

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
September 13, 2016 – POLICY SESSION
Revised September 9, 2016

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Discussion on Amendments to the Consolidated Fee Schedule
Discussion on the Award of Bid for Steed Park Electrical Upgrade
Discussion on an In-kind Donation to the Pioneer Adult Rehabilitation Center (PARC)
Discussion on Title 11, Chapter 13 – Supplemental Regulations, Beekeeping in the R-1, A-1 and A-2 Residential Zones

Discussion on Improvements at Springfield Estates
Discussion on PARAT Tax Project Phasing Plan
Discussion on Amendments to the Wasatch Integrated Waste Fees

(TENTATIVE) The Council may consider a motion to enter into a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation.
Utah Code Ann. §52-4-205

(Any items not fully addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION

CALL TO ORDER:

Mayor Shepherd

OPENING CEREMONY:

Councilmember Bush

APPROVAL OF MINUTES:

August 9, 2016 – Work Session

August 9, 2016 – Policy Session

August 16, 2016 – Work Session

PUBLIC HEARING:

1. PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED IMPACT FEE FACILITIES PLAN AND THE IMPACT FEE ANALYSIS FOR THE CULINARY WATER, SANITARY SEWER AND STORM WATER SYSTEMS WITHIN CLEARFIELD CITY

BACKGROUND: Clearfield City contracted with Horrocks Engineering to perform an Impact Fee Study for the culinary water, sanitary sewer and storm water utilities. The State of Utah Impact Fees Act requires that impact fees are established in accordance with the conditions outlined in the Act. Horrocks Engineering has conducted the required evaluations and reviews concerning future growth within the City for the next six years and the improvements which would be necessary to the culinary water, sewer and storm water systems to support that growth. It has also prepared an Impact Fee Facilities Plan (IFFP) for Clearfield City reflecting the future development areas within the City and the capital improvement projects to support that growth. An Impact Fee Analysis (IFA) identifying the maximum impact fee allowable for each of the utilities (culinary water, sewer, storm water), based on the criteria in the State Impact Fees Act, was prepared by Zions Bank Public Finance.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

2. CITIZEN COMMENTS
3. CONSIDER APPROVAL OF ORDINANCE 2016-05 ADOPTING THE PROPOSED IMPACT FEE FACILITIES PLAN AND THE IMPACT FEE ANALYSIS FOR THE CULINARY WATER, SANITARY SEWER, AND STORM WATER SYSTEMS WITHIN CLEARFIELD CITY AND APPROVE THE IMPACT FEES AS OUTLINED IN THE IMPACT FEES ANALYSIS FOR EACH OF THE UTILITIES

RECOMMENDATION: Approve Ordinance 2016-05 adopting the Impact Fee Facilities Plan and the Impact Fee Analysis for the culinary water, sanitary sewer, and storm water systems within Clearfield City and approve the Impact Fees as outlined in the Impact Fees Analysis for each of the utilities and authorize the Mayor's signature to any necessary documents.

4. CONSIDER APPROVAL OF ORDINANCE 2016-04 AMENDING THE CONSOLIDATED FEE SCHEDULE

BACKGROUND: Staff is recommending certain amendments to the City's Consolidated Fee Schedule as it relates to Impact Fees, Utility Rates, Business Licenses for Fireworks Stands, Utility Shut Off Notices, 2nd Garbage Can fees, Administrative Site Plan Reviews and Fire Hydrant Meters.

RECOMMENDATION: Approve Ordinance 2016-04 amending the Consolidated Fee Schedule and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF THE AWARD FOR BID FOR THE STEED PARK BALL FIELD ELECTRICAL UPGRADE PROJECT TO HIDDEN PEAK ELECTRIC

BACKGROUND: Bids were received from two contractors for the Steed Park Ball Field Electrical Upgrade Project. The scope of work for this project is to replace the existing wiring from the score tower to the ball field lights, the wiring from the bottom to the top of the poles, and the electrical panel that controls the ball field lights. The lowest responsible bid was received from Hidden Peak Electric with a bid amount of \$76,300.

RECOMMENDATION: Approve the award of bid for the Steed Park Ball Field Electrical Upgrade Project to Hidden Peak Electric for the bid amount of \$76,300, with contingency of \$10,000 for a total project cost of \$86,300 and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF RESOLUTION 2016R-20 AUTHORIZING AN IN-KIND DONATION TO THE PIONEER ADULT REHABILITATION CENTER (PARC)

BACKGROUND: *The Pioneer Adult Rehabilitation Center (PARC) is a non-profit organization in Clearfield City with the unique mission of advancing employment opportunities for individuals with disabilities and helping them achieve a high level of independence. The organization has asked for a waiver of deposit and room rental fees at the Clearfield Aquatic Center to hold a class for its participants.*

RECOMMENDATION: *Consider approval of Resolution 2016R-20 authorizing an in-kind donation to the Pioneer Adult Rehabilitation Center (PARC) and authorize the Mayor's signature to any necessary documents.*

COMMUNICATION ITEMS:

Mayor's Report
City Council Reports
City Manager's Report
Staff Reports

****ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA****

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE AUGUST 9, 2016 POLICY SESSION

SCHEDULED ITEMS:

2. CONSIDER APPROVAL OF AN AGREEMENT WITH BETTER CITY

BACKGROUND: Better City is a consulting firm specializing in redevelopment and economic development. The proposed agreement would authorize Better City to prepare a feasibility study and land use concept plan for the redevelopment of the Mabey Pond/Clearfield Mobile Home Park area, and then to implement that plan.

RECOMMENDATION: Approve the agreement with Better City and authorize the Chair's signature to any necessary documents.

****ADJOURN AS THE CDRA****

Dated this 9th day of September, 2016.

/s/Kimberly S. Read, Deputy City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Staff Report



To: Mayor Mark Shepherd and City Councilors
From: Rich Knapp, Finance Manager
Date: September 6, 2016 *Rich Knapp*
Re: Second Delinquent/Door Hanger Notice

Description / Background

The City bills approximately 6,500 customers monthly. Each month about 1,000, or 16%, of the City's customers are late on their payments and assessed a \$10 late fee with a notification in the mail. The next step for non-payment has been to shut the water off approximately two weeks after the first late notice. On average, 150 accounts per month were shut off and assessed an additional \$35 fee.

In February, we implemented an additional late notice, a door hanger delivered to the home the day before the shut-off was to occur, on a trial basis. The purpose of the trial was to see if providing the customer another chance to pay would lead to a reduced number of shut-offs which would in turn decrease demand on our public works personnel. As anticipated, the change in noticing reduced the average number of shut-offs from **150 to 61 per month; a 60% reduction.**

Whether to Charge a Fee?

Adding the second delinquent notice to the process has significantly reduces shut-offs and workhours dedicated to the shut-off process, but the extra notice does come at a cost. At our current volume of 150 door hanger per month, the City incurs approximately \$8.50 in costs to process and deliver the second notices. To cover the City's expenses associated with the second notice, we have discussed adding a \$10 fee.

One the other hand, if a customer *does* have their water shut-off after two notices, the total late fees can be close to the original bill. There is a concern that it may seem punitive and customers will be even more upset when they come in to pay.

Original Bill	= \$70 (average)	Late Fee	= \$10
		2nd Notice	= \$10
		<u>Shut-off Fee</u>	<u>= \$35</u>
		Total Fees	= \$55

We acknowledge customers will not appreciate the additional fee, but their remedy is to pay their bill in a timely manner and avoid the fees. Also, more customers will pay less as they will pay a \$10 second notice/door hanger fee instead of the \$35 shut-off fee.

Recommended Action

I recommend we charge the Second Delinquent Notice fee of \$10.

Staff Report



To: Mayor Mark Shepherd and City Councilors
From: Rich Knapp, Finance Manager
Date: September 6, 2016 *Rich Knapp*
Re: Water, Sewer, and Storm Rate Analysis

Description / Background

Last year we engaged Zions Public Finance to help prepare a third party analysis of the City's utilities. August 2007 was the last time a third party full rate analysis was conducted.

The analysis projects revenues, operational expenses, and capital projects for the next nine years to determine net income and cash requirements by year. These proposed fee changes will ensure sustainability, resources to complete capital projects, and adequate cash reserves. The analysis does identify the need to bond in the Water Fund in FY21 for \$5.5 million and in the Storm Fund in FY21 for \$3.9 or \$2.8 million, depending which rate increase is used. An overview of the rate analysis was presented to the Mayor and Council in a work session on August 9.

In the first year of the rate increase, a single family residential bill will increase .74 cents per month, or \$8.84 for the year. These proposed rates will take effect Jan 1, 2017.

A summary of proposed rate changes are as follows:

Single-Family Residential	Current	2017	First Year Change
Water Base Fee - 3%	\$11.89	\$12.25	\$0.36
Water Usage - 10,000 gals	\$9.10	\$9.10	\$0.00
Sewer - 2%	\$11.66	\$11.89	\$0.23
Storm Water - 3% option	\$4.89	\$5.04	\$0.15
Total Monthly Bill	\$37.54	\$38.28	\$0.74
Total Yearly Bill	\$450.48	\$459.32	\$8.84

Water Rate Changes Per Year	
Single Fam Residential	3.00%
Commercial 3/4"	2.371%
Commercial 1" - 1 1/2"	0.00%
Commercial 2"	0.00%
Commercial 3"	0.123%
Commercial 4"	0.626%
Commercial 6"	5.41%
Multi Fam Residential	3.00%
Water Usage	No Increase

Sewer Rate Changes Per Year	
Residential Base – Single Fam	2%
Commercial Base	2%
Residential Base - MF	
First Year	5%
Subsequent Years	3%
Consumption (commercial only)	No Increase

Storm Changes Per Year	
Single Family per ESU	
\$3.9 mill Debt FY21 or	3%
\$2.8 mill Debt FY21	5%



Community Development
55 South State Street
Clearfield, UT 84015
Phone: 801.525.2780
Fax: 801.525.2865

TO: Clearfield City Council

FROM: Spencer W. Brimley
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: September 13, 2016

SUBJECT: Amendments to the Consolidated Fee Schedule, Title 2 Chapter 5: 1) Firework Stands and 2) Administrative Site Plan fee.

AMENDMENTS TO THE CONSOLIDATED FEE SCHEDULE:

Fireworks Stands:

The intent of the revisions is to help clarify the insurance sum coverages as well as changing the City from Additional Insured to Certificate Holder. It is the understanding of staff that the certificate holder is notified if there is a change or cancellation in the policy. An additional insured would not have that same privilege and thus could create additional liability for the City related to these stands.

- A. Title 4-5-5 outlines requirements for a Business License for Consumer Fireworks Sales
 - a. (C) Insurance Certificates: Include for delivery to the city recorder, insurance certificates evidencing public liability coverage in favor of the applicant in the amount as established by the consolidated fee schedule; and property damage coverage in favor of the applicant in the amount as established by the consolidated fee schedule. Said insurance certificate shall include a minimum of one million dollars (\$1,000,000.00) product liability coverage.
- B. Title 2-5, table for "Business License Fees"
 - a. **Fireworks stands:**
 - i. Bond or liability insurance:
 - 1. Any application for permit as herein provided shall be accompanied by a certificate of insurance insuring the licensee and naming the city as **the certificate holder** *an additional insured*, conditioned for the payment of all damages which may be caused either to a person or to property by reason of the display so licensed and arising from any acts of the licensee, his agents or employees. Such insurance shall be in a sum not less than \$100,000.00 **per person and**/\$300,000.00 **per occurrence** for bodily injury and \$50,000.00 **per person**/\$100,000.00 **per occurrence** for property damage and no city officer or licensing agent or other representative of the city shall in any event issue any permit hereinabove referred to until such certificate of insurance has been furnished and passed upon by the city manager and the city attorney as to form and sufficiency.



Community Development
55 South State Street
Clearfield, UT 84015
Phone: 801.525.2780
Fax: 801.525.2865

Administrative Site Plan fee:

Clearfield City staff is evaluating a change in the amount that is charged for Administrative site Plan review. The current fee is \$400, but may be inconsistent with current needs. Staff has evaluated the amount of time that is spent on Administrative Site Plan reviews and is recommending a reduction in the fee by 50%. Staff is proposing the fee be reduced from \$400 to \$200 for administrative site plan reviews.

- A. Most Admin. Site Plans only require review by the City planner/zoning administrator
- B. Reducing the cost would meet a community need and help those who wish to redevelop their property to have oversight and guidance.
- C. With other adjacent Cities, staff costs associated with (administrative) site plan review varies by jurisdiction.
 - a. See below:
 - i. Syracuse City - \$100 (site plan amended)
 - ii. South Salt Lake - \$200 (administrative site plan review)
 - iii. West Valley City - \$300 (site plan review for site with existing building)
 - iv. Layton City - \$250 (plus a per/acre fee not to exceed \$500)
 - v. Clinton City - \$650 (per acre cost included for site plan review base fee)
 1. 0-5 acres - \$210
 2. 5.1-10 acres - \$1,700 plus \$175 per acre
 3. 10.1-15 acres - \$2,575 plus \$150 per acre

RECOMMENDATION:

Move to approve an amendment to the consolidated fee schedule allowing for a reduction to the administrative site plan review fee and changes to the fireworks stand policy, clarifying the insurance sum coverages as well as changing the City from Additional Insured to Certificate Holder.



CLEARFIELD CITY ORDINANCE 2016-04

AN ORDINANCE AMENDING THE CONSOLIDATED FEE SCHEDULE FOR CLEARFIELD CITY CORPORATION.

PREAMBLE: Ordinance 2008-06 enacted a consolidated fee schedule for utilities, recreation, licensing, permits, impact fees, building rental, etc. for Clearfield City Corporation. The Ordinance makes amendments to Impact Fees, Utility Rates, Fireworks Stands, Shut Off Notice, 2nd Garbage Can, Administrative Site Plan Review and Fire Hydrant Meters.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment: Title 2, Chapter 5 of the Clearfield City Code is hereby amended to read as follows:

Section 2. Effective Date: This Ordinance shall become effective immediately upon posting.

Section 3. Repealer: Any Ordinance or sections or portions of ordinances previously enacted by the Clearfield City Council which are in conflict with the provisions of this Ordinance are hereby repealed and replaced by this Ordinance.

Dated this 13th day of September 2016, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

CONSOLIDATED FEE SCHEDULE CLEARFIELD CITY CORPORATION

UTILITIES

Water

Water rates are from January 1st to December 31st

Single Family Dwellings

Base Fee (5/8" meter)

Consumption Charges per 1,000 gallons

0 - 10,000

10,001 - 40,000

40,001 - 60,000

60,001 - 80,000

80,000 +

Multiple Dwelling Units, Apartment Houses & Mobile Home Parks

(7,000 gallons allowed per unit, then commercial rates apply)

Each Unit

Commercial

Base fee, based on meter size

5/8" - 3/4"

1" - 1 1/2"

2"

3"

4"

6"

Consumption Charges per 1,000 gallons

Sprinkling lawns, unmetered - base fee from 5/8" commercial rate plus per square foot of lawn area.

Unmetered lawn accounts will be billed monthly for a five (5) month period each year,

from May 1 up to and including September 30.

Fire Protection Standby Charge:

Sprinkling system standby charge per diameter inch of main pipe

More than one User:

Minimum monthly fee based on meter size. Consumption fee shall be divided equally between users, unless users present a written agreement that fees shall be charged on different basis other than equally.

Unmetered Services

Commercial & industrial users not having metered water service shall be charged for water services based on the number of connections and number of employees

8 or fewer employees minimum 1.0" meter size

9 or more employees, charged at 2.0" meter size

2017

2018

2019

\$12.25

\$12.61

\$12.99

\$0.91

\$0.91

\$0.91

\$1.06

\$1.06

\$1.06

\$1.21

\$1.21

\$1.21

\$1.39

\$1.39

\$1.39

\$1.54

\$1.54

\$1.54

\$13.25

\$13.64

\$14.05

\$17.86

\$18.29

\$18.72

\$81.64

\$81.64

\$81.64

\$107.11

\$107.11

\$107.11

\$273.11

\$273.44

\$273.78

\$409.96

\$412.52

\$415.11

\$565.34

\$595.94

\$628.19

\$1.11

\$1.11

\$1.11

\$0.005542

\$0.005709

\$0.005880

\$3.28

\$3.37

\$3.47

\$84.91

\$87.46

\$90.08

\$111.49

\$114.83

\$118.28

Sewer			2017	2018	2019
Residential					
Single Family Base	Clearfield City	beginning Jan 1	\$11.89	\$12.13	\$12.37
	North Davis Sewer District	beginning July 1	\$21.50		
Multi-Unit Base	Clearfield City	beginning Jan 1	\$8.58	\$9.01	\$9.28
	North Davis Sewer District	beginning July 1	\$21.50		
Commercial					
Base Rate	Clearfield City	beginning Jan 1	\$14.20	\$14.48	\$14.77
	North Davis Sewer District	beginning July 1	\$21.50		
Consumption fee per 1,000 gallons	Clearfield City	beginning Jan 1	\$0.65	\$0.65	\$0.65
	North Davis Sewer District	beginning July 1	\$2.15		

Note: North Davis Sewer District charges are set by the sewer district and not Clearfield City. These rates may change.

Billing periods beginning May 1st through and including the November 1st bill of each year will be billed on a five month winter average consisting of water consumption from December 1st through April 1st bills.

More than one User:

Minimum monthly fee based on meter size. Consumption fee shall be divided equally between users, unless users present a written agreement that fees shall be charged on different basis other than equally.

Unmetered Services

Commercial & industrial users not having metered water service shall be charged for water services based on the number of connections and number of employees

- 8 or fewer employees minimum 1.0" meter size
- 9 or more employees, charged at 2.0" meter size

Commercial Monthly Base Fee
 Commercial Monthly Base Fee + \$1.00/employee

Special Treatment

When sewage requires special treatment or causes an unusual and abnormal burden on the disposal facilities, additional charges shall be assessed as determined by the City Council to be fair and equitable.

Storm Water

Residential

Single-Family per ESU and duplex

Tri-plex and fourplex

Apartments with more than 4 units at Commercial rate

Commercial

Retention Percent

0%

20%

30%

50%

(2,700 sq ft of impervious surface equals 1 ESU)

Credit for On-Site Mitigation:

50% with maximum release of 0.20 cfs/ac and having installed an approved sand & oil

30% with maximum release of 0.20 cfs/ac within a landscaped area or a retention basin

20% with maximum release of 0.20 cfs/ac within an impervious surface area on the site or

2017

2018

2019

\$5.04

\$5.19

\$5.34

\$5.04

\$5.19

\$5.34

\$4.03

\$4.15

\$4.27

\$3.53

\$3.63

\$3.74

\$2.52

\$2.59

\$2.67

Residential Solid Waste (Garbage) & Recyclables

Base fee--1st trash container

\$14.75

Each additional trash container

\$7.50

First recycle container

\$3.90

Each additional recycle container

\$3.90

Utility Taxes

Six percent (6%) of total water and sewer charges

Misc. Fees

Refundable security deposit

\$120.00

\$120.00

\$120.00

Late Fee

\$10.00 or 1.5%, whichever is greater

Second Delinquent Notice

\$10.00

\$10.00

\$10.00

Utility Service Fee-disconnect/reconnect fee

\$35.00

\$35.00

\$35.00

Administrative fine for violations of Title 9

Not less than \$100, nor more than \$250

RECREATION FEES:

Park Rental Fees:

	Resident	Non-resident
\$25 refundable cleaning deposit due at the time of rental		
Picnic shelter	\$15.00	\$35.00
Amphitheater (per hour)	\$10.00	\$10.00

Athletic Field / Facility Usage Fees:

	SINGLE USE	TOURNAMENT
	PRIORITY GROUP A	GROUP B
Refundable cleaning deposit due at the time of rental	\$100	\$250
Baseball/Softball Field Usage fee (per hour per field)	\$10.00	\$20.00
Soccer Field Rental (per hour)	\$12.00	\$24.00
Lights (per hour per field)	\$20.00	\$20.00
Baseball/Softball Field preparation Mon-Fri (per field)	\$25.00	\$25.00
Baseball/Softball Field preparation Sat-Sun (per field)	\$40.00	\$40.00
Soccer Prep Field Preparation Mon-Fri (per field, practice fields)	\$40.00	\$40.00
Soccer Prep Field Preparation Saturdays (per field, practice fields)	\$60.00	\$60.00
Weekly fee for game field preparation (per field)	\$5.00	\$5.00
Scoreboard (per field)	\$10.00	\$10.00
Supervisor in charge of scoreboard (per hour)	\$12.00	\$12.00

July 4th Booth Fees:

	All vendors
Shaded booth, no electricity	\$80.00
Shaded booth, non-food w/electricity	\$110.00
Shaded booth, w/electricity food vendor	\$110.00
Food vendor with own trailer w/electricity	\$100.00
Each additional electrical outlet	\$10.00

Recreation Leagues, Sports, Classes, and Misc. Fees:

Contact Community Services Department

AQUATIC CENTER FEES:

Membership fees may be altered in conjunction with marketing efforts to allow for the effective promotion of the Clearfield Aquatic Center with the approval of the Community Services Director.

