



Hearing set for impact fee refunds

Written by

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ENOCH - The Enoch City Council discussed refunding a secondary water impact fee paid by some residents between 2009 and 2010, before the council voted to repeal the fee in July 2010.

Councilwoman Celesta Lyman said after the council approved the repeal of the secondary water impact fees last year, the council tabled further discussion of a possible refund for a September meeting awaiting more information. However, discussion and action on a possible refund continued to be delayed.

"I just felt all along that no matter what we do with the other information we get, that we still need to refund it," Lyman said. "I don't feel we need to wait for that information; that's what we've been doing and now it's been a whole year."

Councilman Gary Wilcken said the city water board recommended the council suspend collection of the fee, rather than eliminating the fee, until figures were available. The data was presumed to help the elected body best discern how residents had impacted the secondary water system so the money would not be

refunded only to be collected again.

Wilcken said the water board considered the idea of combining the culinary and secondary water impact fees into one fee of approximately \$5,000. The board also thought it would be fair to refund part of the fee, but not the whole fee.

The reason for waiting to receive information on recommendations for water impact fees, scheduled for completion in August, is to be fair to as many people as possible. If the water impact fee is increased, the city should only refund a portion of the fees that were paid because there is no way to reinstate the secondary fee.

"All of us do impact the system," Wilcken said.

He added the council should wait to make any refund decisions until it has solid figures because it only means waiting two more weeks.

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Councilman John Banks said although he was not on the council during last year's discussions, he was looking at the minutes, which stated the motion was made regarding the fee, and the city sent a letter to those who had already paid the charges informing them their money would be refunded.

Gary Kuhlmann, the city's consulting attorney, said the council had voted for repeal of the fee, but had not voted for a resolution to make it official.

There will be a public hearing at the Aug. 3 meeting in which this year's budget will be opened. The council will then vote on a resolution at the Aug. 17 meeting to make the repeal of the secondary fee official and consider refunds at the same time.

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