To who it may concern:

I Lee Hargcock was at the city counsel meeting last week. I raised two concerns, first that the police have documented Zero Dollars for the past 4 years in conection with narcotics Seizure. (During the meeting)

Second concern is/was raised during the meeting is the trees. I Stated the trees at are over millcreek stream between 300 E and 400 E look Sick. I also sugested spending more money on tree cutting.

After the meeting with the states representative in witch he said "Now that you got away with it now all you got to do is raise the rates." Allow the answer of "why" still remains. After this ~~conversation~~ my Issue of Narcotic Money was addressed to the city guy (unknown Nam in wich he said the money was zeroed out every year and began every year with a zero balance. with all money paid to the state as part of there officer grants program. (Note: 3 of SSLCPD grants ended)

later while courses were deliberating I spoke to city "guy" he told me a different story about the money.
he gave me this 6 page "Detail ledger- Finance Period 07/11 - 05/14" and said "This is not the same account"...
I asked "is it in chase Bank because I saw an Officer in there making a deposit." he said "not there but like it." I asked does It earn Interest? " he said "We get a even better deal".

Next he asked me "Do you think all the trees are going to fall in the water and cause flooding. I said "yes."
He then turned to another guy and said "He thinks All the trees are going to fall in the water."

I brought up how the tulips were sprouting up in February. I felt that he put the words in my mouth as I didn't mean "All the trees fall in the water"... Duh during the meeting I said they look sick. Now that I have thought about this and looked at the trees. Its the cotton woods that look like they got shocked by this early spring then freeze weather.
Like

$882.00 on 6/30/2013 there wa a balance of

on 11/30/2013 there was a Balance of $7678
no change of Balance till 01/08/2014 + 1,804=Bal 9,482.

I see there has been a balance contrary to what has been stated on the record.

Deposits into this account "102 13 1300" are titled/Described as "Police Refunds"

On 07/01/2013 Opening Balance created 8/29/
" " Opening Balance modified 9/11/20

futhermore I include an Appellate Court Decision In that my x-wife was awrded a Protective Order based on inadmissible hearsay. My life has been seriously effected by an Officer who played favorits tward my x wife. I have filled out an "Administrative complaint regarding other issues" then a lady called from Victem Advocate called me to rub it in my problem and that they wont do any thing about it. Also police reports have been Altered due to no acountability.

Sincearly Lee Hedgcu

(3)

This opinion is subject to revision before publication in the Pacific Reporter.

FILED
UTAH APPELLATE COURTS
OCT 2 2 2009

IN THE UTAH COURT OF APPEALS

----ooOoo----

Jennifer R. Hedgcock,	)	OPINION
	)	(For Official Publication)
Petitioner and Appellee,	)	
	)	Case No. 20080970-CA
v.	)	
	)	F I L E D
Lee E. Hedgcock,	)	(October 22, 2009)
	)	
Respondent and Appellant.	)	2009 UT App 304

Third District, Salt Lake Department, 084903296
The Honorable Sandra N. Peuler

Attorneys: Zachary E. Peterson and Lincoln Harris, Salt Lake City, for Appellant
Jennifer R. Hedgcock, West Jordan, Appellee Pro Se[1]

Before Judges Greenwood, Davis, and McHugh.

McHUGH, Judge:

¶1 Lee E. Hedgcock (Husband) appeals from the district court's entry of a protective order in favor of Jennifer R. Hedgcock (Wife).[2] Husband contends that there was insufficient evidence to support the entry of a permanent protective order and that he was entitled to an evidentiary hearing. We affirm.

BACKGROUND

¶2 On July 28, 2008, Wife filed a notarized Request for Protective Order (the Request) in the district court. The Request indicated the following circumstances as the basis for Wife's belief that a protective order was appropriate:

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1. Wife did not provide a brief in this matter.

2. At the time the protective order was entered, the parties were involved in divorce proceedings.

> Previous domestic violence incidents during marriage; ongoing harassment and threats on my life since divorce proceedings started in January[] 2008.
>
> . . . .
>
> . . . 02/14/08 - [Husband] told me he would destroy me; 04/15/08 - [Husband] told me that I am "an evil bitch" and that he was going to come after me; 04/20/2008 - [Husband] said, "I'm going to kill you and . . . [the man I was dating] one day"; 07/21/2008 - My son . . . told me that [Husband] had a new gun and demonstrated that it is a handgun. Later that day as [my son] was playing with a toy gun, he put it to my forehead between my eyes and said, "Daddy says he is going to shoot you between the eyes because you are not a nice person[."] 07/24/2008 - [Husband] told me while he had the children that "if I knew what was good for me I would keep my doors locked."
>
> . . . Since our separation [Husband] harassed me repeatedly by telephone, threatened to kill himself and the man I was dating, used drugs and watched my home from the neighbor's yard. During our marriage he was violent and physically abused me.
>
> . . . [Husband] threatened me with physical harm during our marriage and struck me on three occasions.

¶3 Based on the Request, the district court entered an Ex Parte Temporary Protective Order (the temporary protective order), which was served on Husband on July 29, 2008. On August 12, 2008, a domestic commissioner heard argument on whether the temporary protective order should be made permanent.[3] During that hearing, Husband argued that any allegations that had been included in a prior protective order, which was dismissed upon stipulation of the parties to have mutual restraining orders entered instead, could not be considered by the court. Husband also objected to the allegation in the Request based on a statement from the parties' son on the ground that it was

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3. The parties prepared and stipulated to the accuracy of a transcript of the hearing before the commissioner, which transcript is contained in the record.

hearsay. Finally, Husband denied that he threatened Wife or that he owned a handgun.

¶4 The commissioner recommended that a permanent protective order be granted based on her conclusion that, consistent with Wife's allegation, Husband had threatened Wife on July 24, 2008. In reaching that determination, the commissioner stated, "[Husband] has not denied . . . during the course of this hearing, that the statement was made." Husband filed objections to the commissioner's recommendations, arguing that Husband had expressly denied making the threat that forms the basis of the commissioner's decision. The district court entered the permanent protective order on September 4, 2008.

¶5 On September 18, 2008, Wife filed a request for a hearing and informed the district court that "on September 6, 2008, [Husband] broke into [Wife]'s home in violation of the [permanent] Protective Order entered in this case." Wife attached copies of the related police report. That report states,

> This is a[n] Aggravated Burglary/ Protective Order Violation report. [Wife, her male friend, and her two children] returned home to find [Husband] in [their] home. [The male friend] was assaulted. [Wife] had a valid Protective Order against . . . [Husband]. Several witnesses identified . . . [Husband] as he ran to his vehicle and drove away. [Husband] was taken into custody at his home address then booked in the Salt Lake County Jail on charges.

¶6 Husband filed a reply to the request for hearing. Although Husband indicated that he had no objection to a hearing, he did object to Wife's notification of the subsequent violation of the protective order and asked that the information be stricken. Husband claimed that consideration of the information of Husband's entry into Wife's home and assault of her friend was "inappropriate as it does not address the issues raised in [Husband]'s objection--that as a matter of law the protective order should not have been entered." Wife filed a Motion to Amend the Protective Order in light of the break-in, which motion was supported by Wife's affidavit relating her testimony concerning the break-in. Husband objected to the amendment as "untimely and procedurally inappropriate."

¶7 After a telephone conference with counsel for both parties, the district court entered the minutes, which state,

> Based upon discussions, the Court orders:
> 1. <u>An evidentiary hearing is not required.</u>
> 2. [Husband]'s counsel has a copy of the CD and will prepare a transcript of the hearing with the Commissioner. Both counsel are to agree on the transcript produced.
> 3. A half hour hearing will be held on October 21, 2008 at 9:00 am on the objections to the Commissioner's recommendation and the motion to expand the order.

(Emphasis added.) There is no indication in the record that either party objected to the district court's conclusion that, based on the discussions during the telephone conference, an evidentiary hearing was not required.

¶8 On October 21, 2008, the district court conducted the non-evidentiary hearing. After considering the arguments of counsel, the district court denied the motion to dismiss the protective order and granted the motion to modify it. The district court explained,

> [T]here's one area in which I disagree with the Commissioner, that area is, I believe that I can look at the totality of the petition to determine whether or not there is sufficient evidence to enter a protective order and . . . I believe that I don't need to just look at one statement in isolation, which has been denied. I believe that I can look at all of the allegations that are in the petition to determine whether or not there is a sufficient basis for that protective order to enter.
>
> And so, in looking at all of the allegations, I find that the Commissioner did not make an error and entered an appropriate recommendation, albeit on a differen[t] basis than I find.
>
> And so, further, based upon that, as well as the subsequent event, I'm going to order that the protective order be modified to include [Wife's] request about staying away from the residence and also allowing for limited contact for child issues by texting.

Despite the district court's question, "Is there anything I've [left] out anybody is concerned about?," neither party raised any

concerns or requested an opportunity for an evidentiary hearing. On November 18, 2008, Husband filed this appeal.

ISSUE AND STANDARD OF REVIEW

¶9 Husband appeals the entry of the protective order on the grounds that there was "no supporting evidentiary basis" for it. "When an appellant is essentially challenging the legal sufficiency of the evidence, a clearly erroneous standard of appellate review applies." Hi-Country Estates Homeowners Ass'n v. Bagley & Co., 2008 UT App 105, ¶ 10, 182 P.3d 417 (internal quotation marks omitted), cert. denied, 199 P.3d 970 (Utah 2008).

ANALYSIS

¶10 First, Husband argues that Wife's Request described two incidents that had been the subject of a prior protective order, which the parties had dismissed by stipulation. On appeal, Husband reasons that because the prior protective order had been dismissed, "these allegations could not be part of the petition for [the] protective order that is at issue in this case." However, at the hearing before the commissioner, Husband's counsel acknowledged that "any instance that happened prior to [the dismissal of the previous order] would . . . be considered only for prior alleged domestic abuse." Additionally, in the Request and at the hearing before the commissioner, Wife indicated that during the marriage Husband threatened her with physical harm "and struck [her] on three occasions."