(All fees include tax)

Daily Admission

Child 3 and under	\$1.00
Youth 4-17	\$3.00
Adult 18-59	\$5.50
Senior 60+	\$3.00

Annual Membership fees

	Resident	Non-Resident
Membership rates includes tax		
Child 4-12	\$130.00	\$197.25
Youth 13-17	\$170.00	\$260.00
Adult 18-59	\$260.00	\$390.00
Senior 60+	\$170.00	\$260.00
Senior couple	\$260.00	\$390.00
Adult couple	\$340.00	\$510.00
Family	\$440.00	\$620.00

Membership Registration Fee

Individual one-time registration fee	\$25.00	\$25.00
Senior Couple one-time registration fee	\$40.00	\$40.00
Adult Couple one-time registration fee	\$50.00	\$50.00
Family one-time registration fee	\$75.00	\$75.00

Corporate/Business Annual Membership Group Discount Rates

		10-19 Members	20+ Members		
		5% Discount	10% Discount		
RESIDENT BUSINESSES					
Senior		\$166.25	\$157.50		
Adult		\$256.50	\$243.00		
Sr. Couple		\$256.50	\$243.00		
Adult Couple		\$332.50	\$315.00		
Family		\$427.50	\$405.00		
NON RESIDENT BUSINESSES					
	5-9 Members	10-14 Members	15-19 Members	20-24 Members	25+ Members
	5% Discount	10% Discount	15% Discount	20% Discount	25% Discount
Senior	\$265.50	\$243.00	\$229.50	\$216.00	\$202.50
Adult	\$380.00	\$360.00	\$340.00	\$320.00	\$300.00
Sr. Couple	\$380.00	\$360.00	\$340.00	\$320.00	\$300.00
Adult Couple	\$498.75	\$472.50	\$446.25	\$420.00	\$393.75
Family	\$608.00	\$576.00	\$544.00	\$512.00	\$480.00

Membership Cancellation Fee

Individual	\$25.00	\$25.00
Couple	\$50.00	\$50.00
Family	\$75.00	\$75.00

15-Punch Pass

Youth 4-17	\$40.95	\$40.95
Adult	\$72.00	\$72.00
Senior	\$40.95	\$40.95

Aquatic Center Day Care

Hourly rate per child	\$3.50	\$3.50
5-hour punch pass	\$15.00	\$15.00
10-hour punch pass	\$30.00	\$30.00
30-hour punch pass	\$75.00	\$75.00
50-hour punch pass	\$105.00	\$105.00

Aquatic Center Programs

	Resident	Non-resident
Swim lessons	\$31.00	\$36.00
Private swim lessons - one student	\$10.00	\$12.00
Private swim lessons - two students	\$11.00	\$13.00
Private swim lessons - three students	\$12.00	\$14.00
Clearfield City Aquatics Team 3 days/week	\$25.00	\$28.00
Clearfield City Aquatics Team 5 days/week	\$30.00	\$33.00

Aquatic Center Facility Rentals:

	Per hour
Leisure pool 1-100 people	\$150.00
Extra fee per hour / additional 25 people	\$25.00
Lap pool 1-100 people	\$100.00
Extra fee per hour / additional 25 people	\$25.00
Lap and Leisure pool 1-100 people	\$225.00
Extra fee per hour / additional 25 people	\$25.00
Lap pool / splash pad	\$125.00
Lap pool / leisure pool / splash pad	\$300.00
Splash pad & patio area	\$75.00
Lane rental	\$12.50
Shower rental	\$50.00
Wet classroom	\$35.00
Party room	\$35.00
Birthday party package (Includes 45 minutes in party room, 8 children, 2 adults)	\$75.00
Full aquatic center	\$400.00
Gym - full court (30 minutes)	\$25.00
Gym - half court (30 minutes)	\$15.00

Aquatic Center Misc. Fees:

Body Fat Testing	\$10.00
Personal training - couple	\$60.00
Personal training - single	\$40.00
Personal training - 10 sessions	\$340.00
Personal training - 6 sessions	\$216.00
Personal training - 3 sessions	\$114.00

BUSINESS LICENSE FEES

	Fee / Amount
General Business License	
New	\$75
Renewal / Commercial	\$64
Renewal / Home	\$64
Rental Dwelling License	
New	\$190
New - Good Landlord Participant	\$30
Renewal or amendment	\$64
Temporary or Seasonal Merchant License or Mobile Food Vendor License	
New - One hundred eighty (180) Days	\$120
Cleaning Deposit	\$100
Solicitor License	
New	\$215
Renewal	\$64
Identification Badge	\$15
Beer Licenses	
Class A - Off-Premise	
New	\$138
Renewal	\$64
Class B - Restaurant	
New	\$138
Renewal	\$64
Class C - Tavern	
New	\$138
Renewal	\$64
Class D - Nonprofit Organization	
New	\$138
Renewal	\$64
Class E - Temporary Special Event	
New	\$138
Renewal	\$64
Sexually-Oriented Business Licenses	
Outcall Services	
New	\$200
Renewal	\$64
Adult Business	
New	\$200
Renewal	\$64
Nude Entertainment Business	
New	\$200
Renewal	\$64
Semi-nude Dancing Bar	
New	\$200
Renewal	\$64
Nude and Semi-nude Dancing Agency	
New	\$200
Renewal	\$64
Sexually-Oriented Business Employee Licenses	
Non-performing Employee	
New	\$200
Renewal	\$64
Outcall Services Performer	
New	\$200
Renewal	\$64

Adult Business Performer	
New	\$200
Renewal	\$64
Nude Entertainment Business Performer	
New	\$200
Renewal	\$64
Semi-nude Dancing Bar Performer	
New	\$200
Renewal	\$64
Firework Stand License	
New	\$120
Cleaning Deposit	\$100
Pawnbroker License	
New	\$138
Renewal	\$64
Disproportionate Service Fees	
Daycare / Preschool, Commercial (new only)	\$10
Daycare / Preschool, Home (new only)	\$135
Manufacturing Businesses (new and renewal)	\$200
Single-Family Rental (new and renewal) with Good Landlord Program - per unit	\$7
Two-Family Rental (new and renewal) with Good Landlord Program Discount - per unit	\$3
3/4-Plex Rental (new and renewal with Good Landlord Program Discount - per unit	\$9
Multi-Family Rental (new and renewal) with Good Landlord Program Discount - per unit	\$7
Mobile Home Park (new and renewal) with Good Landlord Program Discount - per unit	\$7
Single-Family Rental (new and renewal) - per unit	\$66.50
Two-Family Rental (new and renewal) - per unit	\$12.50
3/4-Plex Rental (new and renewal) - per unit	\$92.00
Multi-Family Rental (new and renewal) - per unit	\$67.00
Mobile Home Park (new and renewal) - per unit	\$49.50
Convenience Stores (new and renewal)	\$500
Restaurants (new and renewal)	\$150
Tavern (new and renewal)	\$800
Automotive (new and renewal)	\$115
Financial Services (new and renewal)	\$440
Pawn Shops (new and renewal)	\$500

Bonds Required

Sexually-Oriented Businesses:

Each applicant for a sexually-oriented business license shall post with the City's business license department a cash or corporate surety bond, payable to the City, in the amount of two thousand dollars (\$2,000). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000) within fifteen (15) days of the date of notice of any draw against it.

Firework Stands:

Bond Or Liability Insurance: Any application for permit as herein provided shall be accompanied by a certificate of insurance insuring the licensee and naming the City as **the certificate holder** ~~an additional insured~~, conditioned for the payment of all damages which may be caused either to a person or to property by reason of the display so licensed and arising from any acts of the licensee, his agents or employees. Such insurance shall be in a sum not less than ~~one hundred thousand dollars/three hundred thousand dollars~~ (\$100,000.00/ **per person and** \$300,000.00) ~~per occurrence~~ for bodily injury and ~~fifty thousand dollars/one hundred thousand dollars~~ (\$50,000.00/ **per person and** \$100,000.00) ~~per occurrence~~ for property damage and no City officer or licensing agent or other representative of the City shall in any event issue any permit hereinabove referred to until such certificate of insurance has been furnished and passed upon by the City Manager and the City Attorney as to form and sufficiency.

Pawnbrokers:

Prior to the issuance of any license for the business of a pawnbroker, the applicant therefore shall file with the Director of Finance a bond with a sufficient surety in the penal sum of two thousand dollars (\$2,000.00), in such form as shall be approved by the City Attorney, conditioned for the faithful observance of all laws and ordinances respecting pawnbrokers. The form of the bond and the sufficiency of the surety shall be approved by the City Attorney.

Miscellaneous

Duplicate license / certificate	\$5
Report showing all businesses licensed in the city	\$5

Penalties

Renewals not paid on or before January 15th	50 % of the total amount due
Engaging in business without a license	\$50

Amended License

Processing Fee	\$5
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Business License Appeal

Fee	\$75
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POLICE

Copy of Police Report	\$10.00	(was \$5.00)
1st copy to those involved	No Cost	
Tape or CD with photos or video	\$25.00	
Fingerprinting (resident)	\$10.00	
Fingerprinting (non-resident)	\$15.00	
BCI Background check	\$15.00	

Alarm's

Failing to have a responsible person respond on alarm	\$25.00
False Alarms per quarter of a calender year outside of a 24 hr period	
(A) Third alarm	\$50.00
(B) Fourth alarm	\$75.00
(C) Fifth alarm	\$100.00

Registration Fee

Sex Offender Yearly Registration	\$25.00
Sex Offender DNA collection	\$25.00
Contract Services for Police Officers	\$58.00 hour 2 hour minimum

GRAMA FEES:

Copy cost per side	\$0.25
Certified copies per page	\$2.00
Copy of a audio recording of minutes	\$3.00
Compilation time per hour	\$14.00
Police reports	\$10.00
Budget copies	\$5.00
Land Use Plans (General Plan)	\$5.00

Requests that include the inspection of a voluminous scope of records and/or have not identified any particular record(s) with any degree of specificity, will need to adhere to the following procedures and guidelines in order for the City to reasonably facilitate the request:

1) Written notice must be provided to the office of the City Recorder at least ten (10) business days in advance of the date and times desired to inspect the City's public records. Said notice must include a particular category of recods to examine on each date so that those records may be pulled, placed in a central location, and then reviewed for any private, controlled, or protected documents in advance of the inspection.

2) Appointments to inspect the City's public records will be made in four (4) hour time blocks, either from the hours of 8:30 a.m. until 12:30 p.m. or from 1:00 p.m. until 5:00 p.m. Requestors may utilize only one (1) four (4) hour time block for inspecting records per day and must not request more than two (2) such appointments per week.

3) The City shall charge a reasonable fee to cover its actual costs for accommodating the records request. Pursuant to this Fee Schedule, the requestor will be charged a minimum of \$14.00 per hour to cover the necessary staff time to facilitate complying with the request. The requestor must pay \$56.00 (4 hours X \$14/hour) in advance for each four (4) hour block of inspection time scheduled. However, that amount is only designed to offset the City's labor costs to have an employee sit with the requestor while any public records are inspected in order to maintain the integrity of said records. Any additional costs for searching, retrieval, compiling, formatting, manipulating, packaging, summarizing, tailoring, copying, etc. will be charged in addition to the \$56.00 per four (4) hour inspection block that will have already been paid in advance.

PLANNING & ZONING FEES:

Engineering Fees	Per City Engineer Hourly Rates
Site Plan Review	\$500 plus Engineering
Administrative Site Plan Review	\$200 plus Engineering
Conditional Use Permit	
Home Occupation	\$200 plus Engineering
Residential	\$350 plus Engineering
Commercial	\$350 plus Engineering
Request for Extension	\$200 plus Engineering
Site Plan Review/Conditional Use Permit running concurrently	\$700 plus Engineering
Rezone	\$650 plus Engineering
Zoning Ordinance Amendment	\$650 plus Engineering
General Plan Amendment	\$900 plus Engineering
Street Vacation	\$450 plus Engineering
Plat Vacation / Amendment	\$300 plus Engineering
Annexation	\$1000 plus Engineering
Special Planning Commission Meeting	\$500
Subdivision Approval	
Preliminary	\$500 + \$25 per lot, plus Engineering
Final	\$400 + \$25 per lot, plus Engineering
Subdivision Public Hearing	\$300
Appeal to the Planning Commission or City Council	\$150 plus Independent Legal Fees
Recording Fees	Paid directly to Davis County Recorder
Permanent Sign Permit	\$50 plus Inspection Fees
Temporary Sign Permit	\$20
Variance	\$250 plus Engineering
Zoning Verification Letters	\$75

GIS Data Pricing

Parcel Layer	\$50.00
Street (Centerline) Layer	\$50.00
Zoning Layer	\$50.00
Any other GIS or CAD Layers	\$20.00 each
Aerial Photography	\$90.0/sq. mi.
Special Projects	\$50.00 per hour
Hard copy color maps	\$1.00 / Sq. Ft.

CODE ENFORCEMENT FEES:

Restoration Permit	First - \$25 / Second - \$50
Abatement Administration Fee	\$120

BUILDING PERMIT AND DEVELOPMENT FEES:

General - Building valuation:

From \$1 to \$500	\$23.50
From \$501 to \$2,000	\$23.50 plus \$3.05 each additional \$100 or fraction thereof
From \$2,001 to \$25,000	\$69.25 plus \$14.00 each additional \$1,000 or fraction thereof
From \$25,001 to \$50,000	\$391.75 plus \$10.10 each additional \$1,000 or fraction thereof
From \$50,001 to \$100,000	\$643.75 plus \$7.00 each additional \$1,000 or fraction thereof

From \$100,001 to \$500,000	\$993.75 plus \$5.60 each additional \$1,000 or fraction thereof
From \$501,000 to \$1,000,000	\$3,233.75 plus \$4.75 each additional \$1,000 or fraction thereof
From \$1,000,000 up	\$5,608.75 plus \$3.65 each additional \$1,000 or fraction thereof

Pools, tubs and spas:

Public	\$150 each
Private	\$47 each

Landscape sprinkling system

\$47 each

Plan check fee:

Commercial	
65% of the building permit fee for building value of \$1 - \$100,000	
60% of the building permit fee for building value of \$100,001 - \$500,000	
50% of the building permit fee for building value of \$500,001 and greater	
Use of outside consultants for plan checking	Actual Cost **
Residential and pools	20% of the building permit fee
Residential "Identical Plans"	\$47

** Actual costs include administrative and overhead costs

Plan check deposit required for new construction

Residential	\$100
Commercial	\$250

Off-site Bonds

Residential	\$2,000
Commercial	As per City Engineer's cost estimate

Permit inspection fees:

Outside normal business hours (minimum charge of two hours)	\$47 per hour
Re-inspection	\$47 per hour
Inspections for which no fee is specifically indicated (minimum charge of .5 hours)	\$47 per hour
Additional plan review required by revisions (minimum charge of .5 hours)	\$47 per hour

Home daycare or preschool plan check and inspection fee

\$25 each

Street Cut Permit (Excavation Permit)

Lateral excavation (roads older than 1 year)	\$60 / lane cut
Lateral excavation (roads newer than 1 year)	\$120 / lane cut
Longitudinal excavation (roads older than 1 year)	
First 660 lineal feet	\$120
Each additional 660 lineal feet or fraction thereof	\$240
Longitudinal excavation (roads newer than 1 year)	
First 660 lineal feet	\$240
Each additional 660 lineal feet or fraction thereof	\$240
Excavations off improved right-of-ways	\$60
Bond per lateral excavation	\$1,000
Bond per unlimited number of lateral excavations	\$15,000
Bond for longitudinal excavation for 100 lineal feet or fraction thereof	\$2,000

Demolition permit (including inspections)

\$150

State Surcharge

A 1% state surcharge may be applicable to building permit fees

Water Meter Fees

	Cost	Installation Fee
5/8" x 3/4" Meter	\$208	\$25
1" Meter	\$292	\$25
1-1/2" Meter	\$530	\$25
2" Meter	\$700	\$25
2" Compound Series Meter w/2 Orion Transmitters	\$1,945	Per City Public Works Hourly Rate
3" Compound Series Meter w/2 Orion Transmitters	\$2,263	Per City Public Works Hourly Rate
4" Compound Series Meter w/2 Orion Transmitters	\$3,528	Per City Public Works Hourly Rate

6" Compound Series Meter w/2 Orion Transmitters	\$4,927	Per City Public Works Hourly Rate
1-1/2" Turbine Meter	\$800	Per City Public Works Hourly Rate
2" Turbine Meter	\$875	Per City Public Works Hourly Rate
3" Turbine Meter	\$987	Per City Public Works Hourly Rate
4" Turbine Meter	\$1,448	Per City Public Works Hourly Rate
6" Turbine Meter	\$3,413	Per City Public Works Hourly Rate

Telecommunications franchise application fee \$500

Sewer Connection Fees

Each connection to the city sanitary sewer system including each	\$500
Additional connection fee per lot within the subdivision, mobile	\$25

Building Permit - New Construction Water Fee

Fee for water usage during construction of new residential units, fee charged per unit \$50

DEVELOPMENT IMPACT FEES:

Residential

Dec. 13, 2016

Single Family (includes attached & detached)

Park Impact Fee-Single Family	\$2,339.00
Park Impact Fee-Multi Family	\$1,441.00
Storm Water per ESU	\$64.00
Water	\$254.00
Sewer	\$613.00

Non-residential

Storm water per ESU (1 ESU = 2,700 sq. ft. of impervious surface)

If there is storm water detention onsite, the fee is reduced if the detention area is:

- Paved - 20% reduction
- Grassed - 30% reduction
- Sand & Oil Interceptor - 50% reduction

Water Impact (per water meter size*)	Dec. 13 2016
3/4"	\$352.00
1" - 1 1/2"	\$705.00
2"	\$1,411.00
3"	\$4,517.00
4"	\$7,059.00
6"	\$14,118.00

Sewer Impact (per water meter size*)	
3/4"	\$851.00
1" - 1 1/2"	\$1,703.00
2"	\$3,406.00
3"	\$10,900.00
4"	\$17,031.00
6"	\$34,062.00

* Water and sewer impact fees for meters larger than six inches will be based on annualized average day demand and the net capital cost per gallon of capacity.

Independent Fee Calculation Review \$150 plus Actual Cost

Administrative fee for Appeals \$75

DOG LICENSES

Duplicate (replacement) tag	\$6.00
Unaltered and no chip	\$40.00
Altered with no chip	\$15.00
Altered with chip	\$10.00
Senior unaltered one year license	\$10.00
Senior lifetime, with chip and altered	\$20.00

FIRE HYDRANT METERS

Short Term Meter (3 days or less)	\$8.00 + usage charges
Long Term Meter (4 or more days)	\$30/month + usage charges
Lost, broken or damaged meter	\$2,500.00
Lost, broken or damaged hose	\$100.00

NEIGHBORHOOD DUMPSTERS

Deposit (applied to resident's acct when charges are billed)	\$75.00
Delivery & picking-up	\$77.80 + fuel surcharge
Tipping Charge	\$26 / ton

Discounts may be available. Please contact the City for details.

CEMETERY FEES

	Resident	Non-resident
Plot - adult (includes perpetual upkeep)	\$450.00	\$950.00
Interment - adult	\$300.00	\$600.00
Plot - infant (includes perpetual upkeep)	\$150.00	\$400.00
Interment - infant/cremains	\$200.00	\$300.00
Plot - cremains (includes perpetual upkeep)	\$250.00	\$500.00
Interment extra fee for evenings/weekends/holidays*	\$200.00	\$250.00
* Evening services are defined as those that are scheduled for 3:30pm or later.		
Disinterment	\$500.00	\$500.00
Cemetery Certificate transfer fee- resident to non-resident		
within 1 year of purchase	\$100.00	
All other certificate transfers	\$10.00	\$10.00
Gravesite Marker (for second and each additional time)	\$25.00	\$25.00

BUILDING RENTAL FEES

	Resident	Non-resident
Refundable cleaning & security deposit - no food	\$50.00	\$50.00
Refundable cleaning & security deposit - food served	\$250.00	\$250.00
Room Rental /hour (2-4 hrs) non-profit, government, commercial	\$35.00	\$50.00
Room Rental /hour (5-8 hrs) non-profit, government, commercial	\$31.50	\$45.00
Room Rental /hour (9-12 hrs) non-profit, government, commercial	\$28.00	\$40.00
Room Rental /hour (13+ hrs) non-profit, government, commercial	\$24.50	\$35.00
Theater & MP room pkg /hr (2-4 hrs) non-profit, government, commercial	\$50.00	\$70.00
Theater & MP room pkg /hr (5-8 hrs) non-profit, government, commercial	\$45.00	\$63.00
Theater & MP room pkg /hr (9-12 hrs) non-profit, government, commercial	\$40.00	\$56.00
Theater & MP room pkg /hr (13+ hrs) non-profit, government, commercial	\$35.00	\$50.00
Sound and lighting / per hour	\$20.00	\$20.00
Projector & screen / per hour	\$20.00	\$20.00

LEGAL DEPARTMENT DISCOVERY FEES

Copies (first 10 pages)	\$5.00
Copies (11 plus pages)	\$0.25/page
Photos (color copies)	\$2.00/page
DVDs/Video/Audio Recordings (Copies)	\$20.00/each

MISCELLANEOUS

Returned payment	\$20.00
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Steed Park Electrical Bid Scoresheet 2016

1 Qualifications (Respond with "Yes" or "No")		Hidden Peak ElectricalCo., Inc.	Score	Probst Electrical, Inc	Score
1a	References (3 minimum)	Yes	1	Yes	1
1b	Company Profile	Yes	1	Yes	1
1c	Corp. or Legal Entity	Yes	1	Yes	1
1d	Person is authorized to sign	Yes	1	Yes	1
1e	Contact info of key contacts	Yes	1	Yes	1
1g	Contact info of respondent	Yes	1	Yes	1
1h	Attended Pre bid meeting	Yes	1	Yes	1
Section 1 Totals (1 pt for "Yes", 0 pts for "No")			7		7
2 Ability to Complete Project (Respond with rating 1-5. 1 being worst, 5 being best)		Hidden Peak ElectricalCo., Inc.		Probst Electrical, Inc	
2a	Current work load	3	3	2	5
2b	Years of experience	20	5	11	3
2c	Relevant Project Completed	4	3	4	3
2d	Projects NOT completed	0	3	0	3
Section 2 Totals			14		14
3 Bonds, Licenses, and Insurances (Respond with "Yes" or "No")		Hidden Peak ElectricalCo., Inc.		Probst Electrical, Inc	
3a	Bid Bond	Yes	1	Yes	1
3b	Licenses	Yes	1	Yes	1
3c	Insurance	Yes	1	Yes	1
Section 3 Totals(1 pt for "Yes", 0 pts for "No")			3		3
4 Fee Proposal (Respond with rating 1-5. 1 being worst, 5 being best)		Hidden Peak ElectricalCo., Inc.		Probst Electrical, Inc	
Base fee		58,000.00	5	\$74,200.00	3
Additive Alternatate 1 (New wire from base to top of poles)		9,300.00	3	\$1,919.00	5
Additive Alternatate 2 (Upgrade existing electrical panel)		9,000.00	5	\$13,674.00	3
Total Price		76,300.00	5	\$89,793.00	3
Section 5 Totals			18		14
5 OVERALL TOTAL			42		38

