

UTILITY IMPACT BOARD MINUTES

May 1, 2017

NAME	AREA REPRESENTED	PRESENT	ABSENT
Greg York	New Castle Mayor	X	
Dave Barker	Director of Public Works & Safety	X	
Dave Copenhaver	City Attorney	X	
Kenny Melton	Building Commissioner	X	
Greg Phipps	Superintendent Waterworks	X	
Ed Hill	GIS Coordinator	X	
Mark Stacy	Utility Office Manager	X	
Fred Duvall	Superintendent Non-Cert. Wastewater	X	

The meeting was called to order by Mr. Barker at 9:35 a.m.

Mr. Barker asked if there were any corrections or additions to the minutes from the previous meeting. Mr. Phipps made the motion to approve them as presented, with Mr. Stacy seconding. Motion passed unanimously.

CITIZENS APPEARING BEFORE THE BOARD: None

OLD BUSINESS: Mr. Stacy reported an arrangement for payment had been reached with Mike McKown concerning the property located at 1802 Ross Street. After lengthy negotiations it was agreed Mr. McKown would pay ½ the balance due (\$137.04) to settle the account. It was determined that due to billing irregularities on the part of the Utility, as well as the length of time in discovering the discrepancy, this was the best recourse. An explanation of the case is attached to these minutes.

NEW BUSINESS: Mr. Stacy asked for a motion to approve utility adjustments from 4/20/17 to 4/26/17 in the amount of -\$1593.94. Mr. Melton made the motion with Mr. Phipps seconding. Motion passed unanimously.

Mr. Stacy told the Board of a situation involving Caleb Petty, renting a house at 2163 N Avenue. It was discovered the Utility had been billing a storm water fee to both Mr. Petty and his landlord the last 22 months. He was asking for a refund, but Mr. Stacy explained the policy would only allow a one year refund. Mr. Stacy told him he would bring it to the Board's attention and seek permission to refund the entire overpayment. The Board agreed it was a unique circumstance and agreed to refund the bill as a one-time exception to the policy. It will be applied as a credit to Mr. Petty's account.

Mr. Melton presented two applications for sewer service at 1100 Fox Hollow Drive and 303 Riley Road. Both properties are outside City limits and will require annexation waivers signed. Mr. Copenhaver made the motion to approve both properties, contingent upon the waivers being signed and tap fees paid. Mr. Phipps seconded. Motion passed unanimously.

BOARD MEMBERS BUSINESS: Mr. Duvall reported the culvert replacement across Spiceland Road is beginning today, and will require closure of the road. The failing metal culvert will be replaced with concrete pipe and the concrete headwalls will be replaced with gabions.

The meeting was adjourned at 9:50 a.m.

Minutes submitted by Ed Hill

Next meeting: Monday, May 15, 2017 at 9:30 a.m.

Mr. McKown should be at our meeting Monday:

Subject 1802 Ross St., owned by McKown Properties

Our records indicate the following:

At the owner's request the water was turned on 1/9/14

The account was in the name of McKown Properties and the bill was mailed to 417 S 14th St. (Mr. McKown's photo studio)

Payments were received on 2/7/14 & 4/8/14. (it is unknown who the payments were from)

On 6/27/14 the water was turned off and the account finalized, with a balance of \$381.71.

There was no activity on the account in 2015. On 5/9/16 the account was credited \$161.56 for an adjustment that occurred in 2014 for a busted freeze plate. On 11/03/16 the account was credited .43 cents (transferred credit from another McKown property).

The current account balance is \$274.08.

Mr. McKown is disputing this bill. Mr. McKown advises the tenants at the time stole the water and he should not have to pay the balance. Mr. McKown did provide paper work where he sued Mr. Justin Muse & Ms. Racheal Blaker on 6-3-14 for \$2416 in part for water bills. Mr. McKown advises Mr. Muse & Ms. Blaker were the tenants during the time in question. The notice of small claim indicates Mr. Muse and Ms. Blaker had been tenants at 1802 Ross St.

Mike's position is that he had no knowledge the water was turned on, he did not authorize it being in his name. Upon receiving the bill in 2015 he spoke with Janice in turn: Christy York and Mike spoke with me about prosecuting the renters for theft. Mike gave me a copy of the lease which did have a post it note about speaking with me and Christy. (I Mark, do not recall this event). (Prosecutor Burgess recalls talking with me (Mark) and informing me they: (Mr. Muse and Ms. Blaker) could not be prosecuted).

Mike recalls he sued them for the back rent, damages and included the water bill at the request of Janice (against his judgment because of theft). Janice agreed it was theft and made an agreement with Mike that if he collected he would pay the bill. Mike did not want to sue for the water bill because it was theft. He only sued for it at Janice's request. Mike also pointed out that none of his single family dwellings water bills are in his name and if he received a bill in 2014 he would have acted on it. Mike also advised that his practice is to turn on the water for cleaning etc. and then have it turned off before the renters move in.

Christy spoke with Janice; she advised she was aware Mike sued the above named renters. However after a year we should have initiated our lien procedure against the property.

End of Summary.

Thanks

Mark Stacy