¶11 Husband now argues that the prior events of domestic abuse were too remote in time to be considered as part of the Request.[4] However, the Cohabitant Abuse Act states, "The court may not deny a petitioner relief requested pursuant to this chapter solely because of a lapse of time between an act of domestic violence or abuse and the filing of the petition for an order of protection." Utah Code Ann. § 78B-7-110 (2008). Furthermore, this court has stated that "if past abuse is coupled with a present threat of future abuse, a person may seek a protective order." Strollo v. Strollo, 828 P.2d 532, 534 (Utah Ct. App. 1992). Thus, if the district court could "make a determination from the face of the pleadings" that there was a present threat of abuse, entry of the protective order was proper. Id. at 535.

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4. At the hearing before the commissioner, Wife stated that the acts of physical abuse occurred between February 2006 and July 2007. She filed the Request on July 28, 2008.

¶12 Husband next asserts that the commissioner relied entirely on a single alleged threat, which Husband contested, in recommending that the protective order be made permanent. However, the district court did not limit its ruling to that one alleged threat. Rather, the district court considered all of the allegations in the Request, as well as the information that subsequent to the entry of the permanent protective order, Husband broke into Wife's home, hid in a bedroom closet, and assaulted Wife's friend.

¶13 Husband contends that the totality of the allegations cannot support the protective order because he contested the threat of future harm specifically alleged in Wife's Request. Husband therefore claims that the court erred by entering a permanent protective order without first holding an evidentiary hearing concerning the allegation. A district court should hold an evidentiary hearing when it cannot make a determination as to whether a protective order is appropriate on the face of the pleadings. See id. However, there is nothing that prevents a party from waiving the right to present evidence at the hearing challenging a protective order.

¶14 Here, after the telephone conference to schedule the hearing, the district court issued a minute entry expressly stating, "Based upon discussions, the Court orders: . . . An evidentiary hearing is not required." Husband never challenged the district court's characterization of what was decided during the telephone conference and likewise never requested an evidentiary hearing. Indeed, after the district court announced its ruling at the end of the hearing, it invited counsel to come forward with anything the district court had overlooked. Again, Husband made no objection that he was denied an evidentiary hearing and made no request to present evidence, either on that day or at a later date. The record reflects that the parties discussed what would transpire at the hearing during a telephone conference, that the court summarized what had been decided during that conference, and that the parties had agreed that no evidentiary hearing was necessary. Under these circumstances, we cannot say that the district court erred in not conducting an evidentiary hearing before entering the permanent protective order.

¶15 Furthermore, Husband overlooks his subsequent arrest and Wife's Motion to Amend Protective Order. Here, Wife provided uncontroverted evidence of Husband's arrest in the form of a police report and her affidavit submitted in conjunction with her motion to modify the protective order. Indeed, at the hearing before the district court, Husband conceded that he had been charged in connection with the event. See generally Utah Code Ann. § 78B-7-109(1) ("At any hearing in a proceeding to obtain an order for protection, each party has a duty to inform the court

of . . . each criminal case involving either party . . . ."). The court, therefore, was in a position to consider Husband's arrest. See generally id. § 78B-7-106(1)(b) ("If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic violence or abuse has occurred or a modification of an order for protection is required, a court may . . . upon notice, issue an order for protection or modify an order after a hearing . . . ."). Accordingly, the district court did not err in rejecting Husband's objections to the protective order becoming permanent and in modifying the order to allow correspondence regarding the children via text message only.[5]

CONCLUSION

¶16 The district court had sufficient evidence to support the entry of a permanent protective order against Husband and to modify it following Husband's arrest for violation of that order. Further, where Husband participated in a telephone conference during which the parties agreed to proceed without an evidentiary hearing and Husband failed to challenge the district court's decision to consider Husband's objections to the entry and modification of the permanent protective order without such an evidentiary hearing, he has waived his right to challenge the district court's order on the basis that it was issued without first holding an evidentiary hearing. Affirmed.

Carolyn B. McHugh, Judge

¶17 WE CONCUR:

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

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5. Husband also argues that Wife's description of a statement made by the couple's son was inadmissible hearsay. Because we affirm the district court on the grounds stated in our decision, we need not address this argument.

Budget Amendment Proposal
2013-2014 Fiscal Year

General Fund

Item #	Item	Account Number	Source	Use
1	Sales Taxes	10-3130-000	$16,000	
	Prosecutor Contract - One Month	10-47-313-02		$16,000
2	Sales Taxes	10-3130-000	$28,200	
	Admin Salaries-Human Resources Reorg.	10-41-110-00		$11,000
	Admin Benefits-Human Resources Reorg.	10-41-150-00		$17,200
				$0
	General Fund Budget Increase (non-grants)		**$44,200**	**$44,200**
	Add: Grant Amendments		**$0**	**$0**
	Total General Fund Increase		**$44,200**	**$44,200**

Budget Amendment Proposal
2013-2014 Fiscal Year

Capital Fund

Item			Source	Use
3	Appropriation From Fund Balance	40-3890-000	$120,000	
	Central Park/PAL Improvements	40-80-723-00		$120,000
4	Federal Grants - CDBG	40-3319-000	$51,000	
	Central Park/PAL Improvements - CDBG	40-80-723-01		$51,000
5	Appropriation From Fund Balance	40-3890-000	$100,000	
	Transfer to Ambulance Services Fund	40-95-935-00		$100,000
	Sub Total		**$271,000**	**$271,000**

Budget Amendment Proposal
2013-2014 Fiscal Year

Ambulance Services Fund

Item	Remodel Projects		Source	Use
6	Transfer from Capital Improvements Fund	54-95-970-00	$100,000	
	Proceeds from Transfer	54-3780-000		$100,000

(3)(4)

CITY OF SOUTH SALT LAKE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING JUNE 30, 2013

2012-13

CAPITAL IMPROVEMENTS FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CAPITAL EXPENDITURES					
40-80-701-01	GRANITE PROPERTY-PURCHASE	.00	182,772.65	359,000.00	176,227.35	50.9
40-80-701-06	GRANITE MAINT-UTILITIES	.00	121,153.07	56,000.00	(65,153.07)	216.3
40-80-701-07	GRANITE MAINT-BUILDINGS	.00	8,323.61	7,000.00	(1,323.61)	118.9
40-80-704-00	PARK IMPROVEMENTS	.00	9,007.23	10,000.00	992.77	90.1
40-80-704-01	PARK/RECREATION LAND PURCHASE	.00	12,635.00	75,000.00	62,365.00	16.9
40-80-704-02	PARKS IMPROVE-IRRIGATION	.00	450.00	.00	(450.00)	.0
40-80-715-00	POLICE STATION	.00	8,450.00	10,000.00	1,550.00	84.5
40-80-716-00	FIRE STATION IMPROVEMENTS	.00	8,705.00	10,000.00	1,295.00	87.1
40-80-722-00	PIONEER CRAFT HOUSE	.00	128,868.36	115,000.00	(13,868.36)	112.1
40-80-723-00	WILSON FACILITY IMPROVEMENTS	.00	111,801.88	450,000.00	338,198.12	24.8
40-80-723-01	WILSON FACILITY IMPROVE - CDBG Reversed OUT IN FY 2013	(89,704.80)	37,843.55	150,000.00	112,156.45	25.2
40-80-726-00	ANIMAL SHELTER BUILDING	.00	4,465.27	5,000.00	534.73	89.3
40-80-727-00	COLUMBUS CENTER IMPROVEMENTS	.00	162,139.14	131,000.00	(31,139.14)	123.8
40-80-728-00	STREET LIGHTING	.00	431,524.79	380,000.00	(51,524.79)	113.6
40-80-730-00	SAFE SIDEWALKS	.00	61,787.53	60,000.00	(1,787.53)	103.0
40-80-731-00	MISCELLANEOUS STORM DRAINS	.00	.00	75,000.00	75,000.00	.0
40-80-732-00	TREE TRIMMING	.00	14,345.00	20,000.00	5,655.00	71.7
40-80-738-00	STREETCAR PROJECT	478,373.57	4,072,751.62	5,859,500.00	1,786,748.38	69.5
40-80-740-00	GATEWAY IMPROVEMENTS	.00	61,762.06	85,000.00	23,237.94	72.7
40-80-742-02	ROAD PROJECTS 2011-12	.00	239,062.68	190,500.00	(48,562.68)	125.5
40-80-750-00	POLICE EQUIPMENT	.00	135,799.73	138,000.00	2,200.27	98.4
40-80-751-00	POLICE VEHICLES	.00	179,217.15	193,000.00	13,782.85	92.9
40-80-752-00	POLICE GRANT EXPENDITURE	.00	3,126.98	10,000.00	6,873.02	31.3
40-80-752-02	POLICE BLOCK GRANT EXPENDITURE	.00	34,983.88	35,000.00	16.12	100.0
40-80-754-00	RADIOS	.00	129,968.02	130,000.00	31.98	100.0
40-80-754-01	RADIOS FOR STREET DEPARTMENT	.00	12,759.48	12,200.00	(559.48)	104.6
40-80-755-00	COMPUTER HARDWARE	.00	210,521.27	207,000.00	(3,521.27)	101.7
40-80-755-01	POLICE HARDWARE	.00	67,961.90	70,000.00	2,038.10	97.1
40-80-756-00	COMPUTER SOFTWARE	.00	75,481.61	93,000.00	17,518.39	81.2
40-80-757-00	FIRE EQUIPMENT	.00	3,699.00	4,000.00	301.00	92.5
40-80-757-05	FIRE VEHICLE	.00	138,876.22	143,000.00	4,123.78	97.1
40-80-758-00	FURNITURE/EQUIPMENT	.00	15,782.00	13,000.00	(2,782.00)	121.4
40-80-759-00	PUBLIC WORKS VEHICLES	.00	85,193.51	132,000.00	46,806.49	64.5
40-80-761-00	PUBLIC WORKS EQUIPMENT	.00	62,114.90	68,000.00	5,885.10	91.4
40-80-766-00	PHONE SYSTEM & VOICE MAIL	.00	58,958.58	60,000.00	1,041.42	98.3
40-80-798-00	EOC - SUPPLIES/EQUIPMENT	.00	20,456.69	20,000.00	(456.69)	102.3
40-80-800-00	LOSS ON SALE OF PROP-GRANITE	.00	.00	133,000.00	133,000.00	.0
	TOTAL CAPITAL EXPENDITURES	388,668.77	6,912,749.36	9,509,200.00	2,596,450.64	72.7
	TRANSFERS					
40-95-925-00	TRANSFER TO LEASED EQUIP FUND	.00	109,990.60	110,000.00	9.40	100.0
40-95-935-00	TRANSFER TO AMBULANCE FUND	65,000.00	343,100.00	250,000.00	(93,100.00)	137.2
	TOTAL TRANSFERS	65,000.00	453,090.60	360,000.00	(93,090.60)	125.9

