule such appeal before the Board of Trustees at a regular meeting and mail notice to the appealing party of the date, time and place of such Board of Trustees meeting.

Estes Park had no mention of appeals in their utilities other than with regard to back-flow prevention.

Nederland's only mention was in their Sec. 13-74. - Enforcement of water conservation measures.

The owner of the property notified of a water waste charge, or any agent of the owner authorized in writing by the owner, may file a written request for a hearing regarding the factual basis for imposing the charge with the Town Administrator within ten (10) days of the date of the notice. The request must identify the notice being *appealed* by attaching a copy or otherwise identifying it, and shall contain the name, address and telephone number of the person to whom notice of the date, time and place of the hearing should be given. Filing occurs when the Town Administrator receives the request. The Town bears the burden of establishing the factual basis for imposing the water waste charge by a preponderance of the evidence and, if that basis is established, the Town Administrator shall order the charge paid within ten (10) days, subject to the fifteen-dollar administrative fee and the collection procedures of this Chapter if not paid within that time. Failure to request a hearing within the time provided or attend any such hearing constitutes a waiver of the right to such hearing and a determination of all issues then existing as supporting the factual basis for imposing the water waste charge.

Longmont has

listed under sewers -14.08.562. - Civil penalty assessment—*Appeal*.

Any party who is the recipient of a notice of civil penalty assessment pursuant to [section 14.08.561](#) may *appeal* the notice by filing a notice of *appeal* with the director on or before the expiration of ten days following the date of mailing or personal delivery of the notice.

14.08.585. - *Appeals*.

A. Within ten business days of timely receipt of a notice of *appeal*, the director shall appoint a hearing officer having expertise in the field of wastewater to hear and determine the matters subject to *appeal* and determination by this chapter. The hearing office shall not be an employee of the department of public works and water utilities.

B. All hearings shall be informal, the object being to resolve the issues promptly and economically. Rules of evidence shall not be strictly applied.

C. The hearing shall be recorded by tape recording, stenographer, or other verbatim reproduction. A copy of the proceedings shall be available to the appellant upon payment of the reasonable costs thereof.



D. The appellant has the burden of proof to provide that the hearing officer should act as the applicant requests or that the determination *appealed* from was erroneous. Every party to the proceeding has the right to present such party's case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The hearing officer may receive all or part of the evidence in form if the interests of the parties will not be prejudiced substantially and if the hearing will be expedited thereby.

E. The hearing officer may issue a decision at the hearing and shall, within 30 days after completion of the hearing, issue a written decision with findings of fact and conclusions of law, setting forth the grounds of the decision, based on the evidence presented at the hearing. The hearing officer shall serve the decision on each party to the hearing by personal service or by mailing by regular mail, to the last address furnished to the hearing officer by the party. The decision shall be effective on the date mailed or on such other date as in stated in the decision.

F. The decision of the hearing officer is final subject only to judicial review pursuant to Colorado Rule of Civil Procedure § 106(a)(4). No defense of objection may be presented for judicial review unless it is first presented to the hearing officer, prior to the decision thereof.

G. No ex parte material or representation of any kind or any other communication outside the hearing shall be considered by the hearing officer conducting the hearing unless it is fully disclosed on the hearing record and an opportunity is given for comment thereon at the hearing.

#### 13.04.200. - Public works/water utilities director actions—*Appeal* to city manager.

The disapproval of a permit or other action taken by the public works/water utilities director may be *appealed* by the applicant to the city manager by filing a written notice of *appeal* with the city clerk containing the specifications of all errors claimed in the denial of permit within ten days of the action of the public works/water utilities director. The city manager shall review the *appeal* and may hold any additional hearings the manager may deem appropriate within ten days of the notice of *appeal*, and shall render a decision within ten days of *appeal* or supplemental hearing, whichever may last occur.

Erie

#### C. Interfering With Or Bypassing Meters:

3. Appeals: In the event the town immediately discontinues water service based upon a violation of this subsection, the person against whom the violation is brought may appeal the discontinuance of water service to the town administrator by written request within five (5) days of the discontinuance of the water service. Failure to make such a request for a hearing shall constitute a waiver of any right to appeal the discontinuance of water service.