

COUNCIL ACTION FORM

Department	Council Meeting	Item Number
Administration	February 22	5 – A Public Hearing
From: Brian Heck, City Administrator		
Item – Water Ordinance		

Description/Background/Previous Action

Council met on January 19 to discuss the possibility of amending the water ordinance such that it would allow the City Council to extend water main and service to residents without using a special assessment to fund the project.

The consensus of the Council was not to alter the ordinance substantially, but rather to make a few technical changes to keep the ordinance consistent with the new water rate structure and installation of new radio read water meters. I summarized the changes below.

Section 903.08 – staff recommends deleting subdivision 6 related to calibrating water meters. This subdivision is obsolete as a result of installing radio read water meters.

Section 903.09 – staff recommends deleting subdivision 1, paragraph a(2) relating to minimum rate for low income residents. The council changed the rate structure lowering the minimum usage from 10,000 to 5,000 gallons and decreased the fee from \$35.00 per quarter to \$17.50 per quarter.

OPTIONS: following the public hearing, options open to the council include:

1. Adopting the ordinance as recommended.
2. Suggest additional amendments to the ordinance.
3. Direct staff to revise according to comments and bring back at a later date for consideration.
4. Do nothing.

Recommendation:

Staff recommends the Council adopt the ordinance as presented.

Council Action:

- b. *Maintenance and repair.* The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where any replacement or repair or adjustment of any meter is necessary because of damage from hot water backup, damage from freezing water, or damage from any act, carelessness or negligence of the owner or occupants of any premises, any expense incurred by the city to repair the damage shall be charged against and collected from the property owner, and water service may be discontinued until the cause is corrected and the amount charged collected.

Subd. 4. *Meter tests.* When a consumer makes a complaint that the bill for any past services has been excessive, the city shall, upon written request, have the meter re-read. If the user remains dissatisfied and desires that the meter be tested, the user shall then make a deposit in an amount established by ordinance of the City Council, and the city shall test the meter. The user shall, if he or she so desires, be present when the test is made. In case a test should show an error of over 5% of the water consumed in favor of the city, the deposit will be refunded to the user and a correctly registering meter will be installed and the date of written request and the minimum charge shall not be affected. In case the test shows an accurate measurement of water or an error in favor of the user, the amount deposited shall be retained by the city to cover the expenses of making the test.

Subd. 5. *Unauthorized tampering with meter.* All water meters shall be inspected and sealed by the City Water Inspector. No person not authorized by the city shall connect, disconnect, take apart, remove the seal, or in any manner change or cause to be changed or interfere with any meter or the action thereof.

Subd. 6. ~~*Calibration of water meter and remote reader.*~~ Each year, the city shall mail to each consumer a meter reading card. The consumer shall be responsible for recording the readings for the water meter and remote reader upon the card and shall return the card to the city by the date specified on the card. Failure of the consumer to return the card to the city by the date specified on the card will result in a late fee being assessed to the consumers account, the fee to be established by the City Council. The city shall analyze the cards and identify those which indicate a difference in excess of 10,000 gallons. The city shall calibrate water meters and remote readers which have a difference in excess of 10,000 gallons and shall inform the consumer of any difference in the readings and of the amount due thereon. The consumer shall be responsible to pay for any and all differences in readings between the water meter and remote reader which indicate amounts due for water consumption.

(Ord. 395, passed 7-28-2003)

903.09 WATER RATES AND CHARGES.Subd. 1. *Rates and charges established.*a. *Water service rates.*

(1) *Quarterly rates.* The water rate due and payable to the city by each water user for water taken from the municipal water system shall be at a quarterly rate established by an ordinance of the City Council. Where service is for less than a quarterly period, the quarterly charge will be prorated on a monthly basis.

~~(2) *Minimum rate for low income residents.* A minimum charge is established for residents having low incomes. The charge shall be at two-thirds of the regular minimum rate; provided, that consumption is under 5,000 gallons per quarter. Should the consumption exceed this minimum, the minimum rate reverts to the regular minimum rate. The criteria for determining low income is as set by the Hennepin County CDBG Program income limits for very low income and family size. Residents must submit the proper application and income disclosure initially, and at least annually, or upon reasonable request by the city, to be eligible for this rate.~~

b. *Meter charges.* A charge for a water meter shall be made by the city. Property owners or users shall pay in advance before delivery of the water meter for installation. The charge shall be as established by the City Council by ordinance.

c. *Water turn on.* The established turn-on fee will be charged for turning on water where service has been shut off for nonpayment of water billings, failure to repair a leak, discontinuance of service, or other reason specified in this chapter.

d. *Estimated and adjusted rates.*

(1) In the event the water meter servicing any property is found to be operating in a faulty manner or to have become inoperative, the amount of water will be estimated in accordance with the amount previously used in comparable periods of the year.

(2) The City Council shall be authorized to make adjustments in water charges when the amount billed is erroneous due to a meter deficiency or other mistake.

e. *Rates outside city limits.* Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

Subd. 2. *Listing of accounts.* All accounts shall be kept on the books of the city in the name of the owner of the property served. All bills and notices sent out by the city shall be sent to the address of the property served. If nonresident owners or agents desire personal notice sent to a different address, they shall file an application ~~therefor~~therefore with the city. Any error in address shall be promptly reported to the city.

CITY OF SHOREWOOD

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 903
OF THE SHOREWOOD CITY CODE

Section 1: Section 903.08, Subd. 6, the entire paragraph starting with “*Calibration of water and remote reader,*” is hereby deleted.

Section 2: Section 903.09, Subd. 1.a.(2), the entire paragraph starting with “*Minimum rate for low income residents,*” is hereby deleted.

Section 3: Section 903.09, subd. 2, in the paragraph starting with *Listing of accounts,* the third sentence is amended to read:

“If nonresident owners or agents desire personal notice sent to a different address, they shall file an application therefore with the city.”

Section 4: This Ordinance shall be in full force and effect upon its publication in the Official Newspaper of the City of Shorewood.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22nd day of February, 2010.

Christine Lizée, Mayor

ATTEST:

Brian Heck, City Administrator/Clerk