4

Schedule of CDBG Expenditures
PAL Center/Central Park

Total CDBG Allocation For Project	$303,000.00
Reimbursement for FY 2013 Actual Expenditures	($38,226.60)
Reimbursement for FY 2014 Estimated Expenditures (through 4/30/14)	($233,911.13)
CDBG Allocation Available For Project FY 2015	$30,862.27

5

Ambulance Service Collection Rate
Fiscal Year 2013 - 2014

Weeks in Calculation
47

	Week Ending	Gross Billings	Contractual Reductions	Net Billings	Collections	Gross Rate	Net Rate	Bad Debt	Collection Fees
1	Jul 5	$62,614.38	($9,726.89)	$52,887.49	$7,404.20	11.8%	14.0%	$24,115.55	$652.08
2	Jul 12	72,327.53	(32,234.72)	40,092.81	13,900.57	19.2%	34.7%	35,085.87	1,008.22
3	Jul 19	59,152.18	(7,672.05)	51,480.13	7,680.21	13.0%	14.9%	29,095.90	581.75
4	Jul 26	48,875.44	(24,776.95)	24,098.49	9,798.78	20.0%	40.7%	8,923.52	692.34
5	Aug 02	49,744.67	(17,465.22)	32,279.45	32,992.20	66.3%	102.2%	24,927.57	2,426.71
6	Aug 9	63,172.56	(2,603.35)	60,569.21	4,344.38	6.9%	7.2%	(1,383.30)	308.83
7	Aug 16	45,436.75	(13,726.07)	31,710.68	10,108.66	22.2%	31.9%	5,731.31	744.60
8	Aug 23	55,575.59	(16,661.20)	38,914.39	11,138.52	20.0%	28.6%	0.00	782.36
9	Aug 30	75,183.40	1,947.74	77,131.14	56,784.07	75.5%	73.6%	9,607.35	4,124.89
10	Sep 6	44,299.34	(15,594.03)	28,705.31	2,671.08	6.0%	9.3%	52,880.68	284.09
11	Sep 13	60,352.63	(5,537.16)	54,815.47	5,989.46	9.9%	10.9%	13,971.14	437.33
12	Sep 20	60,997.40	(15,540.89)	45,456.51	10,549.89	17.3%	23.2%	19,420.88	794.90
13	Sep 27	56,189.06	(30,482.56)	25,706.50	8,353.74	14.9%	32.5%	13,345.56	643.88
14	Oct 4	74,485.86	(14,632.66)	59,853.20	24,643.47	33.1%	41.2%	47,177.69	1,694.19
15	Oct 11	51,268.32	(27,446.99)	23,821.33	11,321.74	22.1%	47.5%	29,680.29	819.82
16	Oct 18	37,796.03	(31,147.72)	6,648.31	30,520.37	80.8%	459.1%	17,891.79	2,145.87
17	Oct 25	52,204.30	(13,738.35)	38,465.95	11,558.81	22.1%	30.0%	2,635.57	867.56
18	Nov 1	70,334.59	(152,888.27)	(82,553.68)	45,831.97	65.2%	-55.5%	18,411.18	3,227.77
19	Nov 8	67,297.60	(29,625.70)	37,671.90	29,669.53	44.1%	78.8%	15,473.81	2,081.48
20	Nov 15	47,926.86	(69,441.48)	(21,514.62)	27,934.68	58.3%	-129.8%	33,412.26	1,959.87
21	Nov 22	40,275.39	(32,352.71)	7,922.68	16,750.67	41.6%	211.4%	1,182.99	1,399.98
22	Nov 29	52,688.92	(24,128.82)	28,560.10	28,957.52	55.0%	101.4%	20.00	2,049.97
23	Dec 6	40,997.39	(23,548.07)	17,449.32	13,296.28	32.4%	76.2%	23,093.50	962.67
24	Dec 13	79,262.33	(30,236.27)	49,026.06	17,955.35	22.7%	36.6%	42,959.31	1,275.17
25	Dec 20	57,561.57	(20,621.68)	36,939.89	26,555.78	46.1%	71.9%	21,655.54	1,866.95
26	Dec 27	72,524.83	(27,563.27)	44,961.56	9,324.58	12.9%	20.7%	0.00	664.89
27	Jan 3	49,977.54	(23,721.25)	26,256.29	16,632.99	33.3%	63.3%	0.00	1,174.68
28	Jan 10	48,970.80	(23,400.49)	25,570.31	15,270.36	31.2%	59.7%	28,340.72	1,095.24
29	Jan 17	56,071.80	(8,944.47)	47,127.33	5,190.40	9.3%	11.0%	(17,151.93)	400.29
30	Jan 24	52,118.56	(19,105.87)	33,012.69	18,753.50	36.0%	56.8%	15,644.04	1,383.55
31	Jan 31	52,645.53	(30,860.07)	21,785.46	11,689.42	22.2%	53.7%	20,123.67	824.65
32	Feb 7	58,029.35	(26,665.78)	31,363.57	23,200.45	40.0%	74.0%	37,093.76	1,667.39
33	Feb 14	63,541.08	(25,121.39)	38,419.69	15,292.50	24.1%	39.8%	4,512.47	1,108.51
34	Feb 21	47,212.31	(31,945.96)	15,266.35	27,667.15	58.6%	181.2%	5,616.20	1,983.03
35	Feb 28	56,312.42	(15,100.04)	41,212.38	9,518.82	16.9%	23.1%	51,145.81	736.50
36	Mar 7	61,865.14	(35,005.08)	26,860.06	18,528.44	29.9%	69.0%	518.55	1,481.37
37	Mar 14	53,520.27	(7,435.60)	46,084.67	6,868.60	12.8%	14.9%	42,227.98	504.05
38	Mar 21	54,780.98	(22,430.31)	32,350.67	20,243.20	37.0%	62.6%	7,308.95	1,428.56
39	Mar 28	71,292.87	(38,909.03)	32,383.84	11,659.07	16.4%	36.0%	13,349.37	838.57
40	Apr 4	53,878.35	(16,829.49)	37,048.86	6,781.22	12.6%	18.3%	29,479.22	491.20
41	Apr 11	58,293.56	(43,787.15)	14,506.41	8,234.46	14.1%	56.8%	3,594.87	582.09
42	Apr 18	62,177.71	(26,911.59)	35,266.12	12,066.36	19.4%	34.2%	39,370.50	858.99
43	Apr 25	68,680.97	(19,178.81)	49,502.16	13,552.64	19.7%	27.4%	48,588.54	956.49
44	May 2	48,120.67	(33,795.66)	14,325.01	31,449.67	65.4%	219.5%	8,424.47	2,238.59
45	May 9	63,387.48	(9,893.48)	53,494.00	14,004.59	22.1%	26.2%	11,510.70	1,068.49
46	May 16	68,665.11	(29,516.10)	39,149.01	40,355.10	58.8%	103.1%	13,119.17	2,860.88
47	May 23	64,324.46	(19,236.72)	45,087.74	11,340.77	17.6%	25.2%	6,510.12	870.37
48									
49									
50									
51									
52									
	Totals	$2,712,411.88	($1,195,239.68)	$1,517,172.20	$814,336.22			$858,643.14	$59,051.66
	Avg Weekly	$57,710.89	($25,430.63)	$32,280.26	$17,326.30			$18,269.00	$1,256.42
	Annualized	$3,000,966.34	($1,322,392.84)	$1,678,573.50	$900,967.73			$949,988.15	$65,333.75

Gross Collection Rate	30.0%
Net Collection Rate	53.7%

Actual Bad Debt Collections	$29,237.84

Estimated Annual Loss	($239,794.43)
(Based on budgeted expenditures, actual may be less)	
2014 Estimated Expenditures	$1,170,000.00

Collection Fee Percentage	7.252%

RESOLUTION NO. R2014-08
ADOPTING AMENDMENTS TO THE BUDGET
FOR FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, Section 10-6-128, Utah Code Annotated 1953, as amended, requires the City Council to adopt amendments to the budgets for the fiscal year by resolution; and

WHEREAS, the City Council has prepared said amendments and has submitted the same for public review and hearing; and

WHEREAS, the amendments conform to the requirements of the Utah Uniform Fiscal Procedures Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH SALT LAKE AS FOLLOWS:

That the document entitled:

"CITY OF SOUTH SALT LAKE, SOUTH SALT LAKE, UTAH
AMENDMENTS TO THE BUDGET FOR FISCAL YEAR
ENDING JUNE 30, 2014"

with **additions** to the individual fund budgets therein in the following amounts:

		Total New Budget Amount
General Fund	$ 44,200	$ 25,077,179
Capital Improvement Fund	271,000	8,234,606
Ambulance Service Fund	100,000	1,270,000

be and is hereby, adopted effective this 11th day of June, 2014.

BY THE CITY COUNCIL:

Irvin H. Jones, Jr., Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

CITY OF SOUTH SALT LAKE
CORPORATE
Seal
SALT LAKE COUNTY, UTAH

Office of the City Attorney
City of South Salt Lake
220 E. Morris Ave., Suite 200
South Salt Lake City, Utah 84115
Phone: (801) 483-6070

MEMORANDUM

TO: City Council

FROM: Paul Roberts, Deputy City Attorney

DATE: April 24, 2014

RE: Study pursuant to Utah Code Ann. §10-8-2(3)(e) related to a grant to the Community Development Corporation of Utah for an Idea House at 2112 South Roberta Street

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The Community Development Corporation of Utah ("CDCU") has proposed the establishment of a program whereby it purchases abandoned or distressed homes pursuant to a HUD program, renovates the home, and then sells the home to a qualified home-buyer. In order to complete this task, they have requested South Salt Lake City's partnership in funding the project. The 2112 Roberta home will serve as a "test case" for a potentially expanded program which would include other neighborhoods in the city. This study will analyze the potential benefits associated with this project, so that the Council can make a decision on whether to participate in this particular project.