PARAT TAX

Proposed Implementation Schedule

FY17			
Project	Location		Cost
Tables, Benches, and Trash Receptacles	All Parks		\$ 114,000.00
Playground Replacement	North Steed Park		\$ 60,000.00
			\$ 174,000.00

FY18			
Project	Location		Cost
BMX/Pump Track	Barlow Park (North End)/H Street & SR-193		\$ 100,000.00
Park Signage Replacement	16 Park Locations		\$ 160,000.00
New Electronic Playgrounds	South Steed and Barlow		\$ 50,000.00
New Playground Equipment (Swings)	200 South Park		\$ 25,000.00
CAFC play area	CAFC		\$ 125,000.00
Build Disc Golf course around trail and park	Island View Park		\$ 10,000.00
Renovate existing restrooms/Facilities	Kiwanis, Island View, N. Steed, S.Steed tower		\$ 160,000.00
Develop Dog Park	Barlow Park		\$ 50,000.00
Playground Equipment with Wasatch	Central Park		\$ 30,000.00
			\$ 710,000.00

FY19			
Project	Location		Cost
Challenge/Ropes Course	Steed Park (North)		\$ 100,000.00
Add New Playground	Cornerstone Park		\$ 75,000.00
Add Pavillion	200 South Park		\$ 15,000.00
Replace small pavillions	Train Watch, Kiwanis, Bicentennial, Island View		\$ 210,000.00
Refurbish tennis courts, add pickleball courts	Steed Park (South)		\$ 350,000.00
Install New Restroom	Central Park		\$ 65,000.00
Fish Cleaning Station	Steed Pond		\$ 30,000.00
			\$ 845,000.00

FY20			
Project	Location		Cost
Rehabilitate the Tennis & Basketball Courts	Kiwanis Park		\$ 30,000.00
New Playground Equipment (2-5 yr. olds)	Island View Park		\$ 50,000.00
			\$ 80,000.00

FY21	Project	Location	Cost
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FY22	Project	Location	Cost
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FY23	Project	Location	Cost
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PARAT TAX

Revised Implementation Schedule

9/13/2016

FY17			
Project	Location		Cost
Playground Replacement	North Steed Park		\$ 60,000.00
New Electronic Playgrounds	South Steed and Barlow		\$ 50,000.00
New Playground Equipment (Swings)	200 South Park		\$ 25,000.00
Playground Equipment with Wasatch	Central Park		\$ 30,000.00
Add New Playground	Cornerstone Park		\$ 75,000.00
New Playground Equipment (2-5 yr. olds)	Island View Park		\$ 50,000.00
			\$ 290,000.00

Park Signage Replacement	16 Park Locations		\$ 160,000.00
CAFC play area	CAFC		\$ 125,000.00
BMX/Pump Track	Barlow Park (North End)/H Street & SR-193		\$ 100,000.00
Challenge/Ropes Course	Steed Park (North)		\$ 100,000.00
Develop Dog Park	Barlow Park		\$ 50,000.00
Renovate existing restrooms/Facilities	Kiwanis, Island View, N. Steed, S.Steed tower		\$ 160,000.00
Build Disc Golf course around trail and park	Island View Park		\$ 10,000.00
			\$ 705,000.00

\$ 995,000.00

Options for Tables and Benches

Clearfield City Community Services
Department

Tables (Current Option)

8' Concrete
\$650



Tables (Option 1)

8' Aluminum
\$600-650



Tables (Option 2)

8' Expanded metal
Thermoplastic Coated
\$750-800



Tables (Option 3)

8' Punched Steel
Thermoplastic Coated
\$1,150



Benches (Current)

7' Concrete
\$600-650



408

Benches (Option 1)



6' Steel
Thermoplastic Coated
\$1,100

Benches (Option 2)

6' Steel
Powder Coated
\$1,100-1,200



Benches (Option 3)

6' Perforated Steel
\$650 -700



CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 9, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Brian Hogge	Senior Accountant
	Terrence Jackson	IT Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kathryn Murray, Susan Becker – Zions Public Finance

Mayor Shepherd called the meeting to order at 6:01 p.m.

DISCUSSION ON THE FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION
ON THE REVOCATION OF THE RELAX HEALTH CENTER BUSINESS LICENSE

Stuart Williams, City Attorney, referred to the Findings submitted by the administrative hearing officer used to hear the appeal of the revocation of the Relax Health Center business license. He asked if there were any questions from the Council regarding the procedures and process and there were none. He explained the options available to the Council as defined by City Code:

- Hold its own hearing to consider additional evidence, or
- Adopt the recommended findings of the administrative hearing officer.

Mr. Williams stated he communicated with the property management company who represented the owner of the property, and they were both aware of the issues surrounding the business and the City's actions thus far and had indicated they had no intentions to enter into another lease agreement with the business owner.

DISCUSSION ON THE IMPACT FEE STUDY

Rich Knapp, Administrative Services Director, introduced Susan Becker, Zions Bank Public Finance, to the Council and announced she would be presenting information regarding the impact fee study and the utility rate study.

Scott Hodge, Public Works Director, announced the City had contracted with Horrocks Engineering to complete an Impact Fee Study, who in turn partnered with Zions Bank to complete the financial analysis portion of the Study. He reported the legislation which regulated impact fees was very detailed and complicated and shared an example. Mayor Shepherd asked when the last study had been completed and Mr. Hodge responded the last study was completed in 2007. He reviewed the process which had been used to complete the study. He clarified the document identified as the IFFP (Impact Fee Facilities Plan) had been completed by Horrocks and Zions Bank had completed the Fee Analysis.

Ms. Becker expressed appreciation to staff for ensuring she received accurate information that was needed to complete the study. She pointed out State Code required two separate documents be prepared: the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis. She reviewed some specific requirements with the Council. She emphasized five specific criteria were required to be measured:

- Identifying any existing and proposed service levels.
- Identifying any excess capacity in the City's systems ("system" improvements only).
- Showing demand created by new development and how demand would be met.
- Identifying facilities and cost based on a six to ten year horizon.
- Discussing funding options - how would it be paid for and what facilities would be needed or where could the City purchase its needs in order to accommodate increased capacity.

Ms. Becker explained the definition of impact fees to the Council and emphasized collected impact fees for new development had to be spent within six years which was why the Analysis was based on a six to ten year horizon. She stated information included in the IFFP would be used to determine the proportion that would be appropriated for residential and/or commercial development, taking into consideration credits, which would be against any outstanding bonds.

Ms. Becker explained an ERU was an Equivalent Residential Unit and ESU referred to an Equivalent Surface Unit which was used for impervious surface specifications specific to storm drainage. She reviewed the current fees and proposed maximum fees and pointed out the fees were significantly decreasing.

Ms. Becker shared an illustration which identified growth projections for water/sewer and storm water with the Council. She explained how the excess capacity for culinary water had been calculated with growth projections. She reviewed culinary water costs for new construction projects and pointed out monies remaining in the Impact Fee fund balance (referred to as credits) could be used toward the new construction projects. She mentioned the outstanding bonds were also considered as credits.

Councilmember Young requested clarification for how previously collected impact fees which paid for previous new construction could be used toward current new construction. Ms. Becker responded the previously collected funds should have been expended or were in the process of being completed, in theory. Adam Lenhard, City Manager, added there were identified projects which were still on the list in the process of being completed.

Ms. Becker reviewed the summary page which identified the ERCs (Equivalent Residential Connection), bond payments, credits and the resulting maximum impact fee of \$254.13 for water. She explained why the impact fee would increase as the bond decreases. She stated the general approach to the formula was excess capacity, the buy in, new construction, other costs such as impact fee fund balance, and any credits or outstanding debt. She emphasized the buy in costs could often be low because law dictates the actual cost of the system at the time it was put in place not current market value.

Ms. Becker reviewed similar information relative to sewer which resulted in the maximum fee of \$613.13. She also reviewed the information regarding storm water and explained no excess capacity had been identified, pointing out the figures resulted in the maximum impact fee of \$64.81.

Councilmember Phipps stated he had difficulty with the concept of equating the excess capacity to a dollar value relative to the culinary water figures. Ms. Becker stated generally it was a percentage of the system as a whole since it would be impossible to determine excess capacity pipe by pipe and shared an example.

Councilmember Bush inquired why there was a difference in fees specific to each calendar year if the study would be applicable for six years. Ms. Becker responded this was a difficult concept to explain and pointed out the total maximum fee which could be collected was \$288.30; however, there were still outstanding bonds. She continued to explain a new homebuilder couldn't be assessed both the buy-in costs and the outstanding bond costs and clarified that was the reason behind the credit being applied to the impact fee. She pointed out as growth occurred more people were paying toward the bond, in addition, the dollar amount of the bond was decreasing over time. She suggested the City use the summary sheet as a fee schedule.

Adam Lenhard, City Manager, indicated the impact fees were not changing from year to year and suggested the amount of information included in the study would allow the City to implement the fees identified on the summary sheet and a discussion took place.

Mr. Lenhard noted the figures included in the study were substantially lower than what was currently being assessed.

DISCUSSION ON THE UTILITY RATE STUDY

Rich Knapp, Finance Manager, reported the last time the City had a third party complete a rate study was in 2007 and an in-house update was completed in 2010. He believed the newest study was probably more accurate and suggested the City could defend what it charged for services based on it.

Susan Becker, Zions Bank Public Finance, explained the City had some latitude in how it structured its utility rates compared to impact fees and suggested the Council had choices specific to residential versus commercial rates. She pointed out the rate study was completed using the following assumptions:

- Increase of operating costs by 2 to 3 percent per year.
- Budget \$100,000 per year for unexpected repair and replacement.
- Goal for cash balances was 275 days of operating expenses. She stated that number was considered a “standard.”

Mr. Knapp pointed out bond rating agencies looked to see how much cash the City had on hand to determine how solvent or strong the City’s financial position was.

Ms. Becker reviewed rate structures for sewer with the following suggestions:

- Increase single-family residential and commercial base rates by two percent per year.
- Increase multi-family residential by five percent the first year; then three percent per year thereafter.
- No changes to consumption rate.
- No proposed bonding.

Ms. Becker shared information specific to the storm water fee structure informing the Council rates would need to increase by 15 percent per year from \$4.89 to \$14.96, if no bonds were issued. She presented the following suggestions:

- Increase rates by three percent per year and issue a \$3.6 million bond in 2021.
- Increase rates by five percent per year and issue a \$2.5 million bond in 2021.

She explained the need for bonding was due to the following:

- Maintenance Operation Center Phase III construction in 2022 was projected to cost \$1.2 million.
- Freeport Industrial Parkway Pond Outfall was projected at \$670,000.
- Significant infrastructure projects at 400 South and 100 North were identified.

She mentioned the timeframe mirrored when a culinary water bond was needed and could be done at the same time to save costs. She shared an illustration of the proposed three percent increase from Fiscal Year 17 to Fiscal Year 25 and an illustration of the proposed five percent increase.

She shared information regarding culinary water base rates and Scott Hodge, Public Works Director, explained how meter size and ratio rates were used to determine the figures. She also reviewed current residential usage tiers with the Council and pointed out the commercial rate was \$1.11 per 1000 gallons. She expressed her opinion the usage tiers were acceptable because it didn’t place users in a “punitive” category. She shared an illustration identifying the following information:

No bond issuance

- rate increases would have to be extremely high – between 4 percent per year and 18 percent per year depending on meter size.
- Residential base rate would increase 15 percent per year.

Issuance of a bond

- Proposed increase of three percent per year for single family residential.
- Percentage changes vary by water meter size.
- No recommended changes for water usage fees; tiers were appropriate.
- Issue a \$5.5 million bond in 2021- HAFB tank and transmission pipe for a cost of \$4.1 million and Maintenance Operation Center Phase III in 2022 at a projected cost of \$1.2 million.

She reviewed the summary of proposed rate increase impacts with the Council pointing out the increases averaged two percent per year. She mentioned she had hypothetically used four percent for 20 years for the bond in her calculations. She asked the Council if there were any questions.

Councilmember Benson requested clarification regarding the Hill Air Force Base tank. Adam Lenhard, City Manager, explained it was a proposed three million gallon storage tank to be built on the Base. He continued that location would provide elevation needed for the gravity fed water pressure system. Scott Hodge, Public Works Director, stated the City currently had a two million gallon water well on the Base and was hopeful a similar agreement could be put in place for the additional storage tank.

Councilmember Bush mentioned the NDS (North Davis Sewer District) was required to adhere to standards and regulations required by the EPA (Environmental Protection Agency) and expressed concern similar regulations would soon be in place for storm water. He suggested rates would be impacted significantly if similar filtration processes were required and a discussion followed.

Mr. Knapp pointed out the Good Will Policy had been included in the storm water calculations. He emphasized the utility rates would come to the Council at a later date for approval with other amendments to the Consolidated Fee Schedule and would be effective January 1, 2017. He requested direction from the Council regarding the three percent or five percent increase for storm water rates.

Councilmember Young believed a three percent increase would be sufficient since the City would be second guessing future scenarios. He suggested that would build up an adequate increase for unforeseen circumstances. Mr. Knapp pointed out the justification for a five percent increase was to bond for a lower amount in 2021. Ms. Becker added the City had enough identified projects to justify the five percent increase. Mr. Lenhard stated utility rate increases were strictly a policy decision and staff would implement the Council's decision.

Councilmember Peterson stated she needed more time before making any recommendation and a discussion took place. Councilmember Benson requested clarification if the rate increases would subsequently take place every three years. JJ Allen, Assistant City Manager, responded the history of the City has been to adopt rates for a three year period, effective annually; however, the law allowed the City to update rate increases as needed.

DISCUSSION ON THE 2016/2017 FISCAL YEAR BUDGET

Rich Knapp, Finance Manager, reviewed changes to the tentative budget since June 14, 2016:

- Grant revenue and expenses specific to the Victim's Advocate position.
- Worker Compensation Fund costs.
- Water costs specific to usage at City facilities.
- Energy Performance Lease Purchase and subsequent reduced energy costs.
- Reallocating of funds for projects which weren't completed in Fiscal Year 16.
- Reduced interest earnings for General Fund allocations.
- Increase in building permit fees.
- Decrease in telecom tax trend.
- CDBG actual costs.

Councilmember Bush moved to adjourn the work session and reconvene in a City Council policy session at 6:55 p.m., seconded by Councilmember Benson. All voting AYE.

The work session reconvened at 8:25 p.m.

DISCUSSION ON THE 2016/2017 FISCAL YEAR BUDGET CONTINUED

Mr. Knapp clarified a comment from the Fiscal Year 16 year end update provided during the policy session. He explained the \$1.8 million in the unrestricted fund balance was equivalent to 30 percent of budgeted funds as opposed to the reflected 17 percent. Councilmember Peterson expressed concern with that number since the Council had just approved maintaining the City's current tax rate. She asked what the plan was for spending down reserves.

Adam Lenhard, City Manager, responded the excess fund balance would allow the City to continue to address needed projects where funding couldn't be recognized previously. Mr. Knapp pointed out half of the cost for the Maintenance Operations Center had been funded and suggested excess fund balance would allow for additional appropriations if needed. A discussion followed regarding the need for Truth in Taxation and the current unrestricted fund balance. Mr. Lenhard suggested the Council consider whether the approved budget provided appropriate value for expected services to Clearfield residents. He emphasized staff was dedicated to providing a consistent level of service to residents.

DISCUSSION ON THE CONSOLIDATED FEE SCHEDULE

Rich Knapp, Finance Manager, referred to the staff report on the Consolidate Fee Schedule. He informed the Council that the City was in its second year of its contract with Waste Management and reviewed the rate structure. He pointed out the increase in cost for the service which became effective July 1, 2016. He also explained the City paid Waste Management and Wasatch Integrated Waste for waste services. He stated it was proposed to increase the fee for the second trash container to \$7.65 from \$7.50 to cover the actual cost to the City in addition to any proposed similar increase by Wasatch Integrated Waste.

Councilmember Bush proposed increasing the second can and reducing the cost for the recycle can to encourage residents to recycle and a discussion took place. Mayor Shepherd suggested no increase to the second can costs and the Council agreed. Mr. Knapp pointed out the City wasn't covering its costs for the second trash can by \$0.03.

Mr. Knapp also explained the City billed approximately 6500 customers and every month approximately 1000 of those customers paid their utility bill late and were assessed a \$10 late fee with a late notice being mailed. He continued two weeks after the first notice approximately 150 customers were subject to shut off with an additional \$35 fee.

He reported the utility department implemented a pilot program in February in an attempt to reduce the number of shut offs and demand on public works personnel, in which an additional late notice, a door hanger, was delivered to the residence the day prior to utility shut off. He announced the program resulted in reducing the number of shut offs from approximately 150 to 61 per month. He stated the current question was whether to charge a fee for the door hanger notice. Mr. Knapp stated there was a cost to the City for the door hanger of approximately \$8.50 so he proposed a \$10 fee for that particular service. He informed the Council that if a customer did experience utility shut after two notices the late fees could be close to the original bill and expressed concern the fee could be considered "punitive" in nature. He referred to information included in his staff report for the Council to consider and a discussion took place regarding the fees.

Adam Lenhard, City Manager, suggested the Council consider not assessing the \$10 second notice fee but rather increase the shut off fee and the discussion continued. Councilmember Phipps pointed out there was a valid cost for delivering the second notice which the City wasn't attempting to collect. Councilmember Bush expressed concern residents who pay the utility bill timely were subsidizing those fees. Mr. Knapp pointed out revenue had decreased because less people were paying the \$35 shut off fee as a result of the free second door hanger notice. At the conclusion of the discussion the Council believed the \$10 fee for the door hanger notice was justified and directed staff to benchmark the shut off fee to determine if the shut off fee of \$35 was appropriate. Mr. Lenhard added an updated memo would be sent to the Council identifying that information which would be included in the Consolidated Fee Schedule update.

Spencer Brimley, Development Services Manager, also explained language in the City Code specific to bonding and liability insurance for fireworks stands needed to be amended. He stated the language identified the City as "additional insured" and suggested the City be identified as a "certificate holder". He explained the amendment would ensure fireworks stand vendors would continue to have appropriate insurance during the duration of their enterprises. He stated the proposed language would be included in the Consolidated Fee Schedule.

Mr. Brimley mentioned members of the public had expressed concern with the City's fee for Administrative Site Plan review and reported he had completed an analysis comparing similar fees with neighboring cities and was proposing the fee be reduced from \$400 to \$200. He shared his analysis comparing other cities' fees and concluded \$200 was an average fee. Councilmember Bush expressed agreement as long as the fee covered the City's costs.

The meeting adjourned at 9:02 p.m.

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
August 9, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Brian Hogge	Senior Accountant
	Terrence Jackson	IT Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kammie Watt – Boy Scouts, Steven Bishop, Caleb & Gordon Mitchell – Boy Scouts, Bob Bercher, Boy Scout Troop 572

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during the Public Hearing or Citizen Comments there were forms to fill out by the door.

Councilmember Benson conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JULY 26, 2016 WORK AND POLICY SESSIONS

Councilmember Peterson moved to approve the minutes from the July 26, 2016 work and policy sessions as written, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON 1) TRUTH IN TAXATION TO CONSIDER MAINTAINING THE CITY'S TAX RATE AT 0.001800, 2) THE BUDGETED TRANSFER OF RESOURCES FROM THE WATER FUND TO THE GENERAL FUND, AND, 3) THE ADOPTION OF THE 2016/2017 FISCAL YEAR BUDGET

The Clearfield City Council held a public hearing on the proposed budget on June 14, 2016. The Council was now proposing to adopt the fiscal year 2016/2017 budget, which included a certified tax rate of 0.0018. That proposal would maintain the same tax rate as the last few years, but would be higher than the certified tax rate of 0.001664 proposed by the County, consequently requiring a "truth in taxation" hearing. The proposed budget also included a transfer of resources from the Water Enterprise Fund to the General Fund, with an estimated value of \$100,000 (for water used at City-owned facilities), which also required a public hearing. City staff had prepared and submitted to the Council a balanced final budget for FY 2016/2017, which began July 1, 2016 and ends June 30, 2017.

Rich Knapp, Finance Manager, reminded the Council of the budget process thus far and reviewed specifics included in the staff report associated with the proposed budget:

- The proposed budget placed the City in a healthy position.
- \$1.6 million of the General Fund reserves were appropriated for projects.
- Phase 2 of the City Maintenance and Operation Center would be cash funded.
- \$1.27 million appropriated for the reconstruction of 700 South.
- \$125,000 appropriated for the Steed Park ball field electrical upgrades.
- Merit Increase of 2.5 percent included.
- Health Insurance increase of 5.3 percent included.
- New positions of staff engineer, additional park maintenance specialist, part time street sweeper included.
- Converting part time to full time, public works administrative assistant included.

He identified the new sources of income with the Council:

- \$330,000 in transportation funds from Proposition 1.
- \$130,000 increase in Sales Tax funds.
- Anticipating \$200,000 in PARAT Tax revenue.

