

**UTILITY ADVISORY BOARD MEETING**  
**April 8, 2013**  
**CITY COUNCIL CONFERENCE ROOM**  
**5:30 P.M.**

**MEMBERS PRESENT**

George Lewis  
Arthur Hoffman  
Sharon Parshley

**OTHERS PRESENT**

Blaine Cox, Deputy CM  
Shawn Libby  
Matt Peterson

**MINUTES**

**I. Call to Order.**

George Lewis called the meeting to order at 5:31 P.M. Daniel Peterson was excused; all other Board members were present.

**II. Acceptance of March 11, 2013 Minutes**

Arthur Hoffman **MOVED** to accept the minutes of the March 11, 2013 meeting as written. The motion was seconded and the **MOTION PASSED** on a unanimous voice vote.

**III. Appeals**

A. Old Business

There were no items under Old Business.

B. New Business

1. Powers Appeal

The customer seeks an abatement because of leaks that occurred and resulted in a sizeable water and sewer bill.

The Deputy City Manager's recommendation is to deny the abatement request.

The recommendation is based upon the following findings:

- a. The customer has indicated that the meter reading of usage is not disputed.
- b. The customer's abatement application indicates that the water used entered the City's waste water treatment collection system and was therefore processed as effluent.

Mr. Cox further recommended that the customer be offered a flexible payment plan to satisfy this balance.

Sharon Parshley **MOVED** to deny the abatement request. The motion was seconded and the motion was **ADOPTED** on a unanimous voice vote.

## 2. SDJ Development of Rochester, LLC Appeal

Re: Highfield Commons Hydrant Fees (Fillmore Blvd & Eisenhower Drive)

Mr. Peterson presented his abatement request. The customer is appealing the hydrant billing fees that he is being charged. He contends that although the streets in his development have not been formally accepted by the City Council, they are owned by the City. Therefore, according to the Water Ordinance, section 17.34, the fire hydrants are located on the public right-of-way and exempt from private hydrant fees.

Deputy City Manager Cox recommends that the Utility Advisory Board deny the customer's request that the City waive the fees associated with the fire hydrants located on Fillmore Boulevard and Eisenhower Drive.

The recommendation is based on the following findings:

The City's Ordinance, Chapter 17.34, page 17-17, states in part that the Private Fire Hydrant Service Connection fee applies to any hydrant "located outside the public right-of-way and/or located on property other than that owned by the City of Rochester...."

The Planning Board approval of this development states "It is the intent that all streets in the development be dedicated to the City as City streets...." However, the legal process of highway/roadway dedication and acceptance has not occurred and, therefore, a public right-of-way has not been established. In order for a public highway/roadway to be established, the formal steps of dedication and acceptance must both occur.

Sharon Parshley **MOVED** to deny the abatement request. The motion was seconded and the **MOTION PASSED** on a unanimous voice vote.

## IV. Financial Statements

There were no questions regarding the monthly Financial Statements.

## VI. Other

Sharon Parshley requested an update on the Board's prior suggestion to place billing notice reminders regarding the Sewer Deduct Meter program.

Arthur Hoffman requested that the meeting minutes include more detail on the Board's deliberations regarding individual abatement requests.

**VII. Adjournment**

George Lewis **MOVED** to adjourn the meeting. The motion was seconded and the **MOTION PASSED** on a unanimous voice vote. The meeting adjourned at 5:58 P.M.

Respectfully,

Blaine M. Cox  
Deputy City Manager

BMC:sam