APPLICABILITY OF SECTION 10-8-2

The City's participation in this particular project is projected to be $24,058.00 or a lower amount, depending upon actual expenses.[1] None of this would be directly recaptured by the City. However, the project will convert a dilapidated and currently vacant home into an attractive single family home with an owner occupying the property. HUD requires purchasers

of these properties to remain in the home for at least three years; otherwise the owner will be required to reimburse HUD the benefit the owner received.[2] A qualified purchaser will pay fair market value for the renovated home.

The use of federal funds, such as CDBG or other grant funds, could be applied to this use without performing a 10-8-2 study. However, the funding source of this particular project has been identified as those funds which the City recently received through participation in the CROWN program a number of years ago, which was received into the City's General Fund. These funds were allocated in FY 2013-14 for Housing purposes in the current budget. However, considering the use of funds in this case amounts to a grant, an appropriation of general funds will only be lawful if the Council finds that the expenditure provides for the "safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality."[3] Prior to making such a determination, the Council must receive a study which weighs the potential benefits, including intangible benefits, to the City. If a study is performed, and the City Council makes such a determination, then that decision is presumed valid.[4]

ANALYSIS

This study will address the following:

1. An identification of the benefit which the city will receive from the appropriation;
2. The city's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the city; and
3. Whether the appropriation is necessary and appropriate to accomplish the goals and objectives of the municipality in the areas of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.[5]

The Council must also consider whether the value anticipated to be received by the appropriation is fair consideration for the city's investment.[6]

1. **Benefit received.**

The house on 2112 South Roberta[7] sits vacant. Its garage is enclosed with plywood, and the City has repeatedly encountered difficulties with the property's vegetation management.[8] The property has been vacant for some time; it became bank-owned in 2011, and was acquired earlier this year by CDCU. The building is also derelict. This program is not unique; the city has identified dozens of vacant buildings in varying states of disrepair. In order to put this problem into context, I will address the wider implications of vacant buildings on a community.

The Economic Problems Contributing to Abandonment and Vacancy

Building vacancy and dilapidation arise from numerous causes. In some cities, depopulation has been the driving factor, as higher-income individuals leave areas, with lower-income individuals taking their place, often in a rental capacity. The low income residents do not have the ability to pay high enough rents for landlords to profitably maintain the properties,[9] resulting in poorer management of the units.[10] The problem is also present with owner-occupied homes. Eventually, the cost to renovate or rehabilitate a property outweighs the tax and mortgage liabilities, and the owner no longer has any incentive to invest in the property. In many cases, this leads to disinvestment or abandonment.[11] The only way to prevent increasing levels of abandonment is to keep the level of rehabilitation above the level of degradation.

There are multiple strategies available to combat this phenomenon. First, one may put faith in the market to correct the problem. This strategy involves no capital investment by the government, but has not proven effective in other cities. Legitimate investors will not purchase a home for more than its reasonable value and make the necessary upgrades in order to make the home a viable asset.[12] Additionally, the availability of new – or at least inhabitable – housing

stock both within and without the city makes such a strategy ineffective. In the meantime, the neighborhood suffers from the adverse effects of the vacant home, pulling down housing values generally and making it less likely that any investment in the home will result in a profit for a developer. Nor would such a project be a likely source of funding from a private source for a homebuyer. A major source of investors at that point are "flippers," meaning those who purchase the home, make cosmetic upgrades so that the building appears to have been updated, and then "flipping" the property at an inflated price based upon false appraisals.[13]

Another potential solution is to assess fines and fees related to abandonment, and seek foreclosure as a remedy. The city could step into the shoes of a landlord. However, this has also proven ineffective in other cases. For instance, in New York in the 1970s and 1980s, increased costs and operating expenses led to defaults in tax payments, resulting in the city pursuing *in rem* foreclosure (the city taking possession of the building and maintaining rental agreements with the residents).[14] As the properties had been abandoned, and the city was the only party willing to take on the properties for the protection of its citizens, it became landlord to thousands of residents. The city at one point owned over 5,000 buildings, and had become, as one newspaper editorial put it, "'the biggest slumlord in the state.'"[15] The cost of maintaining these buildings over the course of several decades exceeded $10 billion.[16] Ultimately, the city adopted a strategy of partnering with for-profit and non-profit entities to rehabilitate residential properties.

A third possibility is that government may use public funds to leverage private investment in the community, with criteria which lead to higher levels of home-ownership and owner-occupied housing. Housing in South Salt Lake, whether multi-family or single-family, is reaching the age where additional attention is needed to keep it in habitable condition.[17] The City of South Salt Lake has a substantially lower median income than the State or County.[18]

This naturally follows from the existence of aging and run-down housing – such housing attracts lower rents, and lower-income families locate within the city, resulting in higher demands on public services. Without a program to attract middle-class families and lift up residents out of poverty, it is likely that the trend of dilapidation and vacancy will rise, as will the concentration of poverty in the city. While such programs require a capital investment from the community, they can produce lasting effects for the neighborhood, if properly managed.

Nuisances – Current City strategies

Vacant and dilapidated buildings have been declared to be attractive nuisances by this Council on previous occasions. City code warns of the danger of such buildings "deteriorating into havens for crime and vagrancy to the degree that a nuisance is created, ruining the safe, peaceful and quiet enjoyment of neighboring properties."[19] Additionally, the detrimental effect to neighborhoods and property values due to abandoned and vacant homes is well documented.[20] In addition to becoming an eyesore for the community, vacant and abandoned buildings become attractive nuisances, increasing the danger of criminal activity and fire.[21] Vacant buildings are more frequently targeted by arsonists and represent a unique danger to firefighters entering the premises to rescue trespassers.[22]

The City of South Salt Lake has taken steps to abate vacant and abandoned buildings, including the creation of the Securing of Vacant Buildings and Properties Ordinance.[23] This ordinance has served as a tool to identify and track vacant buildings so that the city will know when those buildings have been accessed unlawfully. Ultimately, the result of the ordinance will be a boarded building, or a building which has been rehabilitated by the property owner. This has proven effective on many occasions. When that ordinance fails, the city has relied upon the Uniform Code for the Abatement of Dangerous Buildings.[24] The remedies under this code

include court-ordered demolition,[25] which can be carried out by the property owner, but which usually falls to the city. However, the cost of demolition varies widely,[26] and city resources are limited.[27] For purposes of demolition, staff must select buildings which represent the highest public safety concerns and leave other vacant homes for another day.

It is hoped that the city can focus its efforts away from demolishing dilapidated properties and instead invest in the community to prevent a vacant home from becoming a long-term nuisance to the community.

Concerns with Demolishing Properties

Demolishing a building – while having the immediate positive effect of removing a serious health and safety problem – is not necessarily the best solution. One analyst posited that "[v]acant lots can become dumping grounds for waste, harbor rats and other vermin, and be the site of illegal activities."[28] He argues that rehabilitating a property has a greater positive impact on property values than does the demolition of a dilapidated home.[29] Indeed, this was the experience in Baltimore, when it aggressively pursued demolition in the 1990s, resulting in gaps in row house blocks, "trash-dumping, drug-related activities, and rat infestation."[30] Neighbors may initially be thrilled with the removal of one public safety concern, only to have additional concerns arise regarding vegetation management and unsightliness.

Benefit of Proposed Program

The benefit provided by the CDCU program is the rehabilitation of a dilapidated home, replacing it with a habitable, owner-occupied one.

2. City's Purpose for Appropriation

As discussed previously, vacant and distressed properties have a pervasive negative effect on the neighborhood in which they are located. The purpose of residential rehabilitation

programs in general is to prevent the decay of the neighborhood due to crime, falling property values, and blight.[31] The presence of an owner-occupied single-family home can improve the aesthetics of the neighborhood, provide additional eyes on the street, remove a potential spot for criminal conduct, and plant a stakeholder in the community where there was once a void. This will, in turn, lead to the greater safety, health and comfort of the community surrounding the home.

3. Necessity & Propriety of Appropriation

In order to appropriate these funds, the Council must determine whether the appropriation is necessary and appropriate to accomplish the goals and objectives of the municipality in the areas of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose. It need not be demonstrated that the expenditure is the best or most appropriate use of funds; that decision is left to the discretion of the Council. In this case, the expenditure will help accomplish the goals identified in the city's General Plan: "Vacant housing could be rehabbed into moderate-income housing. Vacant housing can also be a resource to increase homeownership in the city, which has been a goal for many years in South Salt Lake."[32] The plan also called for capital investment by the city: "Through capital planning South Salt Lake City could allocate funds for implementation of the housing plan. The priority will be the acquisition of real property[,] especially vacant undeveloped land, foreclosed properties and abandoned housing at lower than market prices."[33]

The type of program being analyzed in this study is of the type contemplated by the City Council, after substantial input from citizens. Thus, the appropriation of some capital in the acquisition and rehabilitation of homes would be an appropriate use of general funds. Such

expenditure will help eliminate blight, provide affordable housing, preserve property, and combat crime.

4. **Fair Market Value**

The amount requested by CDCU in this case is $24,058. The Council must determine whether the expected return will result in a value equal to or greater than that amount. The analysis is not limited to dollars received by the city, however. The legislature has specifically permitted the city to "consider intangible benefits received by the municipality."[34] As this appropriation will be non-recoverable, the majority of benefit which will be reaped by the city will be intangible.

This study has already detailed the problems associated with vacant and dilapidated properties generally. They pose an increased demand on police and code enforcement, are more likely to catch fire, and detract from the community. Additionally, according to research conducted in Philadelphia, housing in close proximity to a vacant home was adversely affected in property value, with a higher negative effect for those in closest proximity to the dilapidated property.[35] Indeed, homes located within 150 feet of abandoned houses were negatively impacted in sales price by a loss of over $7,600 per home.[36] While these numbers are not necessarily transferrable to our city, similar conditions may well be applicable. Immediate neighbors, blocks and neighborhoods all feel the negative effects of abandoned houses. This discourages investment by middle-class families, who wish to see their home values enhanced by the neighborhood, not stifled by it. In this particular case, at least 11 single family homes are within 150 feet of the project home, as is one duplex and a business. Nearly three blocks of mostly single-family homes in South Salt Lake are within 500 feet of the project house.

