



CITY OF SAINT PAUL
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June 26, 2019

Vang Xiong
841 Rose Avenue
Saint Paul MN 55106

VIA EMAIL: VangXiongus@yahoo.com

RE: 416 Hope Street Water Bill Appeal

Dear Mr. Vang Xiong:

At the Legislative Hearing on June 11, 2019, you appealed the 2 components of April 2019 Saint Paul Regional Water Services (SPRWS) bill on your brother Phia Vang's behalf. Phia Vang is listed as the account holder and you provided written documentation that he authorized you to act on his behalf in this matter. The 2 items under appeal were 1) the charge for the frozen water meter; and 2) the charge for the high level of water consumption billed for the period of January 4 – April 5, 2019. I will take these individually.

1. Frozen Water Meter

In the hearing you indicated you did not believe you should have to pay \$99.64 frozen meter charge for the replacement of the broken meter. You concurred with SPRWS staff that the meter had frozen (photo attached). You also indicated that the winter had been particularly cold and you were not the only person to have a frozen meter. The Saint Paul Legislative Code explicitly addresses the responsibility of property owners to prevent meters from freezing in the following section:

Water Code – Water Service Connections Sec. 87.18. - Thawing of frozen water service connections and fire services.

- (a) ***The property owner shall protect from freezing that part of the water service connection and fire service within private property.*** (emphasis added) If either type of connection does freeze, the property owner is responsible for retaining a private thawing company to restore water delivery to the premises, all work to be in accordance with the standards of the water utility. When labor and equipment are available in sufficient numbers, the utility may offer to thaw such sections of services at actual cost, including labor, equipment, materials and overhead, provided the owners sign a release form holding the board harmless from any and all damages caused by the thawing operations, and provided the owner agrees to pay and deposit in advance a sum equal to the estimate of actual costs as determined by the water utility.

The Saint Paul Legislative Code also authorizes SPRWS to make repairs to water meters in this section:

Water Code – Water Service Connections Sec. 87.06. - Thawing of frozen water service connections and fire services.

Board authorized to make repairs. The board of water commissioners is hereby authorized to render special service in connection with furnishing water, such as installing and repairing water service connections from the street main to the property line, ***repairing water meters damaged by hot water or frost***, (emphasis added) thawing water services, and any other similar service, at prices and terms to be determined from time to time by the board of water commissioners, subject to the approval of the city council, and charges for such services shall become a continuing lien, until paid, upon the property served.

As the responsibility for preventing the freezing of water meters falls squarely on the property owner, I am recommending that the SPRWS Board of Commissioners deny your appeal of the \$99.64 charge for a frozen water meter replacement.

2. Level of Water Charges

For the period of January 4 – April 5, 2019, Phia Vang was billed \$867.99 for the use of 137 units of water. You appealed this charge stating that the meter had malfunctioned, probably because it had frozen. You asked specifically that this charge be decreased to reflect usage at this property in a similar time period in prior years, which you described as “pro-rating” the bill. In reviewing the records provided by SPRWS, I observed that in the time period since you sold this property on contract for deed to your brother Phia Xiong in August 2016, water usage has ranged from 21 to 137 units per billed quarter, with bills ranging from \$172 to \$868 for water usage. The average level of consumption per quarter has been 63 units and the average bill has been \$426.

SPRWS staff determined that the meter froze, the bottom broke out of it (as it’s designed to do in freezing conditions) and it leaked from the bottom. I have confirmed with Water Meter Operations staff how meters function in these conditions and how they measure the amount of “leaked” water in comparison to the water used by the household. I have attached photographs of meter operations and this is a link demonstrating the operation of the type of meter in the home:

<https://www.youtube.com/watch?v=xyWtcE3LiIA> . These documents and video demonstrate that the water leaked out of the bottom of a frozen meter **cannot** be measured by the water meter, as it leaves through the bottom of the meter before passing through the gauge. In contrast, water used by the household does pass through the gauge and is measured. Therefore, I conclude that the high level of usage recorded is not a result of the frozen meter.

As to the possibility of a leak within the house causing the high level of use – SPRWS staff reported that this property showed up on their quarterly list of properties with an unusually high level of water consumption from January 4 – April 5, 2019. In fact, Jerry Ludden from SPRWS called April 8, 2019, almost as soon as the bills were run to alert you, on your brother’s behalf, of to this situation. He indicated the high level of use is most commonly associated with a leak in the house and the sooner this is rectified, the sooner the use and bill goes down. A similar notification went to Phia Xiong in July 2018. On April 9, 2019 Jerry Ludden and Joe Tronson came to your property, reviewed the water meter location, operation, usage and frozen condition with you. At that time, you seemed to disagree with their assessment that the basement was too cold, resulting in the frozen meter. You also disagreed that there was a leak in the house. There was follow-up communication with SPRWS Customer Service in

which you reiterated your position and indicated that you did not want SPRWS to come to your property unless they would identify and fix the leak.

In the Legislative Hearing you also indicated you had a plumber come to the property to look for leaks and found none. However, staff testified that on May 13, 2019 you left a voicemail at SPRWS in Hmong in which you indicated you had hired a plumber, who did find and fix leaks. You also requested a meter verification of the repair. When I asked you to clarify the difference between your testimony in the Legislative Hearing and the voicemail left with SPRWS, you equivocated. Further, SPRWS staff testified in the Legislative Hearing that they had done periodic readings of the water use at this property which indicated there was a "continuous leak" at the property through at least May 7, 2019. This means that water meter is being triggered at very frequent intervals (at least once every 15 minutes) throughout the day. In contrast, when a similar measure was done on May 14, 2019 SPRWS staff found the leak had diminished to being classified as "intermittent," which is consistent with a household of multiple people using water throughout the day.

Given the information on the functioning of frozen water meters and the very high likelihood there was a leak at the property which was subsequently repaired, I am recommending that the SPRWS Board of Commissioners deny your appeal for the water consumption charge of \$867.99 for the time period of January 4 – April 5, 2019.

I note that in the Legislative Hearing I asked my staff to reach out to your brother, Phia Xiong with an offer to translate this letter. We received returned mail from this address and have no other way to contact Phia Xiong, such as an email address or phone number. We will attempt to also send this letter via US Mail to him. However, as you are acting on his behalf, with the stated reason that his English is limited, I leave this communication to you. I would also add that on at least 2 occasions, SPRWS noted in customer service records returned mail sent to Phia Xiong at 416 Hope Street.

Should you wish to appeal this matter further, it will be scheduled for consideration by the SPRWS Board of Commissioners on **July 9, 2019 at 5:00 p.m. in Room 330 City Hall.**

Please contact Mai Vang at 651-266-8563 or mai.vang@ci.stpaul.mn.us if you plan on attending this meeting or if you have other questions.

Sincerely,

Marcia Moermond

Marcia Moermond
Legislative Hearing Officer

Attachments:

416 Hope Street Damaged Water Meter Photo
Water Meter Operations Photos with Notes
Water Meter Internal Workings Ludden Email 6/19/19
416 Hope Street Water Meter Video Email

c: Phia Xiong, 416 Hope Street, St Paul MN 55106
Steve Schneider, SPRWS General Manager
Dolly Ludden, SPRWS Business Manager