Mr. Knapp stated the rate calculated by Davis County was 0.001664 and announced the City was proposing the rate be maintained at 0.001800, as had been done since 2011. He explained maintaining the certified tax rate would bring in an additional \$176,000 which would be appropriated toward the previously discussed projects. Mr. Knapp shared a visual presentation illustrating how property tax was calculated and explained the Truth in Taxation process emphasizing if the process was never used, property tax revenue would remain the same from year to year. He summarized Truth in Taxation was necessary for sustainability. He shared information on "How Truth in Taxation Affects Residents" and stated if the City maintained the tax rate of 0.0018, the average resident would pay approximately \$12.79 more per year in property tax. He also reviewed how property taxes were disbursed and those services which were funded via property tax. He asked if there were any questions and there were none.

Mayor Shepherd announced he had received a letter expressing opposition against what the author interpreted as a tax increase and reported he had responded to the letter via phone call and to clarify the residents' misunderstanding that Truth in Taxation was a tax increase. He pointed out just as an individual's income increases from year to year to accommodate for cost of living expenses, the City needed to maintain the tax rate on the increased property value to meet increase costs.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:16 p.m. seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

CITIZEN COMMENTS

Steve Bishop, resident, expressed concern regarding the North Davis Sewer District (NDSD) rate increase for another year. Councilmember Bush, the City's representative to the District, suggested Mr. Bishop visit the District and participate in a tour to witness firsthand how the facility operated. He explained the need for environmental and capacity upgrades since it was built in the 1950s. He stated some of the waterlines and sewer lines installed under roadways also needed to be upgraded. Mr. Bishop expressed concern there seemed to be no end for those types of increases. Mayor Shepherd emphasized the increase was a pass through from the District because it had bonded to fund its improvements to the system.

Councilmember Bush explained some of the processes at the District and emphasized the new equipment operated more efficiently.

Mr. Bishop again expressed concern about the cost of his water bill and inquired why the City watered its facilities during the day. Adam Lenhard, City Manager, explained due to the numerous irrigation stations in City facilities it wasn't feasible to only water during nighttime hours and believed the City was efficient in its watering. He introduced Mr. Bishop to Eric Howes, Community Services Director, and Curtis Dickson, Deputy Director, and also invited Mr. Bishop to tour the City's facilities.

Mayor Shepherd pointed out the City purchased its culinary water from Weber Basin Water and as it increased water rates the City passed that on to the residents and clarified residents were billed based upon usage.

APPROVAL OF RESOLUTION 2016R-18 SETTING THE TAX RATE FOR ALL REAL AND PERSONAL PROPERTY IN CLEARFIELD AT 0.0018

Councilmember Phipps stated he was familiar with the process and understood the concepts and philosophies of Truth in Taxation, but expressed concern with the philosophical problem

associated with property taxes. He stated in light of the PARAT Tax and the Proposition 1 Transportation Tax, he believed the increased amount to the City's residents was too much under the current circumstances.

Councilmember Young defended the increase and believed the City was always looking for ways to efficiently provide services to its residents. He believed the increase was needed to keep pace with costs associated with infrastructure improvements and public safety and police officer compensation. He mentioned he also had some of the same concerns expressed by Councilmember Phipps about potential ongoing increases long term.

Mayor Shepherd commented on the need to increase compensation for City employees specific to public safety as well as other employees. He stated he would also like to see something different in the future to offset the City's dependence on property tax.

Councilmember Bush pointed out the transportation tax and gas tax were specifically for road improvements and transportation systems and clarified the City wasn't raising the rate and the property tax would only increase if the value of the house increased. He expressed his opinion that a ten dollar increase in property taxes was acceptable since the value of his property had increased \$12,000 in the past year. He believed the increase was a small amount to pay to have adequate infrastructure and a qualified police force.

Councilmember Peterson expressed her opinion the City was doing better than it had in years and stated she appreciated the small predictable increases each year as opposed to a large unpredictable increase in one year.

Councilmember Benson pointed out the City was very conservative in its appropriations during the budget process.

Councilmember Phipps emphasized he was fully supportive of the rate changes specific to the police officers' salaries and expressed his opinion that approving to maintain the tax rate would not impact the wage increases to City staff.

Councilmember Young added the small increase associated with maintaining the tax rate might not have a significant impact today but it would benefit the residents and the City by not having to adopt a tax increase in the future. He emphasized property tax, as defined by the State of Utah, was the only real flexibility for revenue that the City had. He continued that flexibility was to either maintain the current revenue or maintain the current rate in order to keep up with increased costs that may be associated with inflation. He believed this was currently the only way to provide for long term needs.

Councilmember Benson moved to approve Resolution 2016R-18 setting the tax rate for all real and personal property in Clearfield at 0.0018 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson and Young. Voting NO – Councilmember Phipps.

APPROVAL OF RESOLUTION 2016R-19 ADOPTING THE FISCAL YEAR 2016/2017 BUDGET

City staff prepared and submitted to the Council a balanced final budget for fiscal year 2016/2017 which began July 1, 2016 and ends on June 30, 2017.

Councilmember Peterson moved to approve Resolution 2016R-19 adopting the fiscal year budget for 2016/2017 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

APPROVAL OF THE FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS ON THE REVOCATION OF THE RELAX HEALTH CENTER BUSINESS LICENSE

On July 14, 2016 an appeal hearing took place regarding the revocation of the business license for Relax Health Center by the City's business license official.

Stuart Williams, City Attorney, reviewed the history associated with the Relax Health Center and the City's business license requirements and subsequent complaint, investigation and revocation of the business license. He reported the business owner appealed that decision and an appeal hearing took place on Thursday, July 14, 2016. He stated the hearing officer upheld the business license official's decision to revoke the business license based on substantial evidence. He reported the hearing officer had provided the Council with the Findings of Fact, Conclusions and Recommendation that the Revocation of the Business License be upheld. He recommended the Council follow the hearing officer's recommendation.

Mayor Shepherd asked if there were any questions after reading the Findings of Fact submitted by the hearing officer and there were none.

Councilmember Young moved to approve and adopt the Findings of Fact, Conclusions and Recommendations on the revocation of the Relax Health Center Business License and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

FISCAL YEAR 2016 YEAR END UPDATE

Rich Knapp, Finance Manager, stated Fiscal Year 2016 was over and reviewed highlights with the Council:

- PARAT tax revenue was \$210,000.
- Sales tax revenue was higher than it had ever been.
- Revenues were higher by approximately \$643,000 than anticipated.
- Expenditures were lower by \$1.1 million than budgeted.

He reviewed the historical data reflecting revenue, expenditures and changes in fund balance for the last three years and pointed out the budget had anticipated spending down the fund balance

reserve by \$800,000 and reported final figures reflected the cash reserve had actually increased by approximately one million dollars. He emphasized the figures were draft only and indicated the final numbers wouldn't be known until December.

He reviewed the following economic trends:

- Point-of-Sale tax revenue was the best indicator of the local economy and anticipated sales tax revenue would exceed anticipated figures by approximately \$280,000.
- General Fund revenues were \$643,000 higher than budgeted, mostly due to Sales and PARAT tax revenue.
- Intergovernmental expenses were lower than budgeted due to the 911 phone system being delayed for grant funding.
- Class C road revenues' last distribution was being held by the State because of a legislation issue. The intent of the legislation led the City to believe more funds would be recognized.
- Proposition 1 monies of \$60,000 had been received.

He referred to the historic expenditures of all funds and pointed out the following:

- \$342,000 remained in the personnel budget
- \$1,000,000 for materials & services
- \$4.3 million for capital outlay.

He reported the City went over the budgeted amount for transfers and explained that was specific to the inter fund issue which was previously explained and discussed during a previous work session.

Mr. Knapp concluded most everything was as expected or under budget. He referred to the highlighted figures in the draft document and pointed out the following:

- Muni Telecom License Tax was decreasing and the State Tax Commission didn't have a good reason or explanation as to why.
- Building Permits weren't as high compared to 2015 but were in line with 2014.
- Aquatic Center revenue had increased over last year.
- Interest earnings had increased.

He reviewed the revenues specific to the Enterprise Funds with the Council.

He reviewed expenditures specific to the General Fund with the Council. He explained he had included the clarification notes reflecting the reasons for any differences. He emphasized Fiscal Year 16 was overall a very good year and asked if there were any questions.

Councilmember Benson asked what had been used during the current budget process to estimate fuel costs for this next year since the City recognized a savings in fuel costs over the past year. Mr. Knapp responded he couldn't remember but believed actuals had been used and believed a buffer was also in place.

Councilmember Peterson clarified the projects which weren't completed over the past year would be carried over the next year.

COMMUNICATION ITEMS

Mayor Shepherd

1. Mentioned the City's Night Out Against Crime which took place on Tuesday, August 2, 2016, at the Aquatic Center was the best ever.
2. He expressed appreciation to the City's Police Department in light of the shooting incident which took place on August 2, 2016.
3. Reported on the F-35 celebration at HAFB which took place during the past week. He stated he had met with the Secretary of the Air Force, Chief of Staff of the Air Force, and the Head of Air Combat Command earlier in the day. He stated they all had commented about the support from the community, specifically Clearfield and Layton.
4. Announced he had the privilege to attend the promotion of Colonel Berkel to Brigadier General and indicated she was Utah's first female general and the first female commander of the National Guard. He also mentioned prior to her promotion all five colonels under the previous existing general were women and that fact had been highlighted in the Air Force Magazine.
5. Informed the Council that he, Adam Lenhard, City Manager, and JJ Allen, Assistant City Manager, had met with UTA in the past week to discuss the progress of Clearfield Station.
6. Stated the Inter-generational Poverty partnership would be meeting again in Salt Lake on Wednesday, August 10, 2016
7. Commented the North Davis Fire District (NDFD) had been extremely busy within the past few weeks and shared some of its recent experiences.
8. Announced that the HOPE Center backpack block party with the Kiwanis Club would take place on Saturday, August 13, 2016, from 4:00 p.m. to 7:00 p.m. next to the Star Café. He stated they were raising funds to provide after school backpacks for low income students. He mentioned their goal was to provide 500 backpacks.
9. Expressed appreciation to City Manager, Adam Lenhard, for his dedication associated with the fire at Belcham and the recent incident with the Police Department. He commended him for taking his City Manager role very seriously.

Councilmember Benson

1. Informed the Council that she had received an email from William Black inviting the elected officials to a National Federation of the Blind in Utah luncheon on Saturday, August 20, 2016, at 11:00 a.m. in Roy. She stated she would have Adam Lenhard email the additional information for those interested in attending. She mentioned the organization had 11 had participants in the RAGNAR race and had placed and the details about the participation as explained to her were amazing.
2. Expressed appreciation to staff members for their assistance in educating members of the Council and for their efforts in keeping the City financially sound.

Councilmember Bush

1. Mentioned the success of the Night Out Against Crime and stated it was always fun to participate in events like that with the residents.
2. Reported he had attended a Crisis Leadership Training in Salt Lake and indicated he would forward the book to Adam Lenhard, City Manager, if anyone was interested. He believed members of the Council should experience some crisis training.
3. Expressed appreciation to the residents attending the meeting and specifically mentioned the Boy Scouts and Scout leaders.

Councilmember Peterson

1. Announced she and Councilmember Benson had met with the Circles Leadership Team in conjunction with the Family Connection Center to assist low income residents to overcome poverty. She

explained how the program was implemented and stated the organization was looking for volunteers and businesses willing to assist in various ways with participants. She mentioned the team had expressed interest in presenting the program to the Council during a future work session.

2. Expressed appreciation to the City's police and fire personnel. She mentioned it had been a difficult few weeks and believed the impact to residents, in both situations, had been mitigated due their professionalism.

Councilmember Phipps – nothing to report.

Councilmember Young

1. Expressed agreement with previous comments regarding the City's Night Out Against Crime. He mentioned both the Police Department's and North Davis Fire District's participation in the event. He expressed appreciation for the cooperation, participation and support from the local businesses for their donations of food and other events which contributed to the event's success.

2. Informed the Council that Davis Council Mosquito Abatement had been involved in verifying and investigating that there were no mosquitos carrying the Zika virus in Utah. He added no mosquito born Zika had been identified.

3. Requested he be excused from the City Council on Tuesday, August 23, 2016.

STAFF REPORTS

Adam Lenhard, City Manager – nothing other than his monthly update previously provided to the Council.

Nancy Dean, City Recorder

1. Expressed appreciation to the Council and Staff for their support and condolences at the recent loss of her mother.

2. Informed the Council that the Utah League of Cities and Towns meetings would be held the second week of September and to let her know if they were interested in attending so she could get them registered.

3. Informed the Council of the following meeting schedule:

- Tuesday, August 16, 2016 - Work session at 6:00 p.m.
- Tuesday, August 23, 2016 – Policy session with a work session before

There being no further business to come before the Council, **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:15 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

The minutes for the CDRA are in a separate location

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 16, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Bruce Young	Councilmember
EXCUSED:	Kent Bush	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Terrence Jackson	IT Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Adam Hughes – Better City, Nathan Rich – Wasatch Integrated Waste, Jason Evans Scott P. Evans (SPE) Architect, Scott Evans – SPE Architect, Greg Evans – SPE Architect, Rob Vanleemput – Western Care Construction, William Terburg – ACM Architects

Mayor Shepherd called the meeting to order at 6:01 p.m.

DISCUSSION ON THE DESIGN FOR THE PUBLIC WORKS AND PARKS
MAINTENANCE OPERATIONS BUILDING

Scott Hodge, Public Works Director, announced representatives from Scott P. Evans Architects had been invited to present the design for the maintenance operations building. Scott Evans shared a visual presentation illustrating the facilities and buildings of the new public works and shops maintenance operations building. He asked if there were any questions from the Council and there were none.

Mr. Hodge stated one of the first things which would need to take place was the removal of the current fueling station. Greg Krusi, Police Chief, inquired if the radio antenna station currently located at the shops facility would be accommodated with the new facility and Mr. Hodge

indicated it was included. Mr. Hodge pointed out the appropriated \$3.9 million for the project didn't include furniture.

Councilmember Benson inquired if new equipment would be needed for the vehicle bays. Mr. Evans pointed out a lawn mower lift was included. Mr. Hodge emphasized the wash bay would include an oil and water separator which had originally been planned for the next phase and explained the need and benefit for that to be completed with the current design phase. A discussion took place regarding an estimated timeline for completion.

Representatives from Scott P. Evans Architecture left the meeting at 6:25 p.m.

DISCUSSION ON LAND USE IN THE VICINITY OF 1500 EAST AND 1450 SOUTH

Spencer Brimley, Development Services Manager, oriented the Council on a location near Rocky Mountain Care Center being considered for development and reviewed the history associated with the vacant property in that area. He stated the owner of the vacant property, also the owner of Rocky Mountain, had submitted a proposal for a convalescent facility on the north end of the property with medical offices at the front along 1450 South. He explained the challenges with the current proposal and shared a visual illustration of the conceptual idea:

- Master Streets Plan identified a street which was not reflected in the proposed development which would require the City to amend the General Plan
- A lot consolidation would be required to accommodate the proposal

Mr. Brimley explained the proposal was for 40,000 to 50,000 square feet of medical offices and 164 residential units and emphasized those would be in addition to the units at Rocky Mountain. He reviewed issues the Council should consider about the proposed development and emphasized the streets plan would need to be amended to accommodate the proposed development.

Mr. Brimley reviewed the history of the property and current facility and reported in 2014 discussions took place regarding the remaining property and there was concern at that time about the high density residential component proposed for the development. He continued the property was currently zoned C-1, Commercial, which would require a Conditional Use for the proposed type of use and added the development would also need to go through the Site Plan process. He shared a visual illustration of the proposed development.

He emphasized the General Plan, specifically the transportation plan, was the most critical issue for the north/south corridor in the area and a discussion took place regarding a future proposed road.

Mayor Shepherd believed when the owner approached the City in 2014 the Council was concerned about the encroachment from the three story buildings of the proposed facility on the residential development to the north. Councilmember Phipps inquired as to what a convalescent center was. Mr. Brimley responded the facility was for people who could function on their own to an extent but would need some additional help similar to Chancellor Gardens.

Mr. Lenhard mentioned when the proposal previously came to the City in 2014 there was concern the development was too similar to apartments. JJ Allen, Assistant City Manager, added there was also the issue of how the City Code defined “convalescent” and “nursing home” verses “assisted living” and how the owner defined such uses, He asked whether the City needed to amend its ordinance or if the owner would be required to apply for a zoning text amendment.

Mr. Brimley pointed out the proposal included three story apartments with interior hallways and elevators. Mayor Shepherd pointed out if the project was allowed with a “conditional” use the City would have some control and believed the proposal resembled a three story walk up apartment complex that the developer was calling “senior living” or convalescent care”. Councilmember Benson expressed concern there was no guarantee the development would never become apartments in the future. Mr. Brimley pointed out the C-1 zoning on the property prohibited straight multi-family housing and explained the multi-family designation referred to a specific use on the property currently not allowed in the C-1 zone. A discussion took place regarding density for the development.

Mr. Brimley stated the intent was to inform the Council of the proposal as staff would be looking for direction from the Council and a discussion followed. Mayor Shepherd stated he didn’t disagree with the proposed use; however, he expressed concern with three story residential in that specific area. Councilmember Phipps was confused about how a three story residential facility would be enticing as senior citizen living.

Rob Vanleemput – Western Care Construction, William Terburg – ACM Architects arrived at 6:36 p.m.

Mr. Allen reviewed the City’s current ordinance specific to the C-1, Commercial, zone and announced assisted living was not allowed as a conditional use and clarified the proposed facility wouldn’t have skilled nursing employees required for a convalescent or skilled nursing facility. He suggested the applicant might not agree with the City’s definitions of senior residential facilities. Rob Vanleemput, Western Care Construction, explained the difference between a skilled nursing facility and an assisted living facility to the Council. He continued it was the developer’s intent to build a campus concept which included the Rocky Mountain skilled nursing facility, an assisted living facility in addition to senior living. He further explained the proposal included the medical office component.

Mr. Lenhard stated the applicant’s definition of assisted living matched the City’s definition of assisted living but emphasized it wasn’t allowed in the C-1 zone as either a permitted or conditional use. He informed the developers they would need to request an ordinance change allowing that use. He indicated that process would begin with the Planning Commission.

Councilmember Phipps believed an assisted living facility would fit the area and suggested any development would need to blend with the nearby residential neighborhood. Councilmember Benson inquired if the proposed development included the Rocky Mountain name and Mr. Vanleemput responded it would not as it would be operated by another entity, although they would be owned by the same owner. He continued to present options regarding how the existing dental building/practice could potentially be incorporated with the development. Mr. Terburg

informed the Council that Sterling Court, a senior living/assisted living facility had been built in St. George. He explained the concept would allow a senior couple to live in a facility while only one needed assisted living services and pointed out it would allow the couple to remain living together. Mayor Shepherd emphasized assisted living wasn't a permitted or conditional use in the C-1 or R-2 zone and informed the representatives it was only allowed in the R-3 zone. He stated the only way the project could be allowed in the current ordinance was to rezone the property to R-3, multi-family residential, because the proposal was a high density project specifically for the elderly.

Mr. Brimley clarified the property was identified as commercial in the General Plan and suggested a rezone request would also require a General Plan amendment prior to the rezone. Mayor Shepherd expressed concern regarding the medical office space and a discussion took place regarding the traffic impacts to the existing road and suggested there were several issues which needed to be evaluated with the site and proposal.

Councilmember Young stated he liked the business model; however, the Council had to consider the impact to the neighborhood. Mayor Shepherd suggested the applicant would need to determine whether it wanted to pursue the development.

Mr. Vanleemput and Mr. Terburg left the meeting at 7:00 p.m.

Mayor Shepherd also shared a concept of climate controlled storage on the vacant triangular parcel currently occupied in the vicinity of 1500 East 1450 South near Chancellor Gardens and owned by Saunders Advertising for the billboard. He shared a visual illustration which further portrayed the concept of climate controlled storage. He explained Saunders' representatives had approached the City with the proposal of the indoor storage facility. He indicated this would also require a zoning text amendment to allow this use.

Adam Lenhard, City Manager, stated storage units weren't currently allowed in any zone within the City so the use would first need to be defined. A discussion took place during which the following suggestions were shared about the proposed facility: accessible indoors, climate controlled, secured, multiple levels. Councilmember Young believed climate control would be important to include because of the internal nature of the proposed facility.

Mayor Shepherd suggested defining the use in the C-1 (Commercial) zone only and rezone the property in order to limit where that type of business could locate. Mayor Shepherd suggested placing the burden of the Title 11 change and the rezone upon the applicant.

Mayor Shepherd pointed out the developer was looking to have another enterprise on the upper floor/rooftop.

DISCUSSION ON THE BETTER CITY PROPOSAL

JJ Allen, Assistant City Manager, reminded the Council of a previous discussion regarding the Better City proposal for Lakeside Square, Mabey pond, the mobile home park and the downtown area. He shared a visual illustration which identified the area. He reminded the Council staff had

been working on a Small Area Plan, separate from Better City, for that area and reviewed it with the Council. He shared Better City's concept plan for the area and reported there were similarities. He reviewed Better City's scope of work for the area which identified a feasibility study in Phase I and Phase II consisted of the implementation. He reviewed specific tasks associated with each phase with the Council which further identified potential tenants, funding sources for development/redevelopment, schedule and timeline with scope of work and costs. He emphasized Phase II specifically identified Better City's role in engaging developers to undertake the project. Mr. Allen reviewed the fees associated with the contract with the Council.

Mr. Allen introduced Adam Hughes, Better City, to the Council and he emphasized the cost to bring a developer/project would be much higher than Better City proposed. Mr. Allen pointed out the expense wasn't included in the 2017 budget and indicated it would need a budget amendment. He requested direction from the Council and Mayor Shepherd inquired if the expense would be specific to the CDRA budget. Mr. Allen responded in the affirmative. Mayor Shepherd stated he was in full support of the proposal and a discussion followed. Councilmember Peterson pointed out two separate independent bodies were proposing almost the same concept.