Enhancing the property values of the community bestows an intangible benefit upon the residents of the city.

The costs associated with police and fire calls was documented in a previous study.[37] Police calls cost city taxpayers in 2011, on average, $134 per call; fire calls cost $616 per call. A code enforcement case, while less costly than a police call, requires city resources. Responding to a larger fire incident has a larger impact on city budget. Anecdotally, once a property has been identified as abandoned, it becomes a target for further vandalism and trespassing. These trespassers may light warming fires which can quickly spread, and which are not always promptly reported to authorities. At least two such fires have occurred at abandoned homes within South Salt Lake in recent memory. While these incidents have not yet occurred at the project home's address, it remains a possibility that this home could fall victim to such a predicament. This home will be receiving early intervention in its vacancy, thereby obviating the need for the city to expend these resources. Additionally, if the property eventually falls into sufficient disrepair, the city may be required to demolish the property, leading to additional cost to the city – approximately $5,000 – and resulting in a less-favorable result: a vacant field.

As mentioned previously, the program requires a purchaser to remain in the location for at least three years before the home may be sold without the homeowner reimbursing HUD for the cost of the subsidy. Assuming the purchaser complies with this requirement, the city will also have gained a long-term resident who may lay down roots in our community. And unlike some subsidized housing projects, the home-buyer will have purchased the home for fair market value, removing the incentive for the owner to capture the value of the subsidy by selling the property at the first opportunity. Locating a viable, property-tax paying home at the location, in combination with potential sales tax expenditures within the city, also represents a benefit to the

city which is difficult to quantify. The additional set of eyes on the street and in the community can lead to crime reduction.

An additional consideration is the significant cost savings which the city can capture by partnering with CDCU, rather than undergoing a project of this nature itself. By leveraging the city's contribution with the federal subsidy and CDCU's experience and legwork, the city obtains the benefits already described with a smaller infusion of city funds. The cost to acquire the property would have been far greater than the requested amount, and the city would also shoulder the risk associated with the rehabilitation and resale of the home, as well as the costs of program administration. This program places the risk and work on CDCU. The track record on loan default by loans managed by CDCU demonstrates that they are effective in educating and assisting first-time home buyers in managing resources and making their payments. Additionally, the city's participation in such a program would likely draw from the limited pool of CDBG funds. By using recently received CROWN funds for this project, the city is free to use those federal funds in other areas, such as blight prevention and improving eligible properties through its community connection program. Its participation in the HUD program utilizes another source of federal funding which would not otherwise be accessible for the community. If this test case is successful, additional funding sources will need to be identified after all CROWN receipts have been expended.

CONCLUSION

The consideration of tangible and intangible benefits to the city with respect to this particular project supports a Council determination that this particular project is an appropriate investment of public funds. It will enrich the community and remove blight from the

neighborhood. Although the city will not recapture its investment through cash payments or reimbursement, the community will receive numerous intangible benefits and the city will save resources in the realm of police, fire and code enforcement response.

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[1] *See* Project and Construction Budget Estimates, attached as Exhibit A.
[2] *See* http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/reo/abtrevt . Under the program, an ACA (Asset Control Area) participant, such as CDCU, may purchase a house within revitalization census tract block groups in which FHA foreclosures would be eligible for the program. The participant receives a 50% discount from current appraised value, and uses that discount to rehabilitate the home. Unlike some HUD programs, like Good Neighbor Next Door, the rehabilitated homes are sold at fair market value. However, the home must be sold to an eligible buyer, who has a household income at or below 115% of the area median income. As an exception, police officers, emergency responders, and school teachers receive the chance to acquire the home first, and are not required to meet the eligibility income requirement. The purpose of this program is to stabilize a neighborhood, rather than depress home values, so buyers do not receive a discount on the home.
[3] Utah Code Ann. § 10-8-2(3).
[4] *Id.* § 10-8-2(3)(b).
[5] *Id.* § 10-8-2(3)(e).
[6] *Price Dev. Co. v. Orem City,* 2000 UT 26, ¶ 26, 995 P.2d 1237.
[7] *See* Photographs, attached as Exhibit B.
[8] A review of reports at that location revealed that five separate weed violation complaints had been investigated and resolved by SSL Code Enforcement between 2009 and 2013.
[9] *See* U.S. Dep't of Housing and Urban Dev., *Barriers to the Rehabilitation of Affordable Housing, Volume I: Finding and Analysis*, 4-5 (May 2001) (hereinafter "*Barriers to Rehab*") (noting that the national need for residential building rehabilitation is approximately $623 billion, while $227 billion of that amount is unaffordable without some kind of subsidy); *see also* Wood et al., *South Salt Lake: Fair Housing Equity Assessment*, Bureau of Economic and Business Research, 44 (April 2013) (draft of final study available upon request to author) (explaining that high rates of foreclosure and turnover among South Salt Lake's disadvantaged reduces the value of homes, "acting in a vicious cycle that could devalue the homes in South Salt Lake").
[10] James R. Cohen, *Abandoned Housing: Exploring Lessons from Baltimore*, Housing Policy Debate, Vol. 12, 417 (Fannie Mae Foundation 2001) (hereinafter "*Abandoned Housing*"); Christopher J. Allred, *Breaking the Cycle of Abandonment: Using a Tax Enforcement Tool to Return Distressed Properties to Sound Private Ownership*, Article, Better Government Competition No. 10, Pioneer Institute for Public Policy Research, 1 (2000) (hereinafter "*Breaking the Cycle*").
[11] Scafidi et al, *An Economic Analysis of Housing Abandonment*, Journal of Housing Economics 7, 287-89 (1998).
[12] If a home which has $100,000 of outstanding debt, but is worth only $40,000 due to dilapidation, then it will take a major investment (acquisition costs and rehabilitation costs) and rebound in the housing market to make such a home viable in the absence of a government incentive.
[13] Cohen, *Abandoned Housing*, at 33-34.
[14] Allred, *Breaking the Cycle*, at 2.
[15] *Id.* at 2.
[16] *Id.* at 3.
[17] According to the U.S. Census Bureau, an estimated 70% of South Salt Lake housing structures were built before 1980. U. S. Census Bureau, *Selected Housing Characteristics, 2008-2012 American Community Survey 5-Year Estimates* (available online at http://www.census.gov); *see also Barriers to Rehab*, at 20.
[18] The median household income for South Salt Lake residents is $36,345, while the State of Utah's is $58,164, and Salt Lake County's is $59,626. U. S. Census Bureau, *State & County QuickFacts* (South Salt Lake City & Salt Lake County) (available online at http://www.census.gov).
[19] SSL Ord. § 8.44.010.
[20] *See generally* Andrew Downs, *The Effects of the Demolition of Vacant and Abandoned Houses on Adjoining Property Conditions and Assessed Values*, Indiana Journal of Political Science, Vol. 13, 27-38 (2009/2010); Scafidi,

at 287-303; Joseph Schilling, *Code Enforcement and Community Stabilization: The Forgotten First Responders to Vacant and Foreclosed Homes*, 2 Alb. Gov't L. Rev., 101- 163 (2009).

[21] Schilling, *supra*, at 110-11; U.S. Fire Administration, *Vacant Residential Building Fires*, Topical Fire Report Series, Vol. 11, 1 (August 2010); Marty Ahrens, *Vacant Building Fires*, National Fire Prevention Association (April 2009).

[22] *Vacant Residential Building Fires*, *supra* at 1.

[23] SSL Ord. § 8.44.010 et seq.

[24] Adopted by reference by SSL Ord. § 15.08.090.

[25] The code provides an opportunity for the owner to rehabilitate the property, but the owner's failure to do so leads to the default position of city-sponsored demolition.

[26] Demolition of a single family home without asbestos concerns will be in the range of $5,000.00. A lien is placed on the property, but normally takes at least five years to recoup, if it is paid at all. The demolition of a commercial, burnt-out building last year cost over $25,000.00 due to asbestos remediation and challenges associated with the site.

[27] The Council generally appropriates about $15,000 each year for abatement, which covers all abatement efforts, including demolition, inoperable vehicle removal, weed abatement, graffiti removal, and other nuisances to the community. This fund is replenished by liens for previous abatement actions in part, but is often supplemented by the general fund.

[28] Downs, at 29.

[29] *Id.*

[30] *See generally* Cohen, *Abandoned Housing*.

[31] *See generally*, National Vacant Properties Campaign, *Vacant Properties: The True Costs to Communities* (August 2005) (available online at http://www.smartgrowthamerica.org/documents/true-costs.pdf).

[32] City of South Salt Lake, General Plan, 133 (adopted December 2009).

[33] *Id.* at 152.

[34] Utah Code Ann. § 10-8-2(3)(c).

[35] Temple University Center for Public Policy and Eastern Pennsylvania Organizing Project, *Blight Free Philadelphia: A Public-Private Strategy to Create and Enhance Neighborhood Value*, 33 (Oct. 2001) (available online at http://astro.temple.edu/~ashlay/blight.pdf).

[36] *Id.* Homes within 300 feet suffered a loss of $6,819 in sales, and homes within 500 feet suffered a reduction of $3,500.

[37] South Salt Lake, *Business License and Residential Rental License Fee Study*, 20 (June 2011) (study conducted by Lewis, Young, Robertson & Burningham).

