

UTILITIES COMMISSION MEETING
January 27, 2020

A regular meeting of the City of Jackson Utilities Commission was held in the Council Chambers of City Hall at 4:00 p.m. on January 27, 2020 with the following persons present: Utilities Commission Members including Chairperson Gayl Berkner, Vice-Chairman Kevin Siepker, Jenna Schwartz, Mike Thurmer, Mike Schwartz, Joe Marthaler and Matt Madden. Also in attendance were City Administrator Matt Skaret, MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd, Water/Wastewater Superintendent Tony Oxborough, Street Superintendent Phil Markman, Virginia Schenck, City Finance Officer Deb Mitchell and Recording Secretary Dave Maschoff. (A quorum of the Utilities Commission was present.)

CALL THE MEETING TO ORDER

Chairperson Gayl Berkner called the Utilities Commission meeting to order and noted there was a quorum present.

APPROVAL OF THE MINUTES FROM THE DECEMBER 30, 2019 UTILITIES COMMISSION MEETING

Consideration was given to the minutes from the December 30, 2019 Utilities Commission meeting. Hearing no additions or corrections, Chairperson Berkner declared the minutes approved as mailed.

DEPARTMENTAL REPORTS

Water Department

Water/Wastewater Superintendent Tony Oxborough reported the Water Department has been cleaning up the Water Plant and painting inside the plant has been completed. He noted the painters may need to come back to paint a couple spots they missed.

Oxborough said they are basically ready to go through the punch list for the inside work of the Water Plant project. He said obviously the outside work won't be completed until spring. Oxborough reported they have also cleaned out all the aeration nozzles at the plant.

Skaret noted later on the Utilities Commission agenda, there is the tour of the Water Plant for those that are interested.

Skaret noted there has been a couple of water leaks recently.

Oxborough said there was a leak found near Minnesota West. He said the leak surfaced and Svoboda Excavating made the repairs right away. Oxborough said they are also working on locating a leak by Barry Nosbusch's vehicle lot on property owned by John Olson.

Berkner asked if the leaks were caused due to old infrastructure.

Oxborough said the break in the line near the college was a clean snap. He said it most likely was due to frost or it could be old infrastructure. Oxborough said at this point it's unknown what the leak is at John Olson's property. He said it will have to be dug up to find out what's wrong. Oxborough noted in the circle at the dead end of Fourth Street is where the service line feeds Olson's property.

Street Department

Street Superintendent Phil Markman reported on the snow storm that occurred a week ago. He said the Street Department spent two days cleaning up the snow from downtown.

Markman said the Street Department has spent the past week including January 27th helping to clean up snow at the Airport. He noted they also have been pushing back snow to make room for more.

Markman said they have also been busy doing maintenance on equipment.

Markman noted the Street Department helped out with repairing the water line break near Minnesota West.

Siepkner asked if a snow emergency was in effect over the past weekend.

Markman said a snow emergency was in effect. He said according to Jackson County Sheriff Shawn Haken, 18 vehicles were ticketed. Markman said the number of tickets issued was about normal. He noted one vehicle was towed from Bailey Street that had been sitting there for a long time. Markman said the Sheriff's Office has been doing a good job ticketing violators during snow emergencies. He said during the last two snow emergencies, the Sheriff's Office ticketed 20 vehicles during the first snow emergency and 18 during the second snow emergency.

Markman said the declaration of a snow emergency is publicized on the radio and through social media.

Skaret said just a good rule for people to follow is if there's snow in the forecast, just get your vehicle off the street.

Markman said it's frustrating for the Street Department when they are plowing snow on the streets and find vehicles parked on the street while the driveway to the residence is empty.

Berkner said the Street Department has been doing a good job plowing snow. She said he hasn't heard one complaint.

Electric Department

MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd reported the Electric Department cut over the final electric services of the five year underground electric project. He said everyone west of Fourth Street is now cut over to the new underground electric service.

Boogerd said the overhead City electric lines are de-energized. He said the Electric Department will soon be taking the old electric lines down and removing the poles when the ground thaws out.

Boogerd reported the winter decorations have been taken down. He noted several of the winter decorations on the west side of the street were bent in the area of the post office. Boogerd said it's believed they may have been bent by large delivery trucks that use the parallel parking on the west side of Second Street. He said delivery trucks may at times catch the edge of the snowflake decorations and bend the bracket. Boogerd said he doesn't believe the damage was caused by the wind. He said the decorations being struck by tall delivery trucks is the only thing they can figure out that may have caused the brackets to get bent. Boogerd said the Electric Department will see if the brackets can be straightened out.

Boogerd said the Electric Department has been working on repairing a lot of street lights including lights in the downtown area. He noted they have also been switching some street lights to LED lights.

