

JOINT POWERS WATER BOARD MINUTES
Regular Meeting of
July 27nd, 2009
6:00 PM JPWT Plant Board Room

6:00 PM **Call to Order** by Martin Waters

Board Members Present: Jerry Zachman (in at 6:03 during unfinished business), Ron Klecker, Tom Fay, Dave Malewicki, Dean Eggert (alternate for Joe Hagerty and in at 6:03 during unfinished business).

Board Members Absent: Joe Hagerty (but Dean Eggert alternate was present).

Staff Present: Kelly Daleiden, Veolia Water NA; Chris Larson, HR Green

Staff Absent: Shelly Keyes, Veolia Water NA

MOTION BY KLECKER, SECOND BY MALEWICKI, TO ADOPT THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

MOTION BY MALEWICKI, SECOND BY FAY, TO APPROVE THE MINUTES OF THE JUNE 22nd, 2009, REGULAR MEETING. MOTION CARRIED UNANIMOUSLY.

MOTION BY FAY, SECOND BY KLECKER, TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

Under **Unfinished Business**, Larson provided a background summary regarding the Wellhouse 9 valve issue and status of the insurance claim. The insurance claim has been submitted to EnComm's insurance carrier, General Casualty. Acord Claim Service was assigned to assist in handling the claim. It is their position that EnComm did not have sole responsibility in the incident. (*Eggert and Zachman in at 6:03 PM*). General discussion followed. Daleiden stated that it was clear from their letter that they did not consider all of the information that was provided to them and indicates that they still do not have a clear understanding of what happened and the circumstances. General Casualty offered a settlement of 50% of the damages to date in the amount of \$7,006.53. This did not include time and expense for HR Green's time, Veolia's time, or lost water revenues. **MOTION BY ZACHMAN, SECOND BY KLECKER, TO REJECT GENERAL CASUALTY'S OFFER. MOTION CARRIED UNANIMOUSLY.**

Under **New Business**, Daleiden provided a background summary of the CJ's Laundry account from Albertville. The meter readings that were given to the City of Albertville back in 1999 appear to have been missing the final zero (therefore off by a factor of ten). The City continued to bill CJ's similarly for about 9 years, dropping the zero when the meter readings were turned in. The meter card was submitted correctly, however. When this was discovered approximately two years ago, the Board agreed to waive all but the past ONE year and only bill them for water used going back one year. State statute allows a utility to go back up to 6 years, even if the error is not the customer's. They were also given two years to make payments on the balance of \$8183 interest free. Essentially, this motion waived approximately \$50,000 or more of historical water usage. CJ's has only made \$900 in payments over the past two years. The property owner, Mike Savitiski, and CJ's owner, John, have both been receiving monthly statements. Staff requested direction from the Board as to the next step to take. Staff recommended NOT treating this account any differently than any other corrected bill/account, as it would set a precedent that we do not want. There was a consensus of the Board members present that there has not been adequate effort shown to pay this down, that we cannot forgive this bill and that a strongly worded letter should be sent to CJ's and Savitski stating that the account would be up for certification to taxes and assessed interest and penalties if it was not satisfactorily addressed.

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Other **New Business** included discussion of the Delinquent Account/Water Disconnection Policy. Daleiden explained that both St. Michael and Hanover city staff have reviewed the Albertville written policy and agree that the Joint Powers policy should be consistent. A draft written policy for Board approval was presented. Daleiden stated that it was developed from the Albertville policy with only the City / Board names exchanged. General discussion followed. **MOTION BY WATERS, SECOND BY ZACHMAN TO APPROVE THE DISCONNECT POLICY AS WRITTEN. MOTION CARRIED UNANIMOUSLY.**

Under **Engineering**, Chris Larson discussed EnComm's request for a reduction in retainage on the Wellhouse #9 project in the amount of \$14,370. Staff was not recommending payment, however felt obligated to present it to the Board at EnComm's request. General discussion followed. **MOTION BY ZACHMAN, SECOND BY KLECKER, TO DENY THE REQUEST FROM ENCOMM FOR PAYMENT OF \$14,370. MOTION CARRIED UNANIMOUSLY.**

There were no items under **Operations/Office**.

The Board reviewed the list of claims. **MOTION BY ZACHMAN, SECOND BY FAY, TO APPROVE THE LIST OF CLAIMS AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

There was no **Other Business/Announcements/Correspondence**.

MOTION BY KLECKER, SECOND BY ZACHMAN, TO ADJOURN THE MEETING AT 6:45 PM. MOTION CARRIED UNANIMOUSLY.