EXHIBIT A

Project Budget

South Salt Lake Idea House

2112 S Roberta St

19-Feb-14

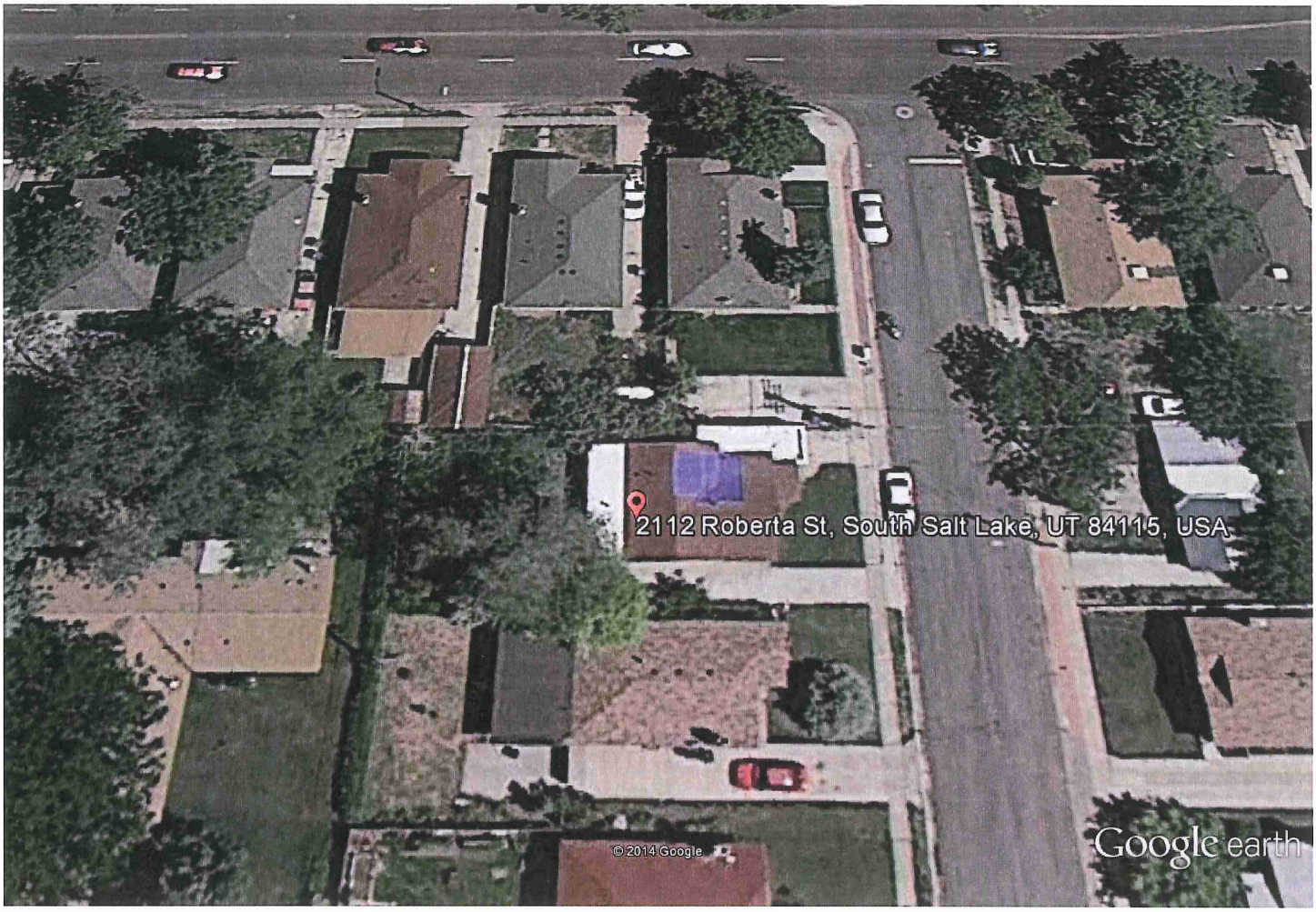
Projected Sales Price	$ 130,000	
Acquisition Price	115,000	
CDCU discount	(57,500)	*
Acquisition Closing Costs	1,358	
Rehab - Contractor	74,200	
Contingency	5,000	
Lead remediation grant - Salt Lake County (est)	(2,500)	
GHHI grant - Salt Lake County (est)	(4,000)	
Signage/ outreach	700	
Holding Costs	1,800	
Resale Closing Costs	2,200	
Sales Commissions	7,800	
Project Delivery	10,000	
Total Costs	$ 154,058	
Projected South Salt Lake Investment	$ (24,058)	

* CDCU is passing on to SSL the discount it receives from HUD on the purchase of homes under its ACA contract. The effective purchase price of the property is $57,500.

Construction Budget
2112 S Roberta St
2/19/2014

Category	Amount
Contractor Costs	
General conditions	$ 1,500
Crawl space	3,200
Demolition	3,000
Structure	4,500
Concrete/ masonry	4,000
Roof/ eaves/ gutters	2,500
Window/ exterior doors	6,000
Exterior siding	6,500
Electrical	3,500
HVAC	6,500
Plumbing	3,200
Kitchen	4,500
Bathroom	1,500
Interiors	4,200
Floors	3,500
Fence/ yard	4,000
	62,100
Termite treatment/ other environmental- energy use review/ faulty sewer or water lateral, as needed	4,000
Remove garage/ replace entire roof per SSL City approval	8,100
Total Contractor	74,200

EXHIBIT B



Google earth

feet 100
meters 30

2013 Image

Google earth

feet 10
meters 3

2011 Image

ORDINANCE NO. 2014-13

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL APPROVING A GRANT TO COMMUNITY DEVELOPMENT CORPORATION OF UTAH FOR AN IDEA HOUSE AT 2112 SOUTH ROBERTA STREET

WHEREAS: the City is permitted to appropriate money to private entities for certain purposes pursuant to Utah Code Ann. § 10-8-2(3); and

WHEREAS: the City has conducted an analysis of the proposed grant, considering the factors required by Utah Code Ann. § 10-8-2(3)(e); and

WHEREAS: the study was published in accordance with Utah law, a public hearing was conducted, and all interested parties were given the opportunity to comment on the proposed appropriation; and

WHEREAS: the Council is familiar with the study, and hereby adopts the conclusions of the study as part of the basis for its decision; and

WHEREAS: the Council finds that in exchange for the appropriation, CDCU will provide the City with general, non-monetary benefits, including increased safety, prosperity, peace, order, comfort and convenience for its residents; and

WHEREAS: the appropriation is necessary and appropriate in order to accomplish the reasonable goals and objectives of the City in the areas of economic development, affordable housing and blight elimination.

BE IT RESOLVED, therefore, by the City Council of the City of South Salt Lake that:

The Community Development Corporation of Utah is hereby awarded a grant for the rehabilitation of the home located at 2112 South Roberta Street, as an IDEA house, in an amount not to exceed $24,058.00.

Staff are directed to proceed with the execution of a Grant Agreement providing reasonable terms for oversight of the funds, in accordance with City policies, which Agreement shall be executed by the Mayor.

(signatures appear on next page)

DATED this 11th day of June, 2014.

BY THE CITY COUNCIL:

Irvin Jones, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

Transmitted to the Mayor's office on this 11th day of June, 2014.

Craig D. Burton, City Recorder

MAYOR'S ACTION: Approve

Dated this 11 day of June, 2014.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

CITY OF SOUTH SALT LAKE CORPORATE Seal SALT LAKE COUNTY, UTAH

4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

The Salt Lake Tribune
WWW.SLTRIB.COM

MEDIAONE OF UTAH
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEUTAH.COM

Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF SOUTH SALT LAKE, ATTN: AMY DALLEY ATTN: CRAIG BURTON 220 E MORRIS AVE. SOUTH SALT LAKE CITY UT 84115	9001382697	6/19/2014

ACCOUNT NAME	
CITY OF SOUTH SALT LAKE,	
TELEPHONE	**ADORDER# / INVOICE NUMBER**
8014836000	0000965413 /
SCHEDULE	
Start 06/19/2014	End 06/19/2014
CUST. REF. NO.	
ORDINANCE NO. 2014-13	
CAPTION	
CITY OF SOUTH SALT LAKE ORDINANCE NO. 2014-13 An Ordinance of the City of South Sa	
SIZE	
23 Lines	1.00 COLUMN
TIMES	**RATE**
2	
MISC. CHARGES	**AD CHARGES**
	TOTAL COST
	33.75

CITY OF SOUTH SALT LAKE ORDINANCE NO. 2014-13

An Ordinance of the City of South Salt Lake City Council Approving a Grant to Community Development Corporation of Utah for an IDEA House at 2112 South Roberta Street.

s/ Irvin H. Jones, Jr.
Council Chair

The complete Ordinance 2014-13 is available in the office of the City Recorder, 220 East Morris, Avenue, South Salt Lake, Utah.

Published: Thursday, June 19, 2014
965413 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **CITY OF SOUTH SALT LAKE ORDINANCE NO. 2014-13 An Ordinance of the City of South Salt Lake City Council Approving a Grant to Community Development Corporation o** FOR **CITY OF SOUTH SALT LAKE,** WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 06/19/2014 End 06/19/2014

SIGNATURE

DATE 6/19/2014

VIRGINIA CRAFT
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 01/12/2018
Commission # 672963

Virginia Craft

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

FEE SCHEDULE
BASED UPON MOST RECENT DIRECTION

SECTION 40. BUSINESS LICENSES

A. Business License fees are for regulatory purposes and to recover disproportionate costs of providing services to the businesses in that category. Fees are as stated in the paragraphs below and may include more than one fee per business:

1. Amusement..... $147
2. Auto sales, body, repair, testing and towing..... $~~161~~173
3. Bowling alley..... $~~1,032~~1,193
4. Check cashing, pawn and bail bonds..... $~~335~~422
5. Construction and manufacturing..... $~~233~~302
6. Convenience stores:
   a. No fuel pumps..... $~~1,319~~1,860
   b. Fueling pre-pay required..... $~~1,605~~2,281
   c. Fueling pre-pay not required..... $~~1,815~~4,318
7. Day care..... $~~299~~369
8. Drug store..... $~~1,544~~1,798
9. Fast food..... $~~794~~1,093
10. Financial..... $~~538~~719
11. Golf..... $~~581~~781
12. Horse stables..... $~~170~~180
13. Indoor sports training..... $~~1,300~~1,510
14. Large grocery..... $~~1,372~~1,595
15. Large retail..... $~~1,237~~1,435
16. Live entertainment..... $147
17. Lodging:
    a. Long-term..... $147 + $~~63~~89/unit
    b. Short-term..... $147 + $~~5~~7/unit
18. Markets, bakeries & cafés..... $~~204~~231
19. Mini-Storage..... $147 + $0.~~21~~.30/unit
20. Mobile food services..... $147
21. Mobile home park..... $147 + $~~87.36~~123/pad
22. Movie theatre..... $~~4,059~~4,470
23. Moving warehouse..... $~~260~~312
24. Nursing home..... $147 + $~~43~~50/unit
25. Personal services..... $~~245~~291
26. Private clubs, SOB's, taverns..... $~~929~~1,550
27. Professional & business services..... $~~190~~225
28. Restaurant..... $~~342~~432
29. Retail General..... $~~273~~372
30. Wholesale..... $~~269~~366

B. Sexually Oriented Business: These regulatory fees are to be paid in addition to the business license fee as set forth in paragraph B above:

1. Adult Businesses $300 plus $2,000 bond

2. Semi-nude Dancing Bars $300 plus $2,000 bond
3. Outcall Business $600 plus $2,000 bond

C. Special Regulatory Fees: Special Regulatory Fees are in addition to Base fees listed above. Special Regulatory Fees are not pro-rated.