Boogerd said on the really cold days, they've been changing oil and filters on all the Electric Department's vehicles.

Skaret noted a conference call was held on January 27th with Sensus along with Core and Main as a kickoff for the City's AMI project. He said the infrastructure for the AMI System won't be available until March.

Boogerd pointed out the antenna needs to be installed before any data can be collected from any of the new AMI meters.

Boogerd noted he attended an MMUA workshop on underground and overhead design.

VIRGINIA SCHENCK REGARDING A PAST TENANT'S BILL

Virginia Schenck said she was speaking to the Utilities Commission about an electric bill of \$60 that a past tenant of her's never paid. She explained they received a letter from the City saying as the property owner they had to pay part of the electric bill because the State allows Cities to bill property owners for water, sewer and garbage but not for electricity.

Schenck said the issue for her pertains to the City's application for residential municipal services and the way it's worded and the way it's followed up on. In her case, Schenck explained it involved an unmarried couple and the woman put the utilities in her name. She said the woman ended up leaving.

Scheck said all the tenants were leaving and new tenants were coming in. She said it was a very unusual situation.

Schenck explained the matter is now the City is going after one of the other people that lived in the house. She pointed out that person signed as "occupant" on the City's form as the form asked to list all additional adult occupants.

Schenck said she doesn't read the form as somebody who's telling you that they're living in that house as saying "I agree to pay utilities". She said the form specifically says send the billing statements for services to the billing name and address above which would have been the woman that has now moved to Iowa.

Schenck said she called and asked how can the City seek payment for utilities from anyone who lived in that house. Schenck said when she received a call back from City Hall the answer was that's the way the City has always done it and that's the way the City is going to continue to do it and if you don't like it, go see an attorney.

Berkner asked City Finance Officer Deb Mitchell for comments.

Mitchell explained the City does have anybody over the age of 18 sign the form. She said they have checked with the City Attorney and he definitely said that they are all responsible for the bill, whoever is living there.

Mitchell said they do put the utilities in one person's name. She explained the City's billing system only allows them to put in one person's name. Mitchell said they can't write two people's names on the system. But Mitchell said if a person signs the form, they are responsible for the utilities bill. She noted City Administrator Skaret was there when the question was posed to the City Attorney. Mitchell said the same question has been asked of the City Attorney before and he said definitely they are signing the form, they're responsible for the bill, they are living there and they're over the age of 18.

Mitchell said the City has a lot of unmarried couples that come in and are living in one place and they are the ones responsible.

Berkner asked if that was stated on the City's form.

Schenck said it does not state that on the form.

Schenck said as a company owner, she just wants clarification so that in the future she knows. She explained right now she has an unmarried couple in a house and she believes the bill is in his name.

Schenck said in all honesty, she's going to tell future tenants don't put any other occupants on the form because she doesn't read that as saying I agree to be responsible. She said the person listed on the billing part of the form is responsible.

Schenck said she doesn't think the City's form clarifies that if you sign as an occupant, you are entering into a contract to pay the bill.

Schenck said you may read the form and say "oh, they just want to know who's living here". She asked if those that have signed as "occupant" have really entered into a contract to be responsible for the utility bill. She said maybe the form needs to be changed.

Schenck pointed out the City of Worthington has a form that says "I/we" and they want the spouse's name on the form also because as a married couple both are responsible for the bill and can be sought for payment.

Berkner noted all the current form says is that "by signing this you authorize the City to send it's billing statement for services to the billing name and address above".

Schenck said the form doesn't say that she agrees she's going to be responsible for the bill.

Skaret said the only reason the City would ask for the occupants is for the collection of utility bills.

Schenck said people don't know that when they're signing the form. She said it's just saying the City wants to know who's living there. Schenck said there's a lot of times where one person will collect from the others and then pay the bill. She said it could very well be that the person who's name the bill is in collected from everyone in the house and then didn't pay the bill. Schenck said that's leaving someone else who might have passed on the money that's supposed to go to the City and it didn't.

Schenck suggested the City tweak the wording on its form to say "I/we" agree to be responsible or something like that. She said that would be much clearer.

Skaret asked what if the people don't agree to sign the form.

Schenck said then the City could deny them utility service.

Mitchell explained if anyone over the age of 18 doesn't sign the form, the City will not put utilities in anyone's name and the utilities would stay in the landlord's name. She said the utilities service isn't provided until everyone over the age of 18 living in the residence has signed the form. Mitchell said one of the reasons the City does that is because people leave the City with bills and if anybody signs the form, whoever is living there, the City makes them pay their delinquent bill before they are allowed to get utility services in their new place of residence. She said anyone over the age of 18 will not get utility service put into their name until the delinquent bill is signed.

Thurmer asked if a child has to sign the form when they turn 18 if they're living at home.

