



# Memo

---

**Date:** 13 September 2018  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 22 August 2018 Board of Equalization Meeting

---

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

# MINUTES OF THE MIDWAY CITY BOARD OF EQUALIZATION

Wednesday, 22 August 2018, 6:00 p.m.  
Midway Community Center, City Council Chambers  
160 West Main Street, Midway, Utah

**Note:** Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the Board, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

**Motion:** Board Member Christen moved to convene as the Midway City Board of Equalization.

**Second:** Board Member Simonsen seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Board voting as follows:

Board Member Christen	Aye
Board Member Drury	Excused from the Meeting
Board Member Probst	Aye
Board Member Simonsen	Aye
Board Member Van Wagoner	Aye

## 1. Call to Order

Board Chair Johnson called the meeting to order at 7:09 p.m.

### **Members Present:**

Celeste Johnson, Board Chair  
Lisa Christen, Board Member  
Bob Probst, Board Member  
JC Simonsen, Board Member  
Ken Van Wagoner, Board Member

### **Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Brad Wilson, Recorder/Financial Officer

### **Members Excused:**

Jeff Drury, Board Member

**Note:** A copy of the meeting roll is contained in the supplemental file.

**2. Mountain Goat Apartments / Water Assessment** (Jean Hoover – Approximately 30 minutes) – Discuss and possibly correct the culinary water assessment for the Mountain Goat Apartments located at 269 East Main Street.

Corbin Gordon indicated that Jean Hoover requested that the water assessment for her apartments be reduced. He added that the Board had been given information regarding the request.

Ms. Hoover made the following comments:

- Owned apartments and a commercial building at 269 East Main Street.
- Started receiving \$336 water bills in April 2017. This amount was based on the meter size.
- Was required to install a 1.5-inch meter.
- The apartments were small and only had seven residents.
- Thought that the water bill was based on the actual amount of water used.
- Charging a minimum amount, based on the meter size, did not encourage conservation.
- Used only 3,500 gallons of culinary water each quarter but was being charged for 40,000 gallons.
- Water users could be charged for the actual amount they used because each connection had a water meter.
- Board Chair Johnson said that Ms. Hoover could install a smaller meter.
- The apartments and building were smaller than most homes in the City. These homes were charged less for culinary water.
- Did not want to tear out the current meter.
- The City should be concerned about water users on fixed incomes, etc.
- Had been charged \$45,925 to connect to the culinary water system.
- Would have to pay \$400 to reconnect to the system.
- Could not afford to pay the bill for a 1.5-inch meter.
- The current billing structure was not fair and should be changed.

Mr. Gordon made the following comments:

- Was responding on behalf of the City.
- City staff indicated that Ms. Hoover's engineer determined which meter size was needed.
- The City Engineer discussed the meter options with the project manager.
- The City's building official heard back from the manager and he said to use a 1.5-inch meter.
- Ms. Hoover's engineer did the calculations that determined the size of the meter.
- The project was built to the specifications provided to the City.
- The City specified the meter costs and those doing the project decided on the meter size.
- There was not any basis to grant Ms. Hoover's request.
- Was unaware that the City charged Ms. Hoover before the meter was used.
- Ms. Hoover would have to pay the cost to change the meter.
- Changing how the City charged for water would be a significant undertaking.
- The way the City charged for water was common among water providers.
- Ms. Hoover had to provide evidence that the billing structure should be changed. The Board could allow her to come back with the evidence.

- The construction manager knew of the cost of the meter but did not know if Ms. Hoover knew it.

Wes Johnson explained the City's radio read meter system. He indicated that meters were read monthly and that the information was kept in the City's billing system.

Board Chair Johnson said that the meter size was the issue and not the billing structure. She added that any changes to the billing structure should be considered at another time.

Ms. Hoover made the following additional comments:

- This was the first development that she had done.
- The City required her to hire an additional engineer and architect to do the project. This increased the project's cost and complexity.
- Her builder and subcontractors thought that the situation was ridiculous.
- Her builder had a home, which was larger than the project, but it had a smaller meter.
- The architect and engineer did not want to be liable.
- The project was overdone because of the requirements of the City's building department.
- Did not know that she would be charged for so much water.
- Should not be charged for water that was not used.
- Was told that the project had to be built as indicated on the plans or it would not pass inspection.
- The base amounts of water could be reduced.
- Should not be punished for conserving water.

Board Chair Johnson indicated that Ms. Hoover's engineer would have to approve any change in the size of the meter. She added that the Building Code and water fee structure was applied equally to all property owners.

Board Chair Johnson indicated that the City could install a different size meter and charge Ms. Hoover only for the parts and labor.

Mr. Gordon indicated that the billing system was not part of Ms. Hoover's request. He said that could be addressed if she submitted another request regarding it.

Board Member Simonsen made the following comments:

- The base rate was needed to pay for the system infrastructure. This rate was probably as low as possible. Changing this would be a significant process.
- Miscommunication and inexperience played a part in the issue.
- Engineers probably used standards when determine water usage and meter size.

Wes Johnson made the following comments:

- Agreed that the base rate paid for infrastructure maintenance.
- The City did not read meters in the winter and asked some users to leave their water running to prevent freezing.
- The City started billing as soon as a meter was set and functional.
- Did not do the calculations to determine the size of a water meter. Those were done by

the project's engineer.

Board Member Probst noted that the meter size was determined by Ms. Hoover's engineer. He questioned if a 1-inch meter would be enough for four apartments and a business.

Board Member Van Wagoner indicated that a meter size should be based on the maximum possible usage. He added that it was costly to maintain a water system and add infrastructure like water tanks and wells.

Board Chair Johnson pointed out that the water system had to be sized to meet peak demand.

Corbin Gordon reiterated that changing the meter size should require the approval of the engineer that originally made the determination.

Wes Johnson estimated that it would take about an hour to change the meter. He added that the meter would cost around \$900.

**Motion:** Board Member Van Wagoner moved to take the request under advisement to see if a 1-inch meter was sufficient.

**Second:** Board Member Simonsen seconded the motion.

**Discussion:** Board Member Christen asked if the Board would decide at its next meeting? Mr. Gordon recommended issuing a decision within 30 days. He indicated that it could be in writing.

Board Member Simonsen noted that the City's water meters could not read peak flow.

Ms. Hoover indicated that she had water reducers in the buildings.

**Vote:** The motion was approved with the Board voting as follows:

Board Member Christen	Aye
Board Member Drury	Excused from the Meeting
Board Member Probst	Aye
Board Member Simonsen	Aye
Board Member Van Wagoner	Aye

Board Chair Johnson indicated that a decision would be made within 30 days.

### 3. Adjournment

**Motion:** Board Member Christen moved to adjourn the meeting. Board Member Simonsen seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:58 p.m.

DRAFT