Mr. Hughes mentioned the challenge in creating a downtown or center of activity was the necessity to have uses that refreshed or would constantly and consistently bring people in. He emphasized Better City would focus on those types of uses and cautioned the Council that would be difficult with only 10 acres. He suggested other areas nearby would benefit from the initial phase.

Mr. Allen stated he would like Better City's initial concept to mirror more of what had been included in the Small Area Plan and shared specifics and a discussion followed. Mr. Hughes again emphasized the importance of fresh development which would bring people in on a nightly bases creating vibrancy for the development that was continually "refreshing".

Mr. Allen reported he would move forward with the details and bring an agreement to the Council for consideration.

Mr. Hughes left the meeting at 7:45 p.m.

UPDATE ON THE WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

Nathan Rich, Wasatch Integrated Waste Management District, reminded the Council the special service district operated the waste energy facility, known as the burn plant, which provided steam to HAFB (Hill Air Force Base) for renewable energy and the Davis Landfill including the green waste, recycling, and the landfill thrift store.

He reported the waste energy facility had recently completed a reinvestment project within the past two years and it was anticipated to operate for an additional 10 to 20 years, depending on the Base's desire to continue purchasing the energy. He reported the landfill currently had approximately 27 years of remaining capacity assuming it was used at today's current rate of use.

He mentioned as new technologies became available it was the goal to replace the waste energy facility sometime in the future. He stated the landfill supported the ash residue coming from the waste energy facility in addition to the customer/residential drop off. He reported plans to build a transfer station within the next 10 to 15 years to transfer garbage to a regional landfill. He announced New Era was an interlocal entity similar to a special service district comprised of several counties for the purpose of combining efforts specific to managing garbage. He emphasized landfills were a high fixed cost business and believed it would provide an opportunity for a joint project with the other entities. Councilmember Phipps suggested the concept was a well thought out proposal and Mayor Shepherd believed it was a good proposal and made sense.

Mr. Rich mentioned the mixed waste facility had been implemented to remove grass, glass, dirt and rocks from residential trash. He continued a proposal was in the works to build the first phase of a transfer station, by an increase in the household use fee by approximately \$2, which would remove remaining recyclables from residential curbside garbage. Councilmember Benson mentioned she could fill her recycle receptacle in one week and many recyclable items then had to be disposed of in her regular trash. Mr. Rich emphasized the recyclable can was separate from Wasatch Integrated or the landfill. He continued the City's recycling program was being administered independently of the County's facility and explained the process. Ms. Benson believed education would benefit residents.

DISCUSSION ON TITLE 11, YARD AND SETBACK REQUIREMENTS

Spencer Brimley, Development Services Manager, explained staff had recently received a concern regarding setback requirements for accessory buildings. He explained in 2009 the ordinance was amended requiring the following:

- Buildings less than 10 feet in height could be no less than 3 feet from the property line.
- Any building over 10 feet in height would have to be 8 feet from the property line.
- There were exceptions for carports, cornices, eaves and overhangs.
- No accessory building could exceed 20 feet in height.

He reminded the Council the issue came in June when a resident requested information regarding an accessory building for his property for the utilization of parking vehicles. He emphasized prior to 2009 there was a one foot allowance from the property line and heights weren't defined.

JJ Allen, Assistant City Manager, mentioned Mr. Brimley had completed research to determine the reason for the change in 2009 and was unable to determine what was behind the change.

Mr. Brimley reviewed options for consideration by the Council:

- No change in current ordinance.
- Reducing rear and side yard setbacks, allowing for incremental increases based on maximum height.
- Change minimum height for setback of accessory buildings.
- Require conditional use permits for accessory buildings over a certain square footage.

Adam Lenhard, City Manager, remembered two specific issues related to accessory buildings. He indicated the first was to maintain property near property lines and the second was keeping water on property specific to eaves rather than directing water to neighboring properties.

Mr. Brimley mentioned anything less than five feet required fire rating; and therefore, three feet off the property line would incur additional expenses in building materials. He also mentioned the issue regarding the maintenance between the accessory building and the property line and the City's ordinance which required residents to maintain all drainage on property. He emphasized there was no standard as to setbacks in any specific area and suggested other municipalities were still requiring adherence to their ordinances in those areas.

Councilmember Phipps shared an example regarding a personal circumstance regarding a neighbor's accessory building. Councilmember Peterson suggested setting a specific design standard which allowed for the typical ready-made type of shed which could potentially benefit the property and the City as a place of storage as opposed to open storage in someone's backyard. Mayor Shepherd pointed out the difficulty he had in maintaining a small sliver of property at the side of his garage and the property line.

Mr. Lenhard suggested changing the height requirement of 10 feet to a higher number. Councilmember Young stated he wouldn't change the three foot setback from the property line and suggested allowing the 10 feet height at the edge or square of the building. Mr. Brimley stated measurements were generally taken at the apex or midpoint of the roof.

Councilmember Peterson stated if a shed could be purchased at Home Depot, it should be allowed via ordinance. Mayor Shepherd suggested if a car could be parked in the structure it shouldn't be considered an accessory building; rather, it then should be considered a garage. Councilmember Peterson believed there was probably a height "standard" for sheds which could be purchased from Lifetime or another vendor and didn't want to discourage residents from using those to store "stuff" as opposed to leaving items in the yard. Mr. Brimley stated there was a distinction in the ordinance between an accessory building and garage.

Mayor Shepherd mentioned setbacks as a whole needed to be considered as there were often easements for utilities. Mr. Brimley mentioned other municipalities' ordinances spoke directly to not allowing the building in a utility easement.

Mr. Brimley informed the Council that some municipalities required conditional use permits for structures over 200 square feet and explained how that would impact staff and a discussion took place. Mr. Brimley cautioned the Council that it wouldn't want to create a new definition for regulation.

Councilmember Peterson believed the current ordinance required a building permit for an accessory building when it exceeded 200 square feet. Mr. Brimley responded it wasn't that simple, there were percentage regulations based on the size of the structure and size of lot. Councilmember Peterson shared an example of an accessory building which was legally built based on the current ordinance and suggested it could negatively impact surrounding residents as opposed to something under 200 square feet but one foot higher.

Mayor Shepherd directed staff to initiate an ordinance change and have it proceed through the Planning Commission and ultimately before the Council. Mr. Lenhard mentioned there were several Title 11 items which needed to be addressed and asked about timing. He suggested staff move forward with that specific issue for the Planning Commission meeting in October.

DISCUSSION ON THE MARKETING AND COMMUNICATIONS JOB DESCRIPTION

JJ Allen, Assistant City Manager, shared a brief history regarding the two part time Community Relations (Marketing and Public Relations) positions emphasizing the responsibilities had consistently changed over time and highlighting those changes specifically. He reminded the Council of the survey it recently completed to determine how the City was doing and reviewed the results. He announced the three most important functions of the position identified by the Council:

- Social Media
- Marketing
- Reporting to the Community/Transparency

Mr. Allen reviewed some of the councilmembers' notes associated with the above three functions. He stated the questionnaire also requested items which the Council believed could be eliminated from the job description:

- 4th of July celebration coordination
- Full spread monthly newsletter – send out articles/information separately
- Mobile based video

Adam Lenhard, City Manager, reported Councilmember Bush believed a segment of the City's population didn't care about social media and would rather have a paper newsletter as opposed to an electronic newsletter. Mr. Allen specifically requested the Council's input regarding splitting up the newsletter and using social media to distribute small articles. A discussion took place regarding the importance of a traditional newsletter and social media. Mayor Shepherd suggested sending a one page newsletter with the utility bill providing information in short paragraphs ultimately directing the residents to the website, or staff, and the Council discussed that option.

Mr. Allen provided the Council's answers to the social media question in the survey. Councilmember Peterson believed if the City chose to use certain social media platforms there was an expectation of understanding the pace of said platform. Mr. Allen pointed out the consensus of the Council expressed a desire for the various sites to be checked periodically throughout the day. He also shared the results of how the Council wanted the City to interact with people via social media.

He reminded the Council of the question in the survey regarding social media and a major event happening in the City and shared the members' comments which concluded "on a regular basis or as the situation warranted".

Mr. Allen shared the recommendation of one full-time Communications Coordinator in the Executive Department with responsibilities specific to the three key areas. He emphasized the

current part-time staff hadn't been provided with cell phones and therefore hadn't been able to respond after hours. He also suggested the position be "exempt" as opposed to "hourly" allowing the individual to work as needed without overtime pay. He continued the other part-time position would be in Community Services as Marketing Specialist/Events Coordinator for the purpose of coordinating the 4th of July celebration and marketing Recreation and Aquatics programs. Councilmember Young suggested providing a phone to this position as well. Mr. Allen informed the Council the implementation of the positions would have a budgetary impact as the full-time position would have additional wages and benefits.

He shared the results of the suggestions qualifications for the position and mentioned the following:

- Videography
- Website
- Fund Raising

He asked how important these three qualifications were to the Council.

Councilmember Peterson expressed her opinion fundraising should be a separate position. She believed the marketing position should be responsible for providing materials to whomever solicits support from the public sector. Mayor Shepherd stated it would be important for the individual to know how to produce a pamphlet which could be used to sell the City. Mr. Allen concluded the Council desired the position provide a marketing piece and not necessarily perform the act of soliciting.

Councilmember Peterson added she wanted the position to work closely with the IT side of the City's website, providing materials/information to be placed on the website not actually uploading the information. Mr. Lenhard responded the City used a separate vendor for the website. A discussion took place regarding the City's website.

Mr. Lenhard suggested the Council consider what it wanted to accomplish as an end result and a discussion took place. Councilmember Phipps responded the City should provide information residents want to know as well as information they should know. He also wanted an individual that could bring suggestion and ideas for the City to implement. Councilmember Peterson believed the City's current social media posts get buried because they consist of texts and a link.

Mr. Lenhard believed the City would need to look for a skill set that currently didn't exist within the organization at this time and indicated he would also like to find roles within the organization for the individuals currently in the two part-time positions. Councilmember Benson inquired if they had been made aware of the change. Mr. Lenhard responded in the affirmative.

Mr. Allen announced staff would create a job description and benchmark the position. Summer Palmer, Administrative Services Director, stated she would be spending time on Linked In attempting to seek a qualified individual. She continued it would be difficult to find someone that met the expectations in a price point agreeable to the City. Mayor Shepherd suggested creating an internship for a social media student attending Weber State University. Mr. Allen pointed out an individual right out of college would be affordable but wouldn't have the desired experience. Councilmember Peterson expressed her opinion a degree was not be the primary factor for the

position. Mr. Allen emphasized both individuals currently in the positions at this time had marketing degrees and significant experience. Councilmember Peterson suggested having candidates provide a “sample” campaign during the interview process.

Mr. Lenhard reported once the titles and job descriptions were finalized staff would move forward with recruiting and amending the budget. Mr. Allen mentioned the current employees in the positions were in limbo and believed the City owed it to them to move forward quickly. There were no objections from the Council.

The meeting adjourned at 9:05 p.m.

DRAFT

CLEARFIELD CITY ORDINANCE 2016-05

AN ORDINANCE ADOPTING A NEW IMPACT FEE FACILITIES PLAN AND ANALYSIS FOR CULINARY WATER, SEWER AND STORM WATER AND AMENDING THE CURRENT IMPACT FEES FOR WATER, SEWER AND STORM WATER BY ADOPTING NEW FEES BASED UPON THE UPDATED PLANS AND ANALYSIS.

PREAMBLE: After the required properly noticed public hearings, and upon careful consideration, discussion and deliberation of a proposed Impact Fee Facilities Plan as well as a proposed Impact Fees Facilities Analysis for culinary water, sewer and storm water, which were both prepared for the City by professional consultants, the City Council has determined that adjustments to the City's current culinary water, sewer and storm water impact fees are warranted and shall be enacted as outlined below. The City's comprehensive Impact Fee Ordinance (as set forth in Title 10, Chapter 2 of the Clearfield City Code) remains in effect, except as specifically amended herein, and the general provisions of said Chapter regarding service areas, exemptions, offsets or adjustments, appeals, etc. shall still be applicable to the newly amended culinary water, sewer and storm water impact fees.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

The City hereby adopts the following:

- 1) The 2016 Impact Fee Facilities Plan for culinary water, sewer and storm water prepared for the City by Horrocks Engineers attached hereto as Exhibit "A;" and,
- 2) The August 2016 Culinary Water Impact Fees Analysis prepared for the City by Zions Public Finance attached hereto as Exhibit "B;" and,
- 3) The August 2016 Sewer Impact Fees Analysis prepared for the City by Zions Public Finance attached hereto as Exhibit "C;" and,
- 4) The August 2016 Storm Water Impact Fees Analysis prepared for the City by Zions Public Finance attached hereto as Exhibit "D;" and,
- 5) New and updated Culinary Water, Sewer and Storm Water Impact Fees as set forth below which are based upon the data collected, information provided, findings and conclusions reached in the documents listed above, as well as careful consideration thereof by the City Council.

Title 14, Chapter 1, Section 5, Paragraph B, 1 of the Clearfield City Code is hereby amended to read as follows:

1. Parks and recreation impact fee (residential development only):

Single-family dwelling	\$2,339 .00
Multi-family dwelling (per residential unit)	\$1,441 .00

2. Storm drainage impact fee:

Residential (per housing unit)	\$64.00
Nonresidential	\$64.00 per ESU

3. Water impact fee:

Residential (per housing unit, assuming 3/4" water meter)	\$254.00
Nonresidential (per water meter size in inches) ²	
0.75	\$352.00
1.00 to 1.50	\$705.00
2.00	\$1,411.00
3.00	\$4,517.00
4.00	\$7,059.00
6.00	\$14,118.00

4. Sewer impact fee:

Residential (per housing unit, assuming 3/4" water meter)	\$613.00
Nonresidential (per water meter size in inches) ²	
0.75	\$851.00
1.00 to 1.50	\$1,703.00
2.00	\$3,406.00
3.00	\$10,900.00
4.00	\$17,031.00
6.00	\$34,062.00

The pertinent portion of Title 2, Chapter 5, Section 1 of the Clearfield City Code (the City's Consolidated Fee Schedule) is hereby amended to include the above as stipulated by Ordinance 2016-04.

Section 2. Effective Date: This Ordinance shall become effective December 13, 2016.

Section 3. Repealer: Any Ordinance or sections or portions of ordinances previously enacted by the Clearfield City Council which are in conflict with the provisions of this Ordinance are hereby repealed and replaced by this Ordinance.

Dated this 13th day of September, 2016, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:



IMPACT FEE **FACILITIES PLAN**
JUNE 2016

HORROCKS
ENGINEERS

Impact Fee Facilities Plan Certification Page

I certify that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
 - d. existing deficiencies documented as such and not meant for inclusion in impact analysis.
2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fees Act



Brent R. Ventura, P.E.

Impact Fee Facilities Plan Certification Page

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 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
 - d. existing deficiencies documented as such and not meant for inclusion in impact analysis.
2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fees Act

Brent R. Ventura, P.E.

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Clearfield City is a well-established community nearing build out. In order to continue to construct the appropriate amount of infrastructure to provide the necessary services to accommodate new development, the City is preparing an impact fee schedule based upon this impact fee facilities plan and the corresponding capital facilities plans prepared by Civil Engineering Consultants (CEC).

Demographics

Demographics form the basis of the projections in this plan. Existing demographic information was obtained from Civil Engineering Consultants. Current population estimates are used to determine the Level of Service (LOS) for each facility addressed. Future population projections provide the basis for determining the future needs of the city based upon the current LOS. Presently, Clearfield City has approximately 30,475 residents and is projected to grow to approximately 35,392 by the year 2027 at which time the City is predicted to be at or near full build-out.

Culinary Water

This plan identifies the existing water system and its current level of service. The water system has been modeled and analyzed by Civil Engineering Consultants to project future needs to maintain Clearfield's current LOS. Specific projects have been identified that will be required for the City to service future population growth. In total, \$5.96 million (2015 dollars) of capital improvements are identified for future improvements to the culinary water system necessary to service new growth in the City during the next six years.

Sewer

A sewer model was created by Civil Engineering Consultants to model existing conditions and to project future needs. As a result existing deficiencies were identified in the system along with multiple projects that will need to be completed to service new development in the future. In total, \$2.15 million (2015 dollars) of sewer projects have been identified that are impact fee eligible.

Storm Water

A storm water system model was created by Civil Engineering Consultants to model existing conditions and to project future needs. Multiple projects were identified that will need to be completed within the next six years. In total, \$2.75 million (2015 dollars) of storm water projects have been identified to be constructed to serve new developments in the next six years that are impact fee eligible.

Background

Clearfield City is a mature community located in northern Davis County. It is bounded on the north by the cities of Sunset and Clinton, on the west by West Point, on the southwest by Syracuse, on the southeast by Layton and on the east by Hill Air Force Base. The US census estimated Clearfield's population to be 30,112 residents in 2010. The population is currently estimated at 30,475. As undeveloped areas in Clearfield fill in, the City is projected to grow to 35,392 by the year 2027.

Purpose

The purpose of this Impact Fee Facilities Plan is to address the future facilities needs of Clearfield City including culinary water, sanitary sewer and storm drain. This IFFP uses information previously prepared by Civil Engineering Consultants (CEC) for Clearfield City to estimate the infrastructure needed in the next six years to accommodate new growth within Clearfield City.

Current Impact Fees

Clearfield City's current impact fees are as follows:

Culinary Water - \$3,822 (residential, non-residential fees based on water meter size)
Sewer - \$2,072 (residential, non-residential fees based on water meter size)
Storm Water - \$1,432 (residential, non-residential fees based on 1 ESU = 2,700 square feet of impervious surface)

Funding Projects to Serve New Growth

It is recommended that impact fees be used to fund growth related projects that are necessary to serve new growth while maintaining the existing level of service. However, other sources of funding that may be used are discussed below.

Grants and Donations

No grants or donations are anticipated to fund new projects.

Bonds

None of the costs contained in this IFFP include finance costs. If bonds are used, costs will be considered in the Impact Fee Analysis as details for each project are identified.

Interfund Loans

Impact fee eligible projects may also be funded by interfund loans. If funds are used from other accounts they will be reimbursed as impact fees are collected.

Developer Dedications and Exactions

The value of developer dedications can be credited against that particular developer's impact fee requirements. Individual development agreements can address dedications and exactions as the need arises.

Current Demographics

Residential

In the 2010 Census, Clearfield City’s population was estimated to be approximately 30,112 residents. The 2016 population was estimated by taking population estimate from the 2010 Census and applying the .2% growth rate from 2010 to 2016. The estimated current population of Clearfield City is 30,475 residents. A 0.2% growth rate was used for this time period based upon historic growth rates within the City and relatively stagnant economic conditions characterized by a lack of significant residential development.

Commercial/Industrial

Clearfield currently has approximately 605 acres of commercial development and 1,310 acres of industrial development.

Growth Projections

Residential

This Impact Fee Facilities plan uses growth projections taken from the 2015 Capital Facilities plan 1-6 year’s growth. They are based on current development plans that are in the approval process. Table 2-1 shows the growth projects from 2016 to 2027.

Table 2-1: Population Projections

Year	2016 Population Projects	Growth Rates*
2016	30,475	
2017	30,860	1.26%
2018	31,250	1.26%
2019	31,644	1.26%
2020	32,044	1.26%
2021	32,449	1.26%
2022	32,859	1.26%
2023	33,351	1.50%
2024	33,852	1.50%
2025	34,359	1.50%
2026	34,875	1.50%
2027	35,398	1.50%

* A growth rate of 1.20% per year was used as growth within the City in the upcoming years is expected to be more robust than the comparatively low growth seen during the 2010-2015 period.

Commercial

The Clearfield City “Capital Facilities Plan 1-6 years growth” (prepared by CEC) shows commercial growth of 210 acres during years 1-6 (2015-2020) and 46.5 acres of growth during years 7-12 (2021-2027).

ERC Definitions

The current average household density for a single family home in Clearfield was estimated at 3.5 residents per household, per the 2010 Census. The City believes that this estimate of 3.5 residents per ERC is a good estimate at present and will continue to be representative for the future years discussed by this IFFP.

Water ERC's

Equivalent Residential Connections (ERC)

For the purposes of this study, flows generated by water users, such as businesses, schools, churches, and residential units have been converted to common units called ERCs. ERCs compare a water user's use rate to that of an average single family dwelling within the City. In this case, it is a measure of total water use including indoor and outdoor uses as the City does not provide a secondary or irrigation water system.

Residential Use

Clearfield currently has 5,669 residential connections. It was determined by Civil Engineering Consultants and the city of Clearfield that the average amount of water used by a single family home is 605 gpd. Thus, one ERC for culinary water is defined as 605 gpd. The rest of the ERC's are based off of that single family connection's water usage:

Single Family Residential:	1.00 ERC
Commercial:	1.70 ERC
Manufacturing:	30.20 ERC
City Buildings:	2.50 ERC
Parks:	35.80 ERC
Cemeteries:	35.80 ERC
Churches:	5.00 ERC
Schools:	6.40 ERC

Sewer ERC's

Equivalent Residential Connections (ERC)

Flows generated by wastewater producers, such as businesses, schools, churches, and residences, are generally converted to common units called ERC's. ERC's compare a wastewater user's use rate to that of a single family dwelling. However, since the sewer is only metered to record inflows to the treatment plant, there is insufficient data to accurately portray wastewater generated by individual residences or buildings. As culinary water usage is closely correlated with wastewater generation, the culinary water usage has been used to estimate the amount of wastewater.