Mitchell said the City doesn't ask people to do that. She explained the person signs the form when they put the utilities in their name. Mitchell said if people have any adult children living with them, they are asked to sign the form.

Schenck said what's wrong with being straightforward on the form and saying by signing this you're agreeing to be responsible for the bill. She said that's the adult thing to do. Schenck said that's the way the world works.

Siepkner said what if you have an adult that don't sign the form, then you don't get service.

Madden suggested having City Attorney Brad Anderson take a look at the form to see if some additional wording can be added to it.

Berkner agreed. She said she thinks the form needs some additional wording so people understand it. Berkner noted she thinks a little adjustment in the wording on the form would make a lot of difference.

Schenck thanked Berkner. She said that was her goal.

Berkner asked the rest of the Utilities Commission if they agreed.

A consensus of the Utilities Commission agreed with Berkner that the wording could be clarified on the City's form.

Schenck thanked the Utilities Commission for spending so much time discussing her concern.

SIEPKER/THURMER moved and it was unanimously carried to recommend that City Staff consult with the City Attorney on adjusting the verbiage on the City's Application for Residential Municipal Services.

HIGHWAY 71 STREET LIGHTING NEAR ROWE INDUSTRIES

Boogerd explained City Administrator Skaret received a request from Mike Gruhlke about installing a street light at the driveway entrance along Highway 71 north of Rowe Industries. Since the street light would provide lighting on Highway 71, Boogerd said they wanted to bring the request to the Utilities Commission.

As he researched the request, Boogerd said he found on a 2008 Street Shop map that a street light was originally located there when there were still overhead electric lines. He said that street light was decommissioned before he or any of the Electric Department staff started working in Jackson.

Boogerd asked if the Electric Department should put a street light back at that location. He said the work couldn't be done until the ground thaws. Boogerd said he estimated the cost of a new aluminum pole and materials would be about \$1,200.

Boogerd asked the Utilities Commission if they would like to see more street lights in that area or just install the light requested by Gruhlke.

Berkner asked if the light would be located on the south side of the cemetery.

Boogerd said it would. He said he would also need to check with Marc Fischer from MnDOT regarding any existing lines or provisions due to Highway 71.

SCHWARTZ/MARTHALER moved and it was unanimously carried to recommend to the City Council to install a street light replacing a street light that was originally there at Highway 71 and Rowe Industries to light Highway 71.

STREET LIGHT POLES AND LIGHTING IMPROVEMENTS

Boogerd said he and City Administrator Matt Skaret have been discussing about improving the lighting as a whole on Highway 71. He pointed out the lighting from the Interstate coming into Jackson is much more uniform and up to date compared to the highway lighting from Dan's Island heading south and going out of Jackson.

Skaret noted MnDOT is planning to resurface Highway 71. He said this summer MnDOT is planning to resurface Highway 71 from the Jackson Golf Course up to Windom. Skaret said then in 2028, MnDOT will be resurfacing the rest of Highway 71 from the golf course south through Jackson to the Minnesota/Iowa border.

Boogerd said he understood it may be a reconstruction of Highway 71.

Skaret said he doesn't know if MnDOT knows yet. He said he thinks it's probably going to be a reconstruction.

Boogerd said the planned work on Highway 71 may include new shoulders and lights. He said instead of the City investing to improve the lighting on Highway 71 now, they may want to wait and install new or additional street lights in conjunction with the Highway 71 project. Boogerd said he would also like to see better lighting through the downtown area on Highway 71.

Boogerd said the Electric Department was looking for direction on whether more poles and street lights should be installed going out of town or just work with what the City has for now, improve the heads, and then wait for the Highway 71 project to take place.

Berkner asked if it was the consensus of the Utilities Commission members to wait on adding more poles and street lights until the Highway 71 project through Jackson takes place.

Other than to switch lighting heads, Utilities Commission members indicated waiting with any street light project through town until the Highway 71 project takes place in 2028.

WATER AND SEWER ORDINANCE UPDATES

After talking with City Attorney Brad Anderson, Skaret said discussion about changes to the water and sewer ordinances will be put on hold for a while. He said the main driver for any changes regarded the sewer and adjusting the City's ordinance particularly with septic systems and who's in charge of that program.

Skaret said the proposed adjustment was primarily in response to one particular situation in Jackson.

Skaret said in talking with City Attorney Anderson, he suggested holding off on making any adjustments at this time. He said there is a property with a failing septic system. Skaret said the property owners have been approved to run a private sewer line to connect with the City's sewer line on Bluff Avenue. He said the property owners have not yet completed doing that.

