

Midway City Board of Equalization
18 September 2018
Meeting

Mountain Goat Apartments /
Water Assessment

Brad Wilson

From: J Hoovers <jvhoover@route189.net>
Sent: Friday, August 24, 2018 6:46 AM
To: cgordon@gordonlawgroup.uta.edu; wesjohnson@horrocksengineering.com; Celeste Johnson; Brad Wilson; Ken Van Wagoner; Lisa Christen; Bob Probst; Jeff Drury; JC Simonsen
Subject: Board of Equalization

Dear Midway City Councilmen,

This is in reference to the Meeting held Wednesday, August 22nd for the Board of Equalization.

The City Attorney determined that the meeting to review my water billing was about the size of my meter. I submit that if you read my petition letter before the meeting, you would realize that the size of the meter is NOT the issue.

It shouldn't matter if the meter is ½ inch or 5 inches, my point is that the city reads the meters to know how much water is passing through the meter, no matter the size of the meter.

Each property is using water that can be measured.

The size of the meter is determined by an impossible situation where every water-using appliance is being filled and every faucet is fully turned on and every toilet is being flushed at precisely the exact same moment. That will never happen, but they install the meter to meet that criteria.

My point is, if I didn't make myself clear in my petition, that the meter is monitoring how much water passes through it. The users that are conserving water, as they should, are being billed the same as people that are using the maximum allowed amounts of water per billing. This is not encouraging conservation of our precious water resource.

I cannot afford the billings that I am receiving from Midway City Water. They are charging me for 40,000 gallons when I am only using 9,000 to 14,000 gallons.

Councilmen Simonsen said "it is to the advantage of the majority to bill this way."

Really, it is only to the advantage of the properties that are using the maximum amount of water allowed. The users that are conserving water and using a minimum amount should not be penalized and expected to pay the same as those using a maximum amount by thousands of gallons.

I expect our Midway City Council to address this issue and protect our natural resource of water that is so precious. I think if the citizens of Midway knew what they were being billed for, they would agree.

I am hoping the council will do what is fair and right for me and everyone.

Sincerely,

Jean Hoover

Mt.Goat Apts.

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Attorney for the Respondent

**MIDWAY CITY COUNCIL
SITTING AS THE
BOARD OF EQUALIZATION**

IN THE MATTER OF JEAN HOOVER
APPEAL

FINDINGS OF FACT AND ORDER

PETITIONER Jean Hoover, filed a Request to appear before the Midway City Board of Equalization, pursuant to Midway City Code § 10.01.060. Petitioner is appealing the installation of a 1 ½ inch water meter to her commercial property in Midway City. The Midway City Council convened a Board of Equalization meeting on the 22nd day of August, 2018. Jean Hoover, Petitioner, appeared on her own behalf. Midway City Attorney, Corbin B. Gordon, appeared on behalf of the Respondent, Midway City. After hearing oral argument, accepting proffered declarations and other written information, the Midway City Council, acting as the Board of Equalization, hereby enters the following:

FINDINGS OF FACT

1. Petitioner Jean Hoover has appealed the installation of a 1 ½ inch water meter on the lateral to her commercial business located at 269 East Main Street in Midway City.

2. Petitioner claims that she was required to put in a 1 ½ inch meter on her project by City personnel which we find to be untrue.

3. Petitioner's Project Engineer specified the size of the water meter to be installed by the contractor for Petitioner's commercial project.

4. No one employed by or representing Midway City ever dictated the size of the water meter that had to be installed for Petitioner's project.

5. The City Building official, Wendy Johnson, and the City Engineer, Wes Johnson, met with the Petitioner's construction manager in Wendy Johnson's office prior to the installation of the meter. Both the City Building official and the City Engineer explained to the construction manager the different sizes of meters that the City uses.

6. The City Engineer got the monthly culinary water billing rates from another City employee, and indicated to Petitioner's construction manager that the minimum monthly billing for a ¾ inch meter was \$28, and the minimum monthly billing for a 1 inch meter was \$56, and the minimum monthly billing for a 1^{1/2} inch meter was \$112.

7. The City Building official specifically indicated to the Petitioner's construction manager that a smaller sized meter could be installed within a 1^{1/2} inch line, if they so chose.

8. In a subsequent telephone call, both the City Building official, and the City Engineer told the Petitioner that she could request a smaller meter, but that in order to get the change approved by the City, she would have to go back to her project engineer, have them recalculate the meter size to make sure it met minimal flow requirements, and re-submit the plans and specifications based on a smaller meter.

9. Midway City employees and engineers have repeatedly told Petitioner that she can still switch to a smaller meter if 1) she submits engineered drawings and specifications showing that a smaller meter will meet the flow requirements of the project; and 2) she pays the actual costs of switching the meter as per Midway City Code.

10. Petitioner has not submitted updated engineer's plans or specifications showing that a smaller meter will meet the requirements of the Project.

11. Petitioner has not agreed to pay the cost of switching the meter.

12. We find that Petitioner, through her agents and representatives, had full knowledge of how much the monthly fees for a 1 ½ inch meter would cost before it was installed.

13. Petitioner indicated in the hearing that she wanted to challenge the validity of the rate structure generally, as it pertains to all of the citizens of Midway.

14. We find that Petitioner's application is insufficient to challenge the rate structure generally, as her application only details how the rate structure affects her property, and no one else.

15. Petitioner provided no information, analysis, or evidence establishing that the current rate structure is unfair on a system wide basis, and we find that we have insufficient evidence in the record to make such a determination.

16. Petitioner further claims she should get a credit for three months of billing because she was charged for a period of time before the home was occupied, which we also deny.

17. Pursuant to Midway City Policy, once the water meter was set for the construction purposes, the billing for the water commenced based on the rates set by Midway City.

BASED upon the above Findings of Fact, it is hereby ORDERED:

1. The Petitioner's appeal to the Board of Equalization is hereby DENIED.
2. If Petitioner desires to change her meter size she will be required to submit updated plans to the city, stamped by a licensed engineer, showing that the smaller meter is sufficient for the Petitioner's property and pay the cost of changing the meter.
3. Petitioner shall have the obligation to pay all outstanding bills associated with the water service on the project located at 269 East Main Street in Midway City, and all monthly assessments as they come due in the future.

Dated this ____ day of _____, 2018.

/s/ Celeste Johnson

Celeste Johnson, Mayor
Chairperson of the Board of Equalization.