Residential Use

Clearfield has 5,669 residential connections, it was determined by Civil Engineering Consultants and the city of Clearfield that the average amount of water used by a single family home is 605 gpd. The rest of the ERC's are based off of that average single family connection's water usage:

Single Family Residential:	1.00 ERC
Commercial:	1.70 ERC
Manufacturing:	30.20 ERC
City Buildings:	2.50 ERC
Parks:	35.80 ERC
Cemeteries:	35.80 ERC
Churches:	5.00 ERC
Schools:	6.40 ERC

Storm Water ERU's

Equivalent Residential Units (ERU)

Flows generated by storm water runoff of impervious surfaces, such as businesses, schools, churches, and residences, are generally converted to common units called ERU's. ERU's compare how much storm water runoff other properties have and compare them to a typical single family dwelling. Storm Water is measured using an average of 2,700 sq ft of impervious surface for a standard single family home.

- 1) 1 residential unit = 2,700 square feet of impervious surface
- 2) A typical commercial development is 1 acre
- 3) A typical commercial development is 90% impervious surface

Single Family	1.00 ERU
Commercial	(commercial acreage x 90%) / 2,700 sf

Clearfield provides culinary water to its customers, which include 5,669 residential connections, 538 commercial customers, 252 manufacturing customers, 16 City connections, 12 parks, 1 cemetery, 20 churches and 6 schools by drawing water from city owned wells and purchasing water by contract from Weber Basin Water Conservancy District. As Clearfield grows and new water services are added, water efficiency and cost effective implementation become increasingly important.

Existing System

Storage

Storage Facility	Size (MG)
Freeport Center Tank	1.5
Hill Air Force Base Tank	2.0
2000 East/700 South Tank #1	1.0
2000 East/700 South Tank #2	2.0
2000 East/700 South Tank #3	4.0
2000 East/700 South Tank (50% Syracuse of 4 MG tank)	2.0
Total	12.5

Source Capacity

Wells
700 South Well
Freeport North Well
Freeport South Well
Hill Air Force Base Well
Total 9,000 gpm

Weber Basin Water Conservancy District
Total 2,639 gpm

Water Rights

The culinary water masterplan shows that Clearfield currently owns 12,873 acre-ft of water rights and leases and additional 5,348 acre-ft of water rights from Weber Basin Water Conservancy District. Clearfield currently has access to 18,221 acre-ft of water rights.

Transmission

Clearfield owns approximately 120 miles (633,600 feet) of culinary water pipe ranging in size from 2” to 18”. System pipelines range in age from 1 to 80 years old and are constructed from materials including asbestos, concrete, cast iron, ductile iron and polyvinyl chloride (PVC). There are no deficiencies noted in the masterplan or capital facilities plan. Clearfield’s current culinary water system is capable of delivering approximately 11,700 gallons of water per minute. The typical peak daily water demand identified in the City’s capital facilities plan is approximately 16,026,131 gpd, or approximately 1,088 gpd per ERC on peak days.

Current Levels of Service

The current level of service that Clearfield City applies to its water systems is governed by the minimum requirements dictated by the State of Utah Division of Drinking Water. Some of the requirements are as follows.

Storage

- Maintain 400 gallons of storage per indoor ERC serviced.
- Maintain 2,848 gallons of storage per irrigated acre if a drinking water system supplies outdoor use.
- Indoor and Outdoor Use Fire Flow Protection of 1,000 gpm for 2 hours (120,000 gal)

Current Storage Capacity: 12,500,000 gallons of storage

Source Capacity

- Maintain 800 gpd of source capacity per indoor ERC serviced.
- Maintain 3.97 gpm of source capacity per irrigated acre if a drinking water system supplies outdoor use.

Current Source Capacity: 11,639 gpm of source capacity

Water Rights

- Maintain 0.45 acre-ft of water right per ERC and 1.87 acre-ft per irrigated acre if a drinking water system supplies outdoor use.

Current Water Rights: 18,221 acre-feet of water rights

Transmission

- Maintain transmission capacity or 1,088 gpd per ERC, based on typical peak daily demand of 16,026,131 gallons by 14,730 ERC’s.

Cost of Existing System

Information about the actual costs of the various components of the system is not generally available and, the extent cost information is available, the available information is not sufficient to provide reliable cost information for the entire system. As such, estimating the current costs to construct the system and then adjusting to account for the age of the system provides the most reliable and accurate estimate available as to the cost of the existing system. The historical cost of each element of the existing system is calculated by estimating a present day cost and applying a Construction Cost Index (CCI) comparison to its estimated year of construction. The 2016 CCI is 207.2.

Storage

Clearfield’s water storage tanks were built anywhere from 25 to 75 years ago. For purposes of historical cost estimating, we will assume that all 6 tanks were constructed, on average, 50 years ago (1966). Furthermore, current day cost for water storage can be estimated to be approximately \$0.50/gallons for tanks 1 MG and larger. As such, historical costs for water storage facilities can be estimated as follows:

$$12,500,000 \text{ MG} \times \$0.50/\text{gallon} = \$6,250,000 \text{ (current value)}$$

$$22.7 \text{ (1966 CCI) } / 207.2 \text{ (2016 CCI)} \times \$6,250,000 = \underline{\$684,725 \text{ (1966 value)}}$$

Source Capacity

Clearfield’s source capacity is provided by 4 underground water wells supplemented by water from Weber Basin. Construction dates for each well are not available. As such, we have estimated their average age to be similar to the storage facilities, 50 years old (1966). Their historical costs are estimated as follows:

700 South Well	\$1,040,000
Freeport North Well	\$870,000
Freeport South Well	\$870,000
Hill Air Force Base Well	<u>\$985,000</u>
Total	\$3,765,000 (current value)

$$22.7 \text{ (1966 CCI) } / 207.2 \text{ (2016 CCI)} \times \$3,765,000 = \underline{\$412,478 \text{ (1966 value)}}$$

Water Rights

Clearfield City owns 12,783 acre-ft of water rights. The City also contracts with Weber Basin for another 5,348 acre-feet. The contracted water will be included in other rates and fees and not included in historical infrastructure costs. We have assumed that water rights have been acquired at approximately the same rate as the construction of the transmission system that has been constructed gradually over the past 80 years. Therefore, average age of the transmission system and water rights is 40 years old (1976). Therefore historical water rights cost can be estimated as follows:

12,783 acre-ft x \$3,500/acre-ft = \$44,740,500 (current value)

46.9 (1976 CCI) / 207.2 (2016 CCI) x \$44,740,500 = \$10,127,072 (1976 value)

Transmission

The City’s transmission system consists of approximately 633,600 LF of 2 to 18 inch (10 inch average) water lines, 19 PRV’s and 11 meters constructed from 1 to 80 years ago. Therefore, we estimate the historical cost of the transmission system an average of 40 years ago (1976). Therefore, the historical cost has been estimated to be:

633,600 LF 10” water line x \$50/LF =	\$31,680,000
19 PRV’s @ \$53,200 each =	\$1,010,800
11 Meters @ \$30,000 each =	<u>\$330,000</u>
Total =	\$33,020,800

46.9 (1976 CCI) / 207.2 (2016 CCI) x \$33,020,800 = \$7,474,303 (1976 value)

Proposed Levels of Service

The city of Clearfield wants to keep its level of service the same by providing the same service to future residents as well as meeting the minimum standards that the Utah Division of Drinking Water requires.

Storage

- Maintain 400 gallons of storage per indoor ERC serviced.
- Maintain 2,848 gallons of storage per irrigated acre if a drinking water system supplies outdoor use.
- Indoor and Outdoor Use Fire Flow Protection of 1,000 gpm for 2 hours

Required Capacity: (15,962 ERC’s x 400 gal) + (1,059 irr acres x 2,848 gal) + 120,000 gal = 9,520,832 gal

Source Capacity

- Maintain 800 gpd (0.556 gpm)of source capacity per indoor ERC.
- Maintain 3.97 gpm of source capacity per irrigated acre if a drinking water system supplies outdoor use.

Required Capacity: (15,962 ERC’s x 0.556 gpm x) + (1,059 irr acres x 3.97 gpm) = 13,079 gpm

Water Rights

- Maintain 0.45 acre-ft of water right per ERC and 1.87 acre-ft per irrigated acre if a drinking water system supplies outdoor use.

Required Capacity: (15,962 ERC's x 0.45 acre-ft) + (1.87 acre-ft x 1,059 irrigated acres) = 9,163 acre-ft

Transmission

- Maintain transmission capacity of 1,088 gpd per ERC

Current Excess Capacity

The current excess capacity is calculated by subtracting the proposed level of service from the current capacity.

Storage

12,500,000 gal – 9,521,000 = 2,979,000 gal (excess)

Source Capacity

11,639 gpm - 13,079 gpm = -1,440 gpm (deficiency)

Water Rights

18,221 acre-ft - 9,163 acre-ft = 9,058 acre-ft (excess)

Transmission

1,088 gpd capacity – 1,088 gpd = 0 gpd

Facilities to Serve Future Growth (in the next 6 years)

Facilities required to accommodate future growth have been identified in Clearfield's Capital Facilities Plan, April 2015, prepared by Civil Engineering Consultants. The water system Capital Facilities Plan illustrates proposed improvements that future development will require. Table 3-1 outlines the proposed projects and their costs in 2015 dollars that are projected to be constructed within the next six years and are eligible to be funded by impact fees totaling \$5,960,000. A detailed explanation of each project follows. These projects will both improve the existing system and add capacity sufficient to serve future growth and are thus only partially eligible for impact fees.

Table 3-1: Water Impact Fee Facilities Estimates

Segment	2015 Estimate	Impact Fee Eligible
(4) 18" Diameter Waterline	\$930,000	\$188,430
(8) Hill Air Force Base Tank and Transmission Line	\$3,510,000	\$713,610
(13) 10" Diameter Waterline State Street 700 South	\$500,000	\$60,560
(14) 10" Diameter Waterline 1000 East	\$200,000	\$40,680
(15) 8" Diameter Waterline 500 West	\$170,000	\$34,780
(16) 10" Waterline 700 South	\$240,000	\$48,510
(50) 12" Waterline 300 North	\$410,000	\$83,930
Total	\$5,960,000	\$1,170,500

Eligible Projects

18" Diameter Water Line – is project number 4 and it is divided into three parts; 4A, 4B, and 4C. The water line runs from the Legend Hills Canal to 1400 South Street. This project will serve some of the existing residents in addition to future development. CEC has estimated that only 20.34% of this project will be eligible for impact fees.

Hill Air Force Base Tank and Transmission Line – is project number 8 in the culinary water CFP. This project includes the installation of 7,500 ft of 16" water line and a new 2 million gallon tank. The new water line and tank will service some of the existing population as well as future development. CEC has estimated that only 20.34 % of this project will be eligible for impact fees.

10" Diameter Waterline State Street 700 South – is project number 13 in the culinary water CFP. This project includes installing 3,850 lf of 10" waterline along with 11 new fire hydrants. This new waterline will service the existing population as well as provide more capacity for new residents to move into Clearfield. This project will benefit a UTA rail site. In doing so UTA will be paying for 40% of this project, which will leave an estimated 12.21% of this project eligible for impact fees.

10" Diameter Waterline 1000 East – is project number 14 in the culinary water CFP. This project includes installing 1,450 lf of 10" waterline along with 4 new fire hydrants. This new waterline will service the existing population as well as provide more capacity for new residents to move into Clearfield. CEC has estimated that only 20.34% of this project eligible for impact fees.

8" Diameter Waterline 500 West– is project number 15 in the culinary water CFP. This project is to install 1400 lf of 8" water line along with 4 lateral connections

that will provide future capacity. This new waterline will service some of the existing connections as well as future connections. CEC has estimated the only 20.34% of this project will be eligible for impact fees.

10" Waterline 700 South – is project number 16 in the culinary water CFP. This project is to install 1,925 lf of 10" water line and 5 new fire hydrants. The new waterline will service the existing population as well as provide additional capacity. CEC has estimated that 20.34% will be eligible for impact fees.

12" Waterline 300 North – is project number 50 in the culinary water CFP. This project is to install 2,480 feet of new 12" waterline along with 5 new fire hydrants. This new waterline services existing connections as well as providing additional capacity. CEC has estimated that 20.34% will be eligible for impact fees.

Equivalent Residential Connections

Project needs outlined in this section are development driven. Table 3-2 summarizes the short, medium and long range ERC's that are anticipated to drive the need for future projects. ERC projections were provided by CEC in the June 26, 2015 Capital Facilities Plan, Utility Projects – Impact Fees, 1-6 Years Growth amended February 18, 2016.

Table 3-2: Water ERC Growth Projections

Time Period	Commerical ERC's	Residential ERC's	Total Timeframe ERC's
1-6 Years	713	681	1,394
7-12 Years	1,615	737	2,352
13+ Years	548	570	1,118
Total New	2,876	1,988	4,864
2015			15,962.4
Build-out Total			20,826.4

Clearfield City provides sewer collection, treatment and disposal facilities to its residents. Collection lines run throughout the entire city and include large trunklines that transfer the waste to the North Davis Sewer District. Clearfield City sends all of its wastewater to North Davis Sewer District for treatment, thus this IFFP addresses only wastewater transmission infrastructure.

Existing System

The Clearfield sewer system is comprised of one collection system that all flows to the North Davis Sewer District. As such it will be treated as single service area for purposes of service requirements and fee calculations.

The collection system consists of approximately 599,600 linear feet of pipe ranging in diameter from 4-inch to 15-inch, many of which are over 60 years old.

Current Level of Service

The City of Clearfield has adopted The Utah Department of Environmental Quality (DEQ) provided guidelines and regulations for new sewer system design. These guidelines are useful in new construction. This report recommends the following criteria as the minimum level of service for the sewer system:

- 8" & 10" sewer lines are not to exceed 50% capacity at peak flow
- 12" and larger sewer lines are not to exceed 75% capacity at peak flow
- New collector lines must be capable of providing a minimum peak daily flow of 400 gallons per day per capita (gpdpc)
- New interceptors and outfall lines must be capable of providing a minimum peak daily flow of 250 gpdpc
- The minimum size of a collection line is 8-inches

Based upon capacity of the existing 17 outfall lines, the existing system provides a total of 10,310 gpm (6,440 gpm to residential areas and 3,870 gpm to industrial/commercial areas). This information is taken from the May 2013 Sanitary Sewer System CFP (and June 1, 2016 update) prepared by Civil Engineering Consultants.

Cost of Existing System

Information about the actual costs of the various components of the system is not generally available and, the extent cost information is available, the available information is not sufficient to provide reliable cost information for the entire system. As such, estimating the current costs to construct the system and then adjusting to account for the age of the system provides the most reliable and accurate estimate available as to the cost of the existing system. The historical cost of each element of the existing system is calculated by estimating a present day cost and applying a Construction Cost Index (CCI) comparison to its estimated year of construction. The 2016 CCI is 207.2.

Collection

The City’s collection system consists of approximately 599,600 LF of 4 to 15-inch (10 inch average) sewer lines constructed from 1 to 80 years ago. Therefore, we estimate the historical cost of the transmission system an average of 40 years ago (1976). Therefore, the historical cost has been estimated to be:

$$599,600 \text{ LF } 10'' \text{ sewer line} \times \$62/\text{LF} = \$37,175,200$$

$$46.9 \text{ (1976 CCI)} / 207.2 \text{ (2016 CCI)} \times \$37,175,200 = \underline{\underline{\$8,414,656.76 \text{ (1976 value)}}}$$

Proposed Level of Service

It is proposed that the City of Clearfield continue to maintain its existing level of service which includes:

- 8” & 10” sewer lines are not to exceed 50% capacity at peak flow
- 12” and larger sewer lines are not to exceed 75% capacity at peak flow
- New collector lines must be capable of providing a minimum peak daily flow of 400 gallons per day per capita (gpdpc)
- New interceptors and outfall lines must be capable of providing a minimum peak daily flow of 250 gpdpc
- The minimum size of a collection line is 8-inches

Current Excess Capacity

The most current capital facilities plan states that there is excess capacity in most of the system including all of the residential areas and that a small portion of the Freeport Center area trunklines currently surcharge.

It is estimated that Clearfield currently serves 15,962 sewer ERC’s. At the required 250 gpcpd, the City’s currently required capacity can be calculated as:

$$(250 \text{ gal/res/day} \times 3.5 \text{ res/ERC}) * 15,962 \text{ ERC's} = 13,966,750 \text{ gpd}$$

Current capacity is 14,846,400 gpd (10,310 gpm x 60 min/hr x 24hr/day). As such, the excess capacity can be shown to be:

$$14,846,400 \text{ gpd} - 13,966,750 \text{ gpd} = 879,650 \text{ gpd (or 1,005 connections)}$$

Facilities to Serve Future Growth

The sewer impact fee facilities plan identifies \$2.15 million (2015 dollars) of improvements that need to be made to the system in the next 6 years to serve anticipated future growth. However, most of the projects are only partially impact fee eligible. Sewer impact fees can only supplement system improvements due to growth within the City. Therefore, this analysis has identified approximately \$552,770 of

improvements (2015 dollars) that can be classified as system improvements necessary for future growth. Following is a detailed description of each project. A summary is provided in Table 4-1.

Eligible Projects

Freeport Center 3rd Street Upgrade – is project number 1 in the sewer capital facilities plan. This project is to install 1,480 lf of new 12” pvc sewer pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 30% of this project will be eligible for impact fees.

Freeport Center G Street Upgrade Phase 1– is project number 2 in the sewer capital facilities plan. It includes installing 660 lf of new 10” pvc sewer pipe, jacking and boring and a 120 lf casing to be installed under existing railroad tracks. This project will also service some of the existing population of Clearfield along with providing additional capacity to the sewer system for future users. CEC estimates that 30% of this project is eligible for impact fees.

Freeport Center G Street Upgrade Phase 2– is project number 3 in the sewer capital facilities plan. It includes installing 590 lf of new 10” pvc sewer pipe, jacking and boring and a 65 lf casing to be installed under existing railroad tracks. This project will also service some of the existing population of Clearfield along with providing additional capacity to the sewer system for future users. CEC estimates that 30% of this project is eligible for impact fees.

Freeport Center G Street Upgrade Phase 3– is project number 4 in the sewer capital facilities plan. It includes installing 625 lf of new 8” pvc sewer pipe, jacking and boring and a 110 lf casing to be installed under existing railroad tracks. This project will also service some of the existing population of Clearfield along with providing additional capacity to the sewer system for future users. CEC estimates that 30% of this project is eligible for impact fees.

Freeport Center G Street Upgrade Phase 4– is project number 5 in the sewer capital facilities plan. It includes installing 645 lf of new 8” pvc sewer pipe, jacking and boring and a 85 lf casing to be installed under existing railroad tracks. This project will also service some of the existing population of Clearfield along with providing additional capacity to the sewer system for future users. CEC estimates that 30% of this project is eligible for impact fees.

1000 West Street– is project number 13 in the sewer capital facilities plan. It includes 600 lf of new 10” pvc sewer pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

Chelemes – is project number 27 in the sewer capital facilities plan. It includes 600 lf of new 10” pvc sewer pipe. Since this project will serve some of the existing population

along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

400 East Street– is project number 28 in the sewer capital facilities plan. It includes 1,900 lf of new 10” pvc sewer pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

1450 South Street / I-15 Pipe Bore – is project number 30 in the sewer capital facilities plan. It includes 830 lf of new 12” pvc sewer pipe, 400 lf bore and a steel casing . Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

Table 4-1: Sewer Impact Fee Facilities Estimates

Segment	2015 Estimate	Impact Fee Eligible
(1) <i>Freeport Center 3rd Street Upgrade</i>	\$230,000	\$70,500
(2) <i>Freeport Center G Street Upgrade Phase 1</i>	\$240,000	\$72,600
(3) <i>Freeport Center G Street Upgrade Phase 2</i>	\$220,000	\$65,400
(4) <i>Freeport Center G Street Upgrade Phase 3</i>	\$230,000	\$70,050
(5) <i>Freeport Center G Street Upgrade Phase 4</i>	\$230,000	\$67,650
(13) <i>1000 West Street</i>	\$100,000	\$21,460
(27) <i>Chelemes</i>	\$140,000	\$29,500
(28) <i>400 East Street</i>	\$320,000	\$65,400
(30) <i>1450 South Street / I-15 Pipe Bore</i>	\$440,000	\$90,210
Total	\$2,150,000	\$552,770

Equivalent Residential Connections

Table 4-2 summarizes short, medium and long range new ERC’s anticipated to drive the need for future projects. ERC projections were provided by CEC in the June 26, 2015 Capital Facilities Plan, Utility Projects – Impact Fees, 1-6 Years Growth amended February 18, 2016. It should be noted that future growth is anticipated to be mostly

small commercial units with similar sewer and water use. Therefore, sewer ERC's will be the same as water use ERC's.

Table 4-2: Sewer ERC Growth Projections

Time Period	Commerical ERC's	Residential ERC's	Total Timeframe ERC's
1-6 Years	713	681	1,394
7-12 Years	1,615	737	2,352
13+ Years	548	570	1,118
Total New	2,876	1,988	4,864
2015			15,962.4
Build-out Total			20,826.4

A city's storm water system plays a vital role in protecting life and property. Planning for Clearfield's storm water system was performed by Civil Engineering Consultants. As Clearfield continues to grow, the potential for localized flooding increases, requiring improvements to the storm water system to accommodate new development.

Existing System

The Clearfield storm water system is comprised of approximately 423,456 linear feet of buried pipes ranging from 8 inches to 60 inches in size and approximately 32 basins. The system discharges at several different points into the Davis County Storm Water System or other neighboring Cities storm water systems. It will be treated as single service district for purposes of service requirements and fee calculations.