	Initial	Renewal
1. Beer Licenses		
a) Class "A" Retailer	$300	$300
b) Class "B" Restaurant	$1,000	$500
c) Class "C" Tavern	$1,250	$750
d) Single Event	$100	N/A
2. Liquor		$400
3. Tobacco		$30
4. Escort Bureau Fees		
a) Escort Bureau		$2,000
b) Escort/Escort Runner Permit		$300
c) Transfer of Escort/Escort Runner Permit		$50
d) Re-issuance of Lost Permit		$25
5. Fireworks Stands		$94 + $50 deposit

D. Other Fees: These fees shall not be pro-rated and may be in addition to Regulatory Base Fees.

1. Booth Rentals in City-Licensed Massage/Beauty/Nail Salons ..... $18 each

2. Home occupation licenses:

a. New application (non-day care) $43

b. Renewal (non-day care) $18

c. New day care $249

d. Renewal day care $224

3. Fire Damage & Close-Out Sale ..... $25 for 30 days;

..... $10 for 30 day renewal

E. License Period: All licenses shall be issued and fee charged for a license period of one year. All licenses applied for after 6 months of the license period has elapsed, shall be charged ½ the annual fee.

Penalties (in addition to license fee):

(a) operating business prior to obtaining license .....100% of fee
(b) late renewal (30 days past due date) ..... 50% of overdue fee
(c) late renewal (60 days past due date) 100% of overdue fee
(d) fine for doing business without a license $500

F. Rental Housing Permits:

1. Single-family rentals..... ....$375 per unit
   (a) reduced rate for good landlord certification .$~~24~~25 + 36 per unit
2. Duplex & Triplex rentals..... ....$101 per unit
   (a) reduced rate for good landlord certification .$25 + $~~24~~36 per unit
3. Duplex & Triplex one side owner occupied.. ....$ 60 per rental unit
   (a) reduced rate for good landlord certification .$24 per rental unit
4. Apartment Houses (~~3~~4+ rental units) . ..... $150 + $151 per unit
   (a) reduced rate for good landlord certification. $100 + $~~24~~36 per unit
5. Good Landlord Certification Reinstatement Fee ....$100 per business

SECTION 90. UTILITIES

A. Water Monthly Charges:

1. .75" meter ..... $11.00 min.; 5,000 gal. allowance
2. 1.0" meter ..... $19.00 min.; 5,000 gal. allowance
3. 1.5" meter ..... $32.00 min.; 5,000 gal. allowance
4. 2.0" meter ..... $47.00 min.; 5,000 gal. allowance
5. 3.0" meter ..... $89.00 min.; 5,000 gal. allowance
6. 4.0" meter ..... $136.00 min.; 5,000 gal. allowance
7. 6.0" meter ..... $267.00 min.; 5,000 gal. Allowance
8. Metered hydrant use.... .....$3.00 per 1,000 gal.

B. Monthly Fluoride Surcharge .....$2 per connection

C. Excess Water:

1. $2.25 per 1,000 gal. over allowance between 5,000 and 30,000 gallons
2. $2.75 per 1,000 gal. over allowance if greater than 30,000 gallons

D. Fire Line:

1. 3" Line $13.65
2. 4" Line $18.15
3. 6" Line $27.22
4. 8" Line $36.29
5. 10" Line $45.36
6. 12" Line $54.44
7. 16" Line $72.58
8. 22" Line $99.80
9. 36" Line $163.31
10. Tampered Fire Line Fee $100
11. Inspection of New Fire Line Install. ...$50
12. Fire Flow Test $50

E. Sewer:

1. $3.30 per 1,000 gal. of average winter water usage

F. Industrial Waste:

1. $3.30 per 1,000 gal. of average winter water usage
2. Suspended Solids: (Sample in milligrams per liter -250 mg/l) x 8.34 x (Sewer average in thousands of gallons/1,000,000 gallons) x $.1476
3. Biochemical Oxygen Demand: (Sample in milligrams per liter -200 mg/l) x 8.34 x (Sewer average in thousands of gallons/1,000,000 gallons) x $.1016
4. Sample costs .... as per cost to City
5. Labor Charge..... ..... Composite $75 per sample
   .... Grab $25 per sample

G. Household Waste and Recyclable Waste Containers:

1. One household waste container and one recyclable container:
   a) owner-occupied residential dwelling .. $~~8~~10 per month, billed .... quarterly
   b) rental residential dwelling, per unit..... $~~8~~10 per month, billed .... annually

2. Second household waste or recycling container:
   a) owner-occupied residential dwelling... $~~8~~10 per month, ... billed quarterly
   b) rental residential dwelling, per unit..... $~~8~~10 per month, ... billed annually
3. New can delivery fee/redelivery fee after nonpayment. ....$25 per trip
4. Late payment fee ....$5 per month
5. Special permit inspection fee $25

H. Miscellaneous:

1. Returned Check Fee.... ....$20 per check
2. a) Reconnection Fee to Reinstate Utility Service after Nonpayment Disconnection
   b) Voluntary Reconnection Fee; and
   c) New Service Reconnection Fee....$25 (8:00-3:00 p.m., M-F) ... .$65 (after 3:00 p.m., M-F and ..... 8:00 a.m.-10:00 p.m. Weekends & Holidays)
3. Tenant Water Deposit.. ....$75
4. Active Deployment Fee Waiver..... ..... $75 per month waived
5. Bankruptcy deposits..... .... 60-day usage based on last 12 months history
6. Returned checks on xpressbillpay:
   a) Invalid account/Unable to locate acct. $8
   b) Insufficient or account closed.. ....$14
   c) Customer stop payment $29
7. Subsequent service of notices of disconnection w/i 12 months of prior service.... ....$15

Business Type	Current Fee	Maximum Fee	Proposed Fee	% Increase	Alternate Fees	% Increase
Amusement	$147	$147	$147	0%	$147	0%
Auto Sales, Body, Repair, and Towing	$161	$184	$173	7%	$173	7%
Construction and Manufacturing	$233	$368	$302	30%	$302	30%
Professional and Business Services	$190	$258	$225	18%	$225	18%
Private Clubs, SOBs, Taverns	$929	$2,151	$1,550	67%	$1,550	67%
Retail General	$273	$469	$372	36%	$372	36%
Wholesale	$269	$460	$366	36%	$366	36%
Convenience Store - Non Pre Pay	$1,815	$16,831	$4,318	138%	$4,318	138%
Live Entertainment	$147	$147	$147	0%	$147	0%
Check Cashing and Pawn	$335	$630	$422	26%	$422	26%
Day Care	$299	$536	$369	23%	$369	23%
Financial	$538	$1,150	$719	34%	$719	34%
Golf	$581	$1,259	$781	34%	$781	34%
Mobile Food Services	$147	$147	$147	0%	$147	0%
Moving Warehouse	$260	$436	$312	20%	$312	20%
Personal Services	$245	$399	$291	19%	$291	19%
Horse Stables	$170	$205	$180	6%	$180	6%
Convenience Stores - Pre-Pay Required	$1,607	$3,891	$2,281	42%	$2,281	42%
Convenience Stores without Gas	$1,319	$3,153	$1,860	41%	$1,860	41%
Fast Food	$794	$1,807	$1,093	38%	$1,093	38%
Restaurant	$342	$294	$432	26%	$432	26%
Markets and Bakeries	$204	$647	$231	13%	$231	13%
Drug Store	$1,544	$12,849	$1,798	16%	$2,052	33%
Bowling Alley	$1,032	$8,192	$1,193	16%	$1,354	31%
Large Retail	$1,237	$10,054	$1,435	16%	$1,633	32%
Large Grocery	$1,372	$11,285	$1,595	16%	$1,818	33%
Movie Theatre	$4,059	$35,707	$4,770	18%	$5,481	35%
Indoor Sports Training	$1,300	$10,632	$1,510	16%	$1,720	32%
Per Unit Businesses	**Ave. Fee***		**New Ave. Fee***		**New Ave. Fee***	
Mini Storage	$166	$147 + .54/unit	$174	5%	$174	5%
Nursing Homes	$2,069	$147 + $112/unit	$2,364	14%	$2,364	14%
Short-term lodging	$690	$147 + $12/unit	$912	32%	$912	32%
Long-term lodging	$2,355	$147 + $161/unit	$4,530	92%	$4,530	92%
Mobile Homes	$2,855	$147 + $224/unit	$3,966	39%	$3,271	15%
Residential Rentals						
Single Family Home	$375	$375	$375	0%	$375	0%
Single Family Home (GLL)	$24	<$375	$61	154%	$60	150%
Owner-Occupied Duplex	$60	$150	$60	0%	$60	0%
Owner-Occupied Duplex (GLL)†	$24	$150	$24	0%	$24	0%
Duplex	$202	$202	$202	0%	$202	0%
Duplex (GLL)	$48	<$202	$97	102%	$100	108%
Triplex	$603	$603	$603	0%	$603	0%
Triplex (GLL)	$72	<$603	$208	189%	$130	81%
Quad	$754	$754	$754	0%	$754	0%
Quad (GLL)	$96	<$754	$244	154%	$220	129%
Multi-Family	$150 + $151/u	$150 + $151/u	$150 + $151/u	0%	$150 + $151/u	0%
Multi-Family (GLL) (number for 18 units)	$24/u	$150 + <$151/u	$100 + $36/u	73%	$150 + $30/u	60%

* Average is calculated by total units, divided by total licenses

† Per state law, owner occupied properties with 4 or less units may not be charged disproportionate fee

Updated 5/22/14

MEMORANDUM

TO: Mayor and City Council
FROM: Paul Roberts
Deputy City Attorney
DATE: 6/4/14

RE: A RESOLUTION OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL APPROVING AMENDMENTS TO THE CONSOLIDATED FEE SCHEDULE

Accompanying this memo are two alternate fee schedules.