Skaret explained the State recommended clarifying the City's ordinance putting the County in charge of regulating the septic systems. But he said the County probably doesn't want to be the official regulator. Skaret said the City can designate the County as who the City would hire to do the inspection, but ultimately because the failed septic system is in the City of Jackson, it's the City of Jackson's problem. He said the County is unlikely to be involved unless the City hires them to do an inspection. Skaret said to designate the County in the ordinance is probably not kosher.

Skaret said the City is probably going to be taking some legal action to get that property connected to the sewer line. He said the City's ordinance is pretty clear. Skaret said if you have a City sewer line within 500 feet of your property, you have to connect to that sewer line.

Skaret explained the property in this situation can install a small lift station and pump it up the hill to Bluff Avenue as has been approved by the City Council over a year ago. He said the property is less than 500 feet away from the City's sewer line. Skaret said if the property owner doesn't connect to the sewer line, then the City can get a court order to go in and install it.

Markman said the biggest issue why the sanitary sewer line extension project that would pass by that property is on hold is due to the river level. He said there's new sewer main slated to go in front of the house. Markman said the occupant of the house claims the City hasn't done their due diligence. However, Markman said the property was purchased ten years before it was announced that the sanitary sewer line extension project was going to take place. He said there's been disagreement regarding when it was said the sanitary sewer extension project was going to be passing by the property. Markman outlined the ongoing past discussions along with other issues that have taken place with the occupant and owners of the property, but nothing has moved forward.

Berkner asked what needed to be done regarding the water and sewer ordinance updates.

Markman said he believes that the updates to the ordinance were to be tabled at this time.

Mike Schwartz with questions regarding assessments

Schwartz noted there is a Minnesota Statute that states water assessments go with the property and electric charges stay with the current or past owners and does not get applied to the new ownership.

Schwartz asked what if the closing on the sale of a property is, for example, on the 10th of the month and the bill is not due until the 15th. He said any remaining balance due will not be noted on the assessment search and won't show up for six months or a year. Schwartz asked if the abstract company can call City Hall and get a final bill on the 15th or does it require the property owner's permission. He said if that information isn't available, then the new property owner will be assessed the remaining balance for the utilities and that's what happen in one particular sale of property he was involved with.

Mitchell said normally there's no problem. She said when someone is selling a house, they just call City Hall and let them know and City Hall can provide that information. Mitchell explained if an assessment search is done, the City will say the final bill is not paid and if it's not current. She said if the bill is not current at the time of closing, City Hall can be called and the information can be provided regarding how much money is owed or needs to be held back right after the final meter reading is taken.

Schwartz said if the closing is on the 5th of the month and the bill isn't due until the 15th, the amount remaining and due is not going to show up on the assessment search.

Mitchell said it does. She explained the assessment search will show how much is owed and it's always stated "final, not paid". Mitchell said if the previous owner owes anything it's noted on the assessment search. She said if the previous owner has a zero balance, it will be stated zero balance, otherwise it will say current, not final on the assessment certificate.

Maschoff said the assessment certificate will state the utilities are current, but not final.

Boogerd explained he usually goes out and gets the final utility readings at the scheduled time for closing. He said he usually meets with the realtor while the new owner is signing papers.

Schwartz said according to Minnesota Statute it says the water stays with the property and the electricity bill follows the previous owner. He said on the closing in the case he was involved with that didn't happen.

Mitchell said the final total bill can be sent to the previous owner.

Schwartz said it didn't work out in this particular case and the new owner was assessed with a past due electric bill.

TOUR OF THE WATER PLANT

Berkner asked if the tour of the Water Plant was still going to be held.

Oxborough said because the Utilities Commission meeting ran long, the tour would not be held today. He said the tour can be done at any time. Oxborough said any of the Utilities Commission members can stop in at any time. He said a tour will take about 45 minutes.

Berkner said the Utilities Commission members can meet at the Water Plant at 3 p.m. on the next date for their regular Commission meeting to take a tour. She said the regular meeting will still be held at 4 p.m. at City Hall.

Thurmer noted he would stop in sometime and get a private tour of the Water Plant.

Advertising on the City Local Access Cable Channel

Thurmer asked if there were still restrictions as in the past regarding advertising on the City's local access cable channel.

Mitchell said there were.

Thurmer noted he saw something on the channel mentioning Kat's Hog Heaven.

Skaret said there is no advertising on the City's access cable channel.

Mitchell said if there is a non-profit organization having an event at Kat's it's possible that would be mentioned if that's where they are meeting.

Schwartz explained the Jackson Center for the Arts is having a fundraising event on Academy Awards night at Kat's and the Historic State Theatre. He said Kat's is where the Center for the Arts is having the dinner for that evening's fundraising event.

ADJOURNMENT

With no further business, the Utilities Commission meeting was adjourned at 5:15 p.m.

David A. Maschoff, Recording Secretary