Current Level of Service

Level of Service of Clearfield's current storm drain system is defined by the current city ordinances and construction standards. Future facilities must accommodate up to .20 cubic feet per acre of discharge

The existing system provides this defined level of service for the existing developments. There are no existing deficiencies identified. This information is taken from the March 2009 Storm Water Systems CFP prepared by Civil Engineering Consultants.

Cost of Existing System

Information about the actual costs of the various components of the system is not generally available and, the extent cost information is available, the available information is not sufficient to provide reliable cost information for the entire system. As such, estimating the current costs to construct the system and then adjusting to account for the age of the system provides the most reliable and accurate estimate available as to the cost of the existing system. The historical cost of each element of the existing system is calculated by estimating a present day cost and applying a Construction Cost Index (CCI) comparison to its estimated year of construction. The 2016 CCI is 207.2.

Collection

The City's storm drain system consists of approximately 423,500 LF of 8 to 60-inch (36-inch average) sewer lines constructed from 1 to 80 years ago. Therefore, we estimate the historical cost of the transmission system an average of 40 years ago (1976). Therefore, the historical cost has been estimated to be:

$$423,500 \text{ LF } 36'' \text{ sewer line} \times \$110/\text{LF} = \$46,585,000$$

$$46.9 \text{ (1976 CCI)} / 207.2 \text{ (2016 CCI)} \times \$46,585,000 = \underline{\underline{\$10,544,577.70 \text{ (1976 value)}}}$$

Proposed Level of Service

Level of Service of Clearfield’s current storm drain system is defined by the current city ordinances and construction standards. Future facilities must accommodate up to .20 cubic feet per acre of discharge.

Current Excess Capacity

Flows have not been analyzed for individual facilities in the system. Separate drainage basins should be evaluated individually as new development occurs. A storm drain report should be submitted for any new subdivision/development to illustrate what new facilities will be needed to accommodate the new development, or if there is additional capacity in the existing infrastructure.

Facilities to Serve Future Growth

The storm water impact fee facilities plan identifies \$2.76 million (2015 dollars) of improvements that need to be made to the system in the next 6 years. However, most of the projects are only partially impact fee eligible. Therefore, this analysis has identified approximately \$560,770 of improvements (2015 dollars) that can be classified as system improvements that are development driven. Descriptions of each project are detailed below followed by a summary in Table 5-1.

Eligible Projects

The projects eligible for impact fees and projected to be constructed in the next six years are outlined below and summarized in Table 6-10.

Freeport Industrial Parkway – is project number 19 in the storm water capital facilities plan. This project includes removing 2,600 lf of existing storm drainage piping, install 2,600 lf of new 18” rcp storm drain pipe and install 1,800 lf of new 24” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

H Street– is project number 21 in the storm water capital facilities plan. This project includes removing 3,650 lf of existing storm drainage piping, install 3,650 lf of new 24” rcp storm drain pipe and install 1,500 lf of new 15” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

200 South and 1000 West Streets– is project number 23 in the storm water capital facilities plan. This project includes removing 3,600 lf of existing curb and gutter and installing 2,475 lf of new 15” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

Depot Street– is project number 31 in the storm water capital facilities plan. This project includes installing 1,980 lf of new 24” rcp storm drain pipe and installing 60 lf of new 15” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

18” Diameter Piping and Collection Improvments– is project number 32 in the storm water capital facilities plan. This project includes installing 780 lf of new 18” rcp storm drain pipe and installing 60 lf of new 15” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

36” Diameter Piping and Collection Improvments – is project number 33 in the storm water capital facilities plan. This project includes installing 800 lf of new 18” rcp storm drain pipe and installing 90 lf of new 15” rcp storm drain pipe. Since this project will serve some of the existing population along with creating additional capacity, CEC has estimated that 20.34% of this project will be eligible for impact fees.

Table 5-1: Storm Water Impact Fee Facilities Estimates

Segment	2015 Estimate	Impact Fee Eligible
(19) <i>Freeport Industrial Parkway</i>	\$530,000	\$107,910
(21) <i>H Street</i>	\$950,000	\$193,950
(23) <i>200 South and 1000 West Streets</i>	\$480,000	\$97,230
(31) <i>Depot Street</i>	\$320,000	\$65,890
(32) <i>18” Diameter Piping and Collection Improvments</i>	\$130,000	\$27,380
(33) <i>36” Diameter Piping and Collection Improvments</i>	\$340,000	\$68,410
Total	\$2,750,000	\$560,770

Equivalent Residential Connections

Project needs outlined in this chapter are development driven. Table 5-2 illustrates the number of new short, medium and long range residential and commercial units anticipated in the future. Projections for new units and developable acreage were provided by CEC in the Capital Facilities Plan Utility Projects – Impact Fees 1-6 Years Growth (June 26, 2015 version amended February 18, 2016).

ERU’s have been calculated as shown using the following criteria:

- 1) 1 residential unit = 2,700 square feet of impervious surface
- 2) A typical commercial development is 1 acre
- 3) A typical commercial development is 90% impervious surface

Table 5-2: Storm Water ERU Growth Projections

Time Period	Commerical Acreage	90 % Impervious Surface (s.f.)	Commercial ERU's	Residential ERU's	Total ERU's
1-6 Years	71.31	2,795,637	1,035	681	1,716
7-12 Years	161.5	6,331,446	2,345	737	3,082
13+ Years	54.80	2,148,379	795	570	1,365

Appendix “A”

Applicable State Codes

11-36a-101. Title.

This chapter is known as the "Impact Fees Act."

Enacted by Chapter 47, 2011 General Session

11-36a-102. Definitions.

As used in this chapter:

(1) (a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:

(i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or

(ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.

(b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.

(2) "Charter school" includes:

(a) an operating charter school;

(b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

(c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

(4) "Development approval" means:

(a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;

(b) development activity, for a public entity that may develop without written authorization from a local political subdivision;

(c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:

(i) to reserve or provide:

(A) a water right;

(B) a system capacity; or

(C) a distribution facility; or

(ii) to deliver for a development activity:

(A) culinary water; or

(B) irrigation water; or

(d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:

- (i) to reserve or provide:
 - (A) sewer collection capacity; or
 - (B) treatment capacity; or
- (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
 - (a) a municipal ordinance, for a municipality;
 - (b) a county ordinance, for a county; and
 - (c) a governing board resolution, for a local district, special service district, or private entity.
- (6) "Encumber" means:
 - (a) a pledge to retire a debt; or
 - (b) an allocation to a current purchase order or contract.
- (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
- (8) (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
 - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (12) (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
 - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (13) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
 - (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or
 - (b) functional condition of development approval because the private entity:
 - (i) has no reasonably equivalent competition in the immediate market; and
 - (ii) is the only realistic source of water for the applicant's development.
- (14) (a) "Project improvements" means site improvements and facilities that are:
 - (i) planned and designed to provide service for development resulting from a development activity;
 - (ii) necessary for the use and convenience of the occupants or users of

development resulting from a development activity; and

(iii) not identified or reimbursed as a system improvement.

(b) "Project improvements" does not mean system improvements.

(15) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

(16) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:

(a) water rights and water supply, treatment, storage, and distribution facilities;

(b) wastewater collection and treatment facilities;

(c) storm water, drainage, and flood control facilities;

(d) municipal power facilities;

(e) roadway facilities;

(f) parks, recreation facilities, open space, and trails;

(g) public safety facilities; or

(h) environmental mitigation as provided in Section 11-36a-205.

(17) (a) "Public safety facility" means:

(i) a building constructed or leased to house police, fire, or other public safety entities; or

(ii) a fire suppression vehicle costing in excess of \$500,000.

(b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.

(18) (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.

(b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:

(i) are necessitated by the new development; and

(ii) are not funded by the state or federal government.

(c) "Roadway facilities" does not mean federal or state roadways.

(19) (a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.

(b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.

(20) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

(21) (a) "System improvements" means:

(i) existing public facilities that are:

(A) identified in the impact fee analysis under Section 11-36a-304; and

(B) designed to provide services to service areas within the community at large;

and

(ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.

(b) "System improvements" does not mean project improvements.

Amended by Chapter 363, 2014 General Session

11-36a-201. Impact fees.

(1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.

(2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.

(3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

11-36a-202. Prohibitions on impact fees.

(1) A local political subdivision or private entity may not:

(a) impose an impact fee to:

(i) cure deficiencies in a public facility serving existing development;

(ii) raise the established level of service of a public facility serving existing development;

(iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or

(iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:

(A) generally accepted cost accounting practices; and

(B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

(b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or

(c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.

(2) (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:

(i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;

(ii) on a school district or charter school for a park, recreation facility, open space, or trail;

(iii) on a school district or charter school unless:

(A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and

(B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements; or

(iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:

(A) the Utah National Guard;

(B) the Utah Highway Patrol; or

(C) a state institution of higher education that has its own police force.

(b) (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:

(A) the school is intended to replace another school, whether on the same or a different parcel;

(B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and

(C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.

(ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.

(c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.

(3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

Enacted by Chapter 47, 2011 General Session

11-36a-203. Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.

(1) A private entity:

(a) shall comply with the requirements of this chapter before imposing an impact fee; and

(b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.

(2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.

(3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for local districts.

(4) A private entity that assesses an impact fee under this chapter is subject to

the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 47, 2011 General Session

11-36a-204. Other names for impact fees.

(1) A fee that meets the definition of impact fee under Section 11-36a-102 is an impact fee subject to this chapter, regardless of what term the local political subdivision or private entity uses to refer to the fee.

(2) A local political subdivision or private entity may not avoid application of this chapter to a fee that meets the definition of an impact fee under Section 11-36a-102 by referring to the fee by another name.

Enacted by Chapter 47, 2011 General Session

11-36a-205. Environmental mitigation impact fees.

Notwithstanding the requirements and prohibitions of this chapter, a local political subdivision may impose and assess an impact fee for environmental mitigation when:

(1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;

(2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and

(3) the legislative body of the local political subdivision adopts an ordinance or resolution:

(a) declaring that an impact fee is required to finance the Habitat Conservation Plan;

(b) establishing periodic sunset dates for the impact fee; and

(c) requiring the legislative body to:

(i) review the impact fee on those sunset dates;

(ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and

(iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

11-36a-301. Impact fee facilities plan.

(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.

(2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.

(3) A local political subdivision or a private entity with a population, or serving a

population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:

(a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and

(b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

11-36a-302. Impact fee facilities plan requirements -- Limitations -- School district or charter school.

(1) (a) An impact fee facilities plan shall:

(i) identify the existing level of service;

(ii) subject to Subsection (1)(c), establish a proposed level of service;

(iii) identify any excess capacity to accommodate future growth at the proposed level of service;

(iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and

(v) identify the means by which the political subdivision or private entity will meet those growth demands.

(b) A proposed level of service may diminish or equal the existing level of service.

(c) A proposed level of service may:

(i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or

(ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

(2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

(a) grants;

(b) bonds;

(c) interfund loans;

(d) impact fees; and

(e) anticipated or accepted dedications of system improvements.

(3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).

(4) (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or

charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:

(i) through the planning process; or
(ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.

(b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).

(c) (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.

(ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

11-36a-303. Impact fee analysis.

(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.

(2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011 General Session

11-36a-304. Impact fee analysis requirements.

(1) An impact fee analysis shall:

(a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;

(b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;

(c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;

(d) estimate the proportionate share of:

(i) the costs for existing capacity that will be recouped; and

(ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and

(e) based on the requirements of this chapter, identify how the impact fee was calculated.

(2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:

- (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
- (b) the cost of system improvements for each public facility;
- (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

11-36a-305. Calculating impact fees.

(1) In calculating an impact fee, a local political subdivision or private entity may include:

- (a) the construction contract price;
- (b) the cost of acquiring land, improvements, materials, and fixtures;
- (c) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
- (d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements.

(2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Enacted by Chapter 47, 2011 General Session

11-36a-306. Certification of impact fee analysis.

(1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following: "I certify that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on

which each impact fee is paid;

2. does not include:

a. costs of operation and maintenance of public facilities;
b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or

c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

3. complies in each and every relevant respect with the Impact Fees Act."

(2) An impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis which states as follows:

"I certify that the attached impact fee analysis:

1. includes only the costs of public facilities that are:

a. allowed under the Impact Fees Act; and
b. actually incurred; or
c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. does not include:

a. costs of operation and maintenance of public facilities;
b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or

c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

3. offsets costs with grants or other alternate sources of payment; and

4. complies in each and every relevant respect with the Impact Fees Act."

Amended by Chapter 278, 2013 General Session

11-36a-401. Impact fee enactment.

(1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402.

(b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.

(2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Enacted by Chapter 47, 2011 General Session

11-36a-402. Required provisions of impact fee enactment.

(1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment

contains:

(a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;

(b) (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or

(ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;

(c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:

(i) respond to:

(A) unusual circumstances in specific cases; or

(B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and

(ii) ensure that the impact fees are imposed fairly; and

(d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.

(2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:

(a) dedicates land for a system improvement;

(b) builds and dedicates some or all of a system improvement; or

(c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.

(3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:

(a) are system improvements; or

(b) (i) are dedicated to the public; and

(ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

11-36a-403. Other provisions of impact fee enactment.

(1) A local political subdivision or private entity may include a provision in an impact fee enactment that:

(a) provides an impact fee exemption for:

(i) development activity attributable to:

(A) low income housing;

(B) the state;

(C) subject to Subsection (2), a school district; or

(D) subject to Subsection (2), a charter school; or

- (ii) other development activity with a broad public purpose; and
 - (b) except for an exemption under Subsection (1)(a)(i)(A), establishes one or more sources of funds other than impact fees to pay for that development activity.
- (2) An impact fee enactment that provides an impact fee exemption for development activity attributable to a school district or charter school shall allow either a school district or a charter school to qualify for the exemption on the same basis.
- (3) An impact fee enactment that repeals or suspends the collection of impact fees is exempt from the notice requirements of Section 11-36a-504.

Enacted by Chapter 47, 2011 General Session

11-36a-501. Notice of intent to prepare an impact fee facilities plan.

- (1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.
- (2) A notice required under Subsection (1) shall:
- (a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;
 - (b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and
 - (c) subject to Subsection (3), be posted on the Utah Public Notice Website created under Section 63F-1-701.
- (3) For a private entity required to post notice on the Utah Public Notice Website under Subsection (2)(c):
- (a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and
 - (b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

11-36a-502. Notice to adopt or amend an impact fee facilities plan.

- (1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:
- (a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;
 - (b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;
 - (c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and
 - (d) hold a public hearing to hear public comment on the plan or amendment.
- (2) With respect to the public notice required under Subsection (1)(a):
- (a) each municipality shall comply with the notice and hearing requirements of,

and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

(b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and

(c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

(3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

Enacted by Chapter 47, 2011 General Session

11-36a-503. Notice of preparation of an impact fee analysis.

(1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.

(2) For a private entity required to post notice on the Utah Public Notice Website under Subsection (1):

(a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and

(b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing -- Protections.

(1) Before adopting an impact fee enactment:

(a) a municipality legislative body shall:

(i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use ordinance;

(ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use ordinance; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use ordinance;

(b) a county legislative body shall:

(i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use ordinance;

(ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use ordinance; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use ordinance;

(c) a local district or special service district shall:

(i) comply with the notice and hearing requirements of Section 17B-1-111; and

- (ii) receive the protections of Section 17B-1-111;
 - (d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:
 - (i) make a copy of the impact fee enactment available to the public; and
 - (ii) post notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice Website created under Section 63F-1-701; and
 - (e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.
- (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

Enacted by Chapter 47, 2011 General Session

11-36a-601. Accounting of impact fees.

- A local political subdivision that collects an impact fee shall:
- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
 - (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
 - (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
 - (4) at the end of each fiscal year, prepare a report on each fund or ledger account showing:
 - (a) the source and amount of all money collected, earned, and received by the fund or ledger account; and
 - (b) each expenditure from the fund or ledger account; and
 - (5) produce a report that:
 - (a) identifies impact fee funds by the year in which they were received, the project from which the funds were collected, the impact fee projects for which the funds were budgeted, and the projected schedule for expenditure;
 - (b) is in a format developed by the state auditor;
 - (c) is certified by the local political subdivision's chief financial officer; and
 - (d) is transmitted annually to the state auditor.

Enacted by Chapter 47, 2011 General Session

11-36a-602. Expenditure of impact fees.

- (1) A local political subdivision may expend impact fees only for a system improvement:
 - (a) identified in the impact fee facilities plan; and
 - (b) for the specific public facility type for which the fee was collected.
- (2) (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber the impact fees for a permissible use within six years of their receipt.

- (b) A local political subdivision may hold the fees for longer than six years if it identifies, in writing:
- (i) an extraordinary and compelling reason why the fees should be held longer than six years; and
 - (ii) an absolute date by which the fees will be expended.

Enacted by Chapter 47, 2011 General Session

11-36a-603. Refunds.

A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:

- (1) the developer does not proceed with the development activity and has filed a written request for a refund;
- (2) the fee has not been spent or encumbered; and
- (3) no impact has resulted.

Enacted by Chapter 47, 2011 General Session

11-36a-701. Impact fee challenge.

(1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.

(2) (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.

(b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.

(3) (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:

- (i) if the impact fee enactment was adopted on or after July 1, 2000:
 - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
 - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
- (ii) except as limited by Subsection (3)(c), the impact fee.

(b) (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.

(ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).

(c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

(4) (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:

(i) the substantially prevailing party on that cause of action:

(A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and

(B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and

(ii) in accordance with Section 13-43-206, a government entity shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:

(A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and

(B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the government entity within 30 days after the day on which the court issued the final ruling on the impact fee.

(b) A government entity subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee.

(c) Subsection (4) may not be construed to create a new cause of action under land use law.

(d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

Enacted by Chapter 47, 2011 General Session

11-36a-702. Time limitations.

(1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:

(a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;

(b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or

(c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.

(2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Enacted by Chapter 47, 2011 General Session

11-36a-703. Procedures for challenging an impact fee.

(1) (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.

(b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.

(2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:

(a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;

(b) a request for arbitration as provided in Section 11-36a-705; or

(c) an action in district court.

(3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.

(4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).

(5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.

(6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

11-36a-704. Mediation.

(1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.

(2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.

(3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.

(4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:

(a) cooperate with the specified public agency to select a mediator; and

(b) participate in the mediation process.

Enacted by Chapter 47, 2011 General Session

11-36a-705. Arbitration.

(1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.

(2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:

(a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or

(b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:

(i) each party shall select an arbitrator within 20 days after the date the request is filed; and

(ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.

(3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:

(a) the single arbitrator is agreed on under Subsection (2)(a); or

(b) the two arbitrators are selected under Subsection (2)(b)(i).

(4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.

(5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(6) The parties may agree to:

(a) binding arbitration;

(b) formal, nonbinding arbitration; or

(c) informal, nonbinding arbitration.

(7) If the parties agree in writing to binding arbitration:

(a) the arbitration shall be binding;

(b) the decision of the arbitration panel shall be final;

(c) neither party may appeal the decision of the arbitration panel; and

(d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).

(8) (a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

(b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.

(9) (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.

(b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).

(c) The district court shall consider de novo each appeal filed under this Subsection (9).

(d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).

(10) (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).

(b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.

(11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session



Clearfield City

Culinary Water Impact Fees Analysis

ZIONS  PUBLIC FINANCE, INC.

August 23, 2016

Impact Fee Analysis for Culinary Water

Summary

This Impact Fees Analysis (“IFA”) uses the information provided in Clearfield City’s (“City”) recently-completed Impact Fee Facilities Plan (“IFFP”)¹ to calculate the proportionate share for culinary water impact fees that the City can charge to new development.

Clearfield City forms one geographic service area that provides culinary water utility services to properties in the City. The City currently has 15,962 culinary water ERCs.² The City is projected to grow by 1,394 ERCs within the next six years, by an additional 2,352 ERCs for years 7 through 12, and by 1,118 ERCs in year 13 and thereafter.³

Existing and proposed service levels are governed by both the City’s existing standards, as well as the minimum requirements dictated by the State of Utah Division of Drinking Water. These requirements are summarized in the City’s IFFP as follows:⁴

Storage

- Maintain 400 gallons of storage per indoor ERC serviced
- Maintain 2,848 gallons of storage per irrigated acre if a drinking water system supplies outdoor use
- Indoor and outdoor use fire flow protection of 1,000 gpm for 2 hours (120,000 gal)

Source Capacity

- Maintain 800 gpd (0.556 gpm) of source capacity per indoor ERC serviced
- Maintain 3.97 gpm of source capacity per irrigated acre if a drinking water system supplies outdoor use

Water Rights

- Maintain 0.45 acre-ft of water right per ERC and 1.87 acre-ft per irrigated acre if a drinking water system supplies outdoor use

Transmission

- Maintain transmission capacity of 1,088 gpd per ERC

The IFFP states that, “The City of Clearfield wants to keep its level of service the same by providing the same service to future residents as well as meeting the minimum standards that the Utah division of Drinking Water requires.”⁵ Impact fees have been calculated on maintaining Clearfield’s existing standards.

¹ Clearfield City, *Impact Fee Facilities, Plan*, Horrocks Engineering, June 2016.

² Clearfield City *Impact Fee Facilities Plan*, Horrocks Engineering, June 2016, p. 12.

³ Clearfield City *Impact Fee Facilities Plan*, Horrocks Engineering, June 2016, p. 12.

⁴ Clearfield City *Impact Fee Facilities Plan*, Horrocks Engineering, June 2016, pp. 7-8.

⁵ Clearfield City *Impact Fee Facilities Plan*, Horrocks Engineering, June 2016, p. 9

The IFFP identifies excess capacity in the existing system, as well as construction of new facilities attributable to new development. Excess capacity has been estimated at 23.83 percent of the existing water storage system and at 49.71 percent of the existing water rights. The actual cost of existing water storage is \$684,725 and the actual cost of the water rights is \$10,127,082.⁶ Therefore, the actual cost of the excess capacity for water storage is \$163,184 (23.83 percent) and is \$5,034,357 (49.71 percent) for water rights.