First Fee Schedule

The first fee schedule modification reflects changes based upon the most recent direction which the Council provided to staff during prior meetings. It includes the re-adjusted fees for all businesses, as well as increases to both the Good Landlord fees (base and per unit). Where specific direction was not provided, such as fees related to owner-occupied rental properties, staff has suggested fees.

Alternate Fee Schedule

The Alternate Fee Schedule has a few changes in light of additional analysis completed by staff, constituting the following changes:

- Adjusting the per unit fees for mobile home parks from $87.36/unit to $101/pad, rather than $123/pad.
- Adjusting drug store, bowling alley, large retail, large grocery, movie theatre and indoor sports training from 11% to 15% of the maximum disproportionate fee, rather than to 13%.
- Adding a $30 base fee for Single Family Rental Units
- Adding a $40 base fee for Duplex and Triplex rentals
- Adding a $100 base fee for all Quad-plex rentals
- Adding a $150 base fee for all apartments of 5 or more units
- Increasing the per unit GLL fee from $24/unit to $30/unit, rather than the $36/unit number previously discussed.

The principle reason for the recommended change to the mobile home fee is out of consideration of the low-income housing these units provide for city residents. The increase will be approximately $1.20/month per pad, as opposed to $3.00/month. This leads to a reduced amount of new revenue by about $3500 annually.

Although Single Family rental rates are similar between the two alternate fee schedules, placing a $40 and $100 base fees on duplexes/triplexes and quad-plexes, respectively, will reduce the impact of the increase. By reducing the overall per unit fee, the effect on our large apartment complexes will also be lessened.

The attached chart shows the current fee, fees based upon previous direction, and the alternate fees.

Good Landlord Participant Fees

Type	*Current Fee*	*Current Direction*	*Alternate*
Single Family	$24	$25 + $36/unit	$30 + $30/unit
Duplex	$48	$25 + $36/unit	$40 + $30/unit
Triplex	$72	$25 + $36/unit	$40 + 30/unit
Quadplex	$96	$100 + $36/unit	$100 + $30/unit
Owner-Occupied Dup/Trip	$24/$48	$24/$48	$24/$48
Apartment (5+)	$24/unit	$100 + $36/unit	$150 + $30/unit

While these changes will result in a decreased estimated revenue increase (approx. $10,000), staff is of the opinion that these fee increases will be easier to bear at these levels, demonstrates the city's responsiveness to the concerns of landlords in the city, and that the budget will be able to absorb the reduction.

Waste Collection Fees

Both fee schedules include an increase of $2 per residence, as well as $2 per additional can, for all addresses served by city trash pickup. The result of this increase will be an enterprise fund which is entirely self-sufficient. In order to maintain self-sufficiency, these fees will need to be increased periodically as the cost to the city increases.

If you have any questions, please feel free to contact me.

ALTERNATE
FEE SCHEDULE

SECTION 40. BUSINESS LICENSES

A. Business License fees are for regulatory purposes and to recover disproportionate costs of providing services to the businesses in that category. Fees are as stated in the paragraphs below and may include more than one fee per business:

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1. Adult Businesses $300 plus $2,000 bond
2. Semi-nude Dancing Bars $300 plus $2,000 bond
3. Outcall Business $600 plus $2,000 bond

C. Special Regulatory Fees: Special Regulatory Fees are in addition to Base fees listed above. Special Regulatory Fees are not pro-rated.

	Initial	Renewal
1. Beer Licenses		
a) Class "A" Retailer	$300	$300
b) Class "B" Restaurant	$1,000	$500
c) Class "C" Tavern	$1,250	$750
d) Single Event	$100	N/A
2. Liquor		$400
3. Tobacco		$30
4. Escort Bureau Fees		
a) Escort Bureau		$2,000
b) Escort/Escort Runner Permit		$300
c) Transfer of Escort/Escort Runner Permit		$50
d) Re-issuance of Lost Permit		$25
5. Fireworks Stands		$94 + $50 deposit

D. Other Fees: These fees shall not be pro-rated and may be in addition to Regulatory Base Fees.

1. Booth Rentals in City-Licensed Massage/Beauty/Nail Salons ..... $18 each

2. Home occupation licenses:

   a. New application (non-day care) $43

   b. Renewal (non-day care) $18

   c. New day care $249

   d. Renewal day care $224

3. Fire Damage & Close-Out Sale ..... $25 for 30 days;

   ..... $10 for 30 day renewal

E. License Period: All licenses shall be issued and fee charged for a license period of one year. All licenses applied for after 6 months of the license period has elapsed, shall be charged ½ the annual fee.

Penalties (in addition to license fee):

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F. Rental Housing Permits:

1. Single-family rentals..... ....$375 per unit
   (a) reduced rate for good landlord certification. $~~24~~30 + $30 per unit
2. Duplex & Triplex rentals..... ....$101 per unit
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3. Duplex & Triplex one ~~side~~unit owner occupied ....$~~60~~ 60 per rental unit
   (a) reduced rate for good landlord certification. $24 per rental unit
4. Quad-plex rentals..... .... $150 + $151 per unit
   (a) reduced rate for good landlord certification. .....$100 + $30/unit

~~4~~5. Apartment Houses (~~3~~5+ rental units) ....$150 + $151 per unit
   (a) reduced rate for good landlord certification. $125 + $~~24~~30 per unit
6. Good Landlord Certification Reinstatement Fee ....$100 per business

SECTION 90. UTILITIES

A. Water Monthly Charges:
1. .75" meter ..... $11.00 min.; 5,000 gal. allowance
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4. 2.0" meter ..... $47.00 min.; 5,000 gal. allowance
5. 3.0" meter ..... $89.00 min.; 5,000 gal. allowance
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3. Biochemical Oxygen Demand: (Sample in milligrams per liter -200 mg/l) x 8.34 x (Sewer average in thousands of gallons/1,000,000 gallons) x $.1016
4. Sample costs .... as per cost to City

5. Labor Charge..... ..... Composite $75 per sample
.... Grab $25 per sample

G. Household Waste and Recyclable Waste Containers:

1. One household waste container and one recyclable container:
   a) owner-occupied residential dwelling .. $~~8~~10 per month, billed
   .... quarterly
   b) rental residential dwelling, per unit..... $~~8~~10 per month, billed
   .... annually

   2. Second household waste or recycling container:
      a) owner-occupied residential dwelling... $~~8~~10 per month,
      .... billed quarterly
      b) rental residential dwelling, per unit..... $~~8~~10 per month,
      .... billed annually
   3. New can delivery fee/redelivery fee after
      nonpayment. ....$25 per trip
   4. Late payment fee ....$5 per month
   5. Special permit inspection fee $25

H. Miscellaneous:

1. Returned Check Fee.... ....$20 per check

2. a) Reconnection Fee to Reinstate Utility Service after Nonpayment Disconnection
   b) Voluntary Reconnection Fee; and
   c) New Service Reconnection Fee....$25 (8:00-3:00 p.m., M-F)
   ... .$65 (after 3:00 p.m., M-F and
   ..... 8:00 a.m.-10:00 p.m. Weekends & Holidays)
3. Tenant Water Deposit $75

4. Active Deployment Fee Waiver ... $75 per month waived

5. Bankruptcy deposits..... .... 60-day usage based on last 12 months history
6. Returned checks on xpressbillpay:
   a) Invalid account/Unable to locate acct. $8
   b) Insufficient or account closed $14
   c) Customer stop payment $29
7. Subsequent service of notices of disconnection w/i 12 months of prior service..... .....$15

SECTION 90. UTILITIES

A. Water Monthly Charges:

1. .75" meter ..... $11.00 min.; 5,000 gal. allowance
2. 1.0" meter ..... $19.00 min.; 5,000 gal. allowance
3. 1.5" meter ..... $32.00 min.; 5,000 gal. allowance
4. 2.0" meter ..... $47.00 min.; 5,000 gal. allowance
5. 3.0" meter ..... $89.00 min.; 5,000 gal. allowance
6. 4.0" meter ..... $136.00 min.; 5,000 gal. allowance
7. 6.0" meter ..... $267.00 min.; 5,000 gal. Allowance
8. Metered hydrant use.... .....$3.00 per 1,000 gal.

B. Monthly Fluoride Surcharge .....$2 per connection

C. Excess Water:

3. $2.25 per 1,000 gal. over allowance between 5,000 and 30,000 gallons
4. $2.75 per 1,000 gal. over allowance if greater than 30,000 gallons

D. Fire Line:

1. 3" Line $13.65
2. 4" Line $18.15
3. 6" Line $27.22
4. 8" Line $36.29
5. 10" Line $45.36
6. 12" Line $54.44
7. 16" Line $72.58
8. 22" Line $99.80
9. 36" Line $163.31
10. Tampered Fire Line Fee $100
11. Inspection of New Fire Line Install. ...$50
12. Fire Flow Test $50

E. Sewer:

1. $3.30 per 1,000 gal. of average winter water usage

F. Industrial Waste:

1. $3.30 per 1,000 gal. of average winter water usage
2. Suspended Solids: (Sample in milligrams per liter -250 mg/l) x 8.34 x (Sewer average in thousands of gallons/1,000,000 gallons) x $.1476
3. Biochemical Oxygen Demand: (Sample in milligrams per liter -200 mg/l) x 8.34 x (Sewer average in thousands of gallons/1,000,000 gallons) x $.1016
4. Sample costs .... as per cost to City
5. Labor Charge..... ..... Composite $75 per sample
   .... Grab $25 per sample