New construction projects are outlined in this IFA as listed in the Culinary Water IFFP and total \$5,960,000. Of this amount, the engineers have identified \$1,170,500 as attributable to new development and therefore as impact-fee eligible. Development within the next six years will be required to pay for \$335,460 of those costs which is representative of the capacity used by new development over the next six years.

In addition, impact fees can include the cost of preparing the Culinary Water IFFP and IFA. Credits have been made to offset the current impact fee fund balance which can be used to offset the costs of construction of new facilities or as repayment for the excess capacity already purchased by the City.

The proportionate share analysis for culinary water impact fees is as follows:

Table 1: Proportionate Share Analysis

Description	Amount
Excess Capacity – Water Storage	
Actual Cost of Existing Facilities	\$684,725
Existing Capacity – Gallons	12,500,000
Current Usage – Gallons	9,521,000
Excess Capacity	2,979,000
Percent Excess Capacity	23.83%
Actual Cost of Excess Capacity	\$163,184
Gallons per ERC - Existing LOS	596.46
ERCs Served by Excess Capacity	4,994
Buy-In Cost per ERC	\$32.67
Water Rights Buy-In	
Actual Cost of Existing Facilities	\$10,127,072
Existing Capacity - Acre Feet	18,221
Current Usage - Acre Feet	9,163
Excess Capacity	9,058
Percent Excess Capacity	49.71%
Actual Cost of Excess Capacity	\$5,034,357
Acre Feet per ERC - Existing LOS	0.574036486

⁶ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, pp. 8-9

Description	Amount
ERCs Served by Excess Capacity	15,779
Buy-In Cost per ERC	\$319.04
Impact Fee Calculations - New Growth	
Cost of New Projects Next 6 Years, Impact Fee Eligible	\$335,460
ERC Growth Next 6 Years	1,394
Cost per ERC	\$240.65
Consultant Costs	
ERC Growth Next 6 Years	1,394
Cost per ERC	\$14.42
Impact Fee Fund Balance	
ERC Growth Next 6 Years	1,394
Credit per ERC	(\$318.48)
Summary	
Water Storage - Buy-In	\$32.67
Water Rights Buy-In	\$319.04
Water New Construction Projects	\$240.65
Consultant Costs – Water	\$14.42
Impact Fee Fund Balance	(\$318.48)
TOTAL Fee per ERC	\$288.30

The maximum gross fee per ERC is \$288.30. However, credits must be made against this gross fee in order to account for outstanding bonds for culinary water improvements. The Culinary Water Fund currently pays for a portion of a General Obligation Bond (due to expire in 2021) and a portion of a Sales Tax Bond (due to expire in 2028), both of which were partially issued to fund culinary water capital improvements. In addition, the City has an outstanding Water Revenue Bond which will expire in 2020. Credits must be made against payments due for each of these bonds so that double-payment will not occur.

The annual payment made by the Water Fund on the General Obligation Bond is \$144,428. The annual payment made by the Water Fund on the Sales Tax Bond is \$74,818. And, the annual payment made by the Water Fund on the Water Revenue Bond is \$334,200. The current credit per ERC is therefore \$34.17.

The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$254.13, or any lesser amount.

TABLE 2: CALCULATION OF CREDITS

Year	ERCs	Bond Payment	Credit per ERC	Maximum Impact Fee
2016	16,195	\$553,446	\$34.17	\$254.13
2017	16,427	\$552,446	\$33.63	\$254.67
2018	16,659	\$551,046	\$33.08	\$255.22
2019	16,891	\$549,246	\$32.52	\$255.78
2020	17,123	\$552,046	\$32.24	\$256.06
2021	17,355	\$219,246	\$12.63	\$275.67
2022	17,747	\$74,818	\$4.22	\$284.08
2023	18,139	\$74,818	\$4.12	\$284.18
2024	18,531	\$74,818	\$4.04	\$284.26
2025	18,923	\$74,818	\$3.95	\$284.35

The maximum fee per ERC is then applied to the actual number of ERCs or is based on the following schedule for water meter sizes and average flow.

TABLE 3: FEES BASED ON WATER METER SIZE

Water Meter Size	Operating Flow	Ratio	Fee
SF Residential - 5/8"	18	1.00	\$254.13
Water - Commercial 3/4"	25	1.39	\$352.95
Water - Commercial 1" - 1 1/2"	50	2.78	\$705.91
Water - Commercial 2"	100	5.56	\$1,411.81
Water - Commercial 3"	320	17.78	\$4,517.81
Water - Commercial 4"	500	27.78	\$7,059.07
Water - Commercial 6"	1000	55.56	\$14,118.15

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Analysis (IFA) before enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPFI) to prepare this Impact Fee Analysis in accordance with legal requirements.

Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Plan (Utah Code §11-36a-503). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice on August 27, 2014. A copy of the notice is included in Appendix A.

Preparation of Impact Fee Analysis

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee analysis. (Utah Code 11-36a-304).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis which is required to:

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
 - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;

- (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly-developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Certification of Impact Fee Analysis

Utah Code states that an Impact Fee Analysis shall include a written certification from the person or entity that prepares the Impact Fee Analysis. This certification is included at the conclusion of this analysis.

Anticipated Impact On or Consumption of Any Existing Capacity of a Public Facility by the Anticipated Development Activity

Utah Code 11-36a-304(1)(a)

Anticipated Development Activity

Impacts on culinary water facilities will come from both residential and nonresidential growth. Growth is projected in the IFFP as follows:

TABLE 4: ERC GROWTH

Timeframe	Growth in ERCs
1-6 Years	1,394
7-12 Years	2,352
13+ Years	1,118
Total New Growth	4,864
2015 Existing ERCs	15,962

Source: Clearfield City, *Impact Fee Facilities Plan*, June 2016, p.12

Demand Placed on Existing Facilities by New Development Activity

Storage

The minimum standards for water storage are as follows:

- Maintain 400 gallons of storage per indoor ERC serviced
- Maintain 2,848 gallons of storage per irrigated acre if a drinking water system supplies outdoor use
- Indoor and Outdoor Use Fire Flow Protection of 1,000 gpm for 2 hours (120,000 gal)

Further, the City desires to maintain its existing standard which is 596.46 gallons per ERC.⁷ The IFFP identifies 2,979,000 gallons of excess capacity in the culinary water storage system. This excess capacity can meet current (and proposed) service levels for an additional 4,994 ERCs.

TABLE 5: WATER STORAGE EXCESS CAPACITY

Description	Amount
Existing Capacity - gallons	12,500,000
Current Usage - gallons	9,521,000
Excess Capacity	2,979,000
Storage per ERC – current LOS in gallons	596.46
Excess storage capacity - ERCs	4,994

⁷ Calculated by dividing the current usage of 9,521,000 gallons by the 15,962 ERCs.

The actual cost of the existing culinary water storage system has been provided in the IFFP at a cost of \$684,725.⁸ The excess capacity represents 23.83 percent of the existing system, or \$163,184 of the actual cost. New development should be required to buy in to this existing, excess capacity in the culinary water system.

TABLE 6: ACTUAL COST OF EXISTING STORAGE SYSTEM

Description	Amount
Actual Cost of Existing Facilities	\$684,725
Existing Capacity - Gallons	12,500,000
Current Usage - Gallons	9,521,000
Excess Capacity	2,979,000
Percent Excess Capacity	23.83%
Actual Cost of Excess Capacity	\$163,184

Water Rights

The minimum standard for water rights is stated as follows:

- Maintain 0.45 acre-ft of water right per ERC and 1.87 acre-ft per irrigated acre if a drinking water system supplies outdoor use

The City desires to maintain its existing standard which is 0.574 acre feet per ERC; this standard has been used in the calculation of impact fees.

TABLE 7: WATER RIGHTS EXCESS CAPACITY

Description	Amount
Existing Capacity - Acre Feet	18,221
Current Usage - Acre Feet	9,163
Excess Capacity	9,058
Acre Feet per ERC	0.574
ERCs Served by Excess Capacity	15,779

The actual cost of the existing culinary water rights system has been provided in the IFFP at a cost of \$10,127,072.⁹ The excess capacity represents 49.71 percent of the existing system, or \$5,034,357 of the actual cost. New development should be required to buy in to this existing, excess capacity in the culinary water system.

TABLE 8: ACTUAL COST OF EXISTING SYSTEM

Description	Amount
Actual Cost of Existing Facilities	\$10,127,072
Existing Capacity - Acre Feet	18,221

⁸ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 8.

⁹ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 9.

Description	Amount
Current Usage - Acre Feet	9,163
Excess Capacity	9,058
Percent Excess Capacity	49.71%
Actual Cost of Excess Capacity	\$5,034,357

Water Transmission

According to the IFFP for Culinary Water, there is no excess capacity in the culinary water transmission system.¹⁰ Therefore, there will be no buy-in component for the transmission system. The existing and proposed level of service is as follows:

- Maintain transmission capacity of 1,088 gpd per ERC

New culinary water transmission facilities will need to be constructed in order to maintain this service level.

Water Source

The identified service level for water source is as follows:

- Maintain 800 gpd (0.556 gpm) of source capacity per indoor ERC serviced
- Maintain 3.97 gpm of source capacity per irrigated acre if a drinking water system supplies outdoor use

The Culinary Water IFFP states that there is a current deficiency in the water source system and there is therefore no excess capacity to serve the needs of new development. No new construction costs for curing the existing deficiency have been included in the calculation of impact fees.

Identify the Anticipated Impact on System Improvements Required by the Anticipated Development Activity to Maintain the Established Level of Service for Each Public Facility and Demonstrate How the Anticipated Impacts are Reasonably Related to the New Development Activity

Utah Code 11-36a-304(1)(b)(c)

The IFFP identifies the new projects needed to meet the demand on the culinary water system by the anticipated development activity. The projects needed over the next six years total \$5,960,000, with \$1,170,500 of that amount attributable to new growth. New growth over the next six years is responsible for 28.7 percent of the capacity associated with the new facilities, or \$335,460.

¹⁰ Horrocks Engineering, *Culinary Water IFFP*, p. 10.

TABLE 9: NEW CONSTRUCTION PROJECTS

Project #	Description	Percent to New Growth	2015 Estimate	Impact Fee Eligible	Percent of Total Growth Within Next 6 Yrs	Cost Within Next 6 Years
4	18" Dia Pipe - Legend Hills Canal to 1400 S St	20.34%	\$930,000	\$188,430	28.7%	\$54,003
8	Hill Air Force Base Tank & Trans Pipe	20.34%	\$3,510,000	\$713,610	28.7%	\$204,517
13	10" Dia Waterline State Street 700 South	12.21%	\$500,000	\$60,560	28.7%	\$17,356
14	10" Dia Waterline 1000 East	20.34%	\$200,000	\$40,680	28.7%	\$11,659
15	8" Dia Waterline 500 West	20.34%	\$170,000	\$34,780	28.7%	\$9,968
16	10" Dia Waterline 700 South	20.34%	\$240,000	\$48,510	28.7%	\$13,903
50	12" Waterline 300 North	20.34%	\$410,000	\$83,930	28.7%	\$24,054
TOTAL			\$5,960,000	\$1,170,500		\$335,460

Source: Clearfield City, *Impact Fee Facilities Plan*, June 2016, p. 11.

As the table above clearly demonstrates, only a percentage of the new facilities are related to new growth within the next six years.

Proportionate Share Analysis

The proportionate share analysis is calculated by taking five components of the impact fees:

- 1) Buy-in to new development's proportionate share of the actual costs of existing, excess capacity;
- 2) Proportionate share of the cost of constructing new facilities;
- 3) Consultant costs associated with the culinary water impact fees;
- 4) Credits for the impact fee fund balance; and
- 5) Credits for future payments on outstanding bonds.

Excess Capacity Calculation.

The buy-in cost for excess capacity is calculated for water storage and water rights. There is no excess capacity calculation for transmission or water source.

Storage

The actual cost of the existing water storage facilities is \$684,725.¹¹ Excess capacity represents 23.83 percent of the total capacity, for a cost of \$163,184. This excess capacity can serve 4,994 additional ERCs.

TABLE 10: WATER STORAGE EXCESS CAPACITY CALCULATIONS

Description	Amount
Actual Cost of Existing Facilities	\$684,725

¹¹¹¹ Horrocks Engineering, *Impact Fee Facilities Plan*, p. 8.

Description	Amount
Existing Capacity – Gallons	12,500,000
Current Usage – Gallons	9,521,000
Excess Capacity	2,979,000
Percent Excess Capacity	23.83%
Actual Cost of Excess Capacity	\$163,184
Gallons per ERC - Existing LOS	596.46
ERCs Served by Excess Capacity	4,994

Growth during the next six years is expected to reach 1,394 ERCs, which represents 27.91 percent of the remaining excess capacity (4,994 ERCs) in the water storage system. The cost allocated to growth during the next six years is therefore \$45,546.32. Divided among the 1,394 projected growth in ERCs, this represents a cost of \$32.67 per ERC.

TABLE 11: WATER STORAGE EXCESS CAPACITY PER ERC CALCULATIONS

Description	Amount
Actual Cost of Excess Capacity	\$163,184
ERCs Served by Excess Capacity	4,994
Growth in ERCs in Next 6 yrs	1,394
Percent of growth in Next 6 yrs	27.91%
Buy-In Cost Allocated to Growth in Next 6 Yrs	\$45,546.32
Actual Cost per ERC	\$32.67

Water Rights

The actual cost of the existing water rights is \$10,127,072.¹² Excess capacity represents 49.71 percent of the total capacity, for a cost of \$5,034,357. This excess capacity can serve 15,779 additional ERCs.

TABLE 12: WATER RIGHTS EXCESS CAPACITY

Description	Amount
Actual Cost of Existing Facilities	\$10,127,072
Existing Capacity - Acre Feet	18,221
Current Usage - Acre Feet	9,163
Excess Capacity	9,058
Percent Excess Capacity	49.71%
Actual Cost of Excess Capacity	\$5,034,357
Acre Feet per ERC - Existing LOS	0.574036486
ERCs Served by Excess Capacity	15,779

¹² Horrocks Engineering, *Impact Fee Facilities Plan*, p. 9.

Growth during the next six years is expected to reach 1,394 ERCs, which represents 8.83 percent of the remaining excess capacity in the water storage system. The cost allocated to growth during the next six years is therefore \$444,747.96. Divided among the 1,394 projected growth in ERCs, this represents a cost of \$319.04 per ERC.

TABLE 13: WATER RIGHTS EXCESS CAPACITY PER ERC CALCULATIONS

Description	Amount
Actual Cost of Excess Capacity	\$5,034,356.96
ERCs Served by Excess Capacity	15,779
Growth in ERCs in Next 6 Years	1,394
Percent of Growth in Next 6 Years	8.83%
Buy-In Cost Allocated to Growth in Next 6 Years	\$444,747.96
Actual Cost per ERC	\$319.04

Transmission

The IFFP clearly states that there is no excess capacity in the culinary water transmission system;¹³ therefore, there is no buy-in calculation for the water transmission portion of the impact fees.

Water Source

The IFFP clearly states that there is a 1,440 gpm deficiency in the existing water sources.¹⁴ There is, therefore, no impact fee buy-in calculation for water source. Further, impact fees cannot be used to make up deficiencies in the existing system. No costs for curing existing deficiencies have been included in the calculation of impact fees.

New Construction Calculation.

The proportionate fee for the construction of new facilities is calculated by taking the cost attributable to new development over the next six years (\$335,460) and dividing by the growth in ERCs over that same time period (1,394 ERCs).

TABLE 14: PROPORTIONATE SHARE CALCULATION FOR NEW FACILITIES

Impact Fee Calculations - New Growth	
Total Cost Attributable to Growth in Next 6 Years	\$335,460
Growth in ERCs in Next 6 Years	1,394
Cost per ERC	\$240.65

Consultant Costs.

The costs incurred by the consultants in preparing the IFFP and IFA can be included as part of the impact fees calculation. These costs are shown below.

¹³ ¹³ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 10

¹⁴ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 10

TABLE 15: PROPORTIONATE SHARE CALCULATION FOR CONSULTANT COSTS

Description	Amount
Consultant Costs	\$20,102
Growth ERCs in Next 6 Years	1,394
Cost per ERC	\$14.42

Impact Fee Fund Balance.

The impact fee fund balance for culinary water, as of July 2016, is \$443,966. This fund balance can be used to offset some of the new construction costs as well as to repay the General Fund for prior culinary water expenditures. When a fund balance exists, then a credit needs to be made against the impact fee to account for the impact fee fund balance.

TABLE 16: PROPORTIONATE SHARE CALCULATION FOR IMPACT FEE FUND BALANCE

Description	Amount
Impact Fee Fund Balance	\$443,966
Growth in ERCs in Next 6 Years	1,394
Credit per ERC	(\$318.48)

Summary of Impact Fees

The maximum gross impact fee that can be charged is \$288.30 per ERC. Credits must then be applied against this gross fee, as discussed in the following section.

TABLE 17: SUMMARY OF PROPORTIONATE SHARE CALCULATION

Description	Amount
Buy-In Cost	\$351.72
New Construction	\$240.65
Consultant Costs	\$14.42
Impact Fee Fund Balance Credit	(\$318.48)
TOTAL	\$288.30

Calculation of Credits

The maximum gross fee per ERC is \$288.30. However, credits must be made against this gross fee in order to account for outstanding bonds for culinary water improvements. The Culinary Water Fund currently pays for a portion of a General Obligation Bond (due to expire in 2021) and a portion of a Sales Tax Bond (due to expire in 2028), both of which were partially issued to fund culinary water capital improvements. In addition, the City has an outstanding Water Revenue Bond which will expire in 2020. Credits must be made against payments due for each of these bonds so that double-payment will not occur.

The annual payment made by the Water Fund on the General Obligation Bond is \$144,428. The annual payment made by the Water Fund on the Sales Tax Bond is \$74,818. And, the annual payment made by the Water Fund on the Water Revenue Bond is approximately \$334,200.

TABLE 18: SUMMARY OF BOND PAYMENTS

Year	GO Bond	Sales Tax Bond	Water Revenue Bond	Total Bond Pmts
2016	\$144,428	\$74,818	\$334,200	\$553,446
2017	\$144,428	\$74,818	\$333,200	\$552,446
2018	\$144,428	\$74,818	\$331,800	\$551,046
2019	\$144,428	\$74,818	\$330,000	\$549,246
2020	\$144,428	\$74,818	\$332,800	\$552,046
2021	\$144,428	\$74,818		\$219,246
2022		\$74,818		\$74,818
2023		\$74,818		\$74,818
2024		\$74,818		\$74,818
2025		\$74,818		\$74,818

The credit per ERC is therefore \$34.17 in 2016, with slightly declining credits in following years.

The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$254.13, or any lesser amount.

TABLE 19: CALCULATION OF CREDITS

Year	ERCs	Total Bond Payments	Credit per ERC	Maximum Impact Fee
2016	16,195	\$553,446	\$34.17	\$254.13
2017	16,427	\$552,446	\$33.63	\$254.67
2018	16,659	\$551,046	\$33.08	\$255.22
2019	16,891	\$549,246	\$32.52	\$255.78
2020	17,123	\$552,046	\$32.24	\$256.06
2021	17,355	\$219,246	\$12.63	\$275.67
2022	17,747	\$74,818	\$4.22	\$284.08
2023	18,139	\$74,818	\$4.12	\$284.18
2024	18,531	\$74,818	\$4.04	\$284.26
2025	18,923	\$74,818	\$3.95	\$284.35

The maximum fee per ERC is then applied to the actual number of ERCs or is based on the following schedule for water meter sizes and average flow.

TABLE 20: FEES BASED ON WATER METER SIZE

Water Meter Size	Operating Flow	Ratio	Fee
SF Residential - 5/8"	18	1.00	\$254.13

Water Meter Size	Operating Flow	Ratio	Fee
Water - Commercial 3/4"	25	1.39	\$352.95
Water - Commercial 1" - 1 1/2"	50	2.78	\$705.91
Water - Commercial 2"	100	5.56	\$1,411.81
Water - Commercial 3"	320	17.78	\$4,517.81
Water - Commercial 4"	500	27.78	\$7,059.07
Water - Commercial 6"	1000	55.56	\$14,118.15

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

3. Offsets costs with grants or other alternate sources of payment; and

4. Complies in each and every relevant respect with the Impact Fees Act.

Appendix A - Notice of Intent to Prepare Culinary Water Impact Fee Analysis

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.



CLEARFIELD CITY CORPORATION


Nancy R. Dehn, City Recorder

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Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Government Type:

Cities

Entity:

Clearfield

Public Body Name:

City Council

Notice Subject:

Fees

Notice Type:

Notice

Street Address:

55 South State Street

Street Address continued:

City:

Clearfield

Zip:

84015

Start Date:

08/27/14 8:24 AM

End Date:

Description / Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located

of 3

8/27/2014 8:28 AM



Public Notice Website: Admin

<https://secure.utah.gov/pmn-admin/notice/add-successful.html?status...>

is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

ADA:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Electronic Participation:

NA

Other:

Emergency Notice:

No

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Audio File Location:

Attachments:

There are no attachments associated with this notice.

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Entity: Clearfield

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Subject: Fees

Notice Title: Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Notice Type: Notice

Event Start Date & Time: August 27, 2014 8:24 AM

Description/Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

Notice of Special Accommodations:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Notice of Electronic or telephone participation:

NA

Other Information

This notice was posted on: August 27, 2014 08:28 AM

This notice was last edited on: March 21, 2016 09:26 AM

Board/Committee Contacts

Meeting Location:

55 South State Street
Clearfield , 84015

[Map this!](#)

Contact Information:

Nancy Dean
nancy.dean@clearfieldcity.org
(801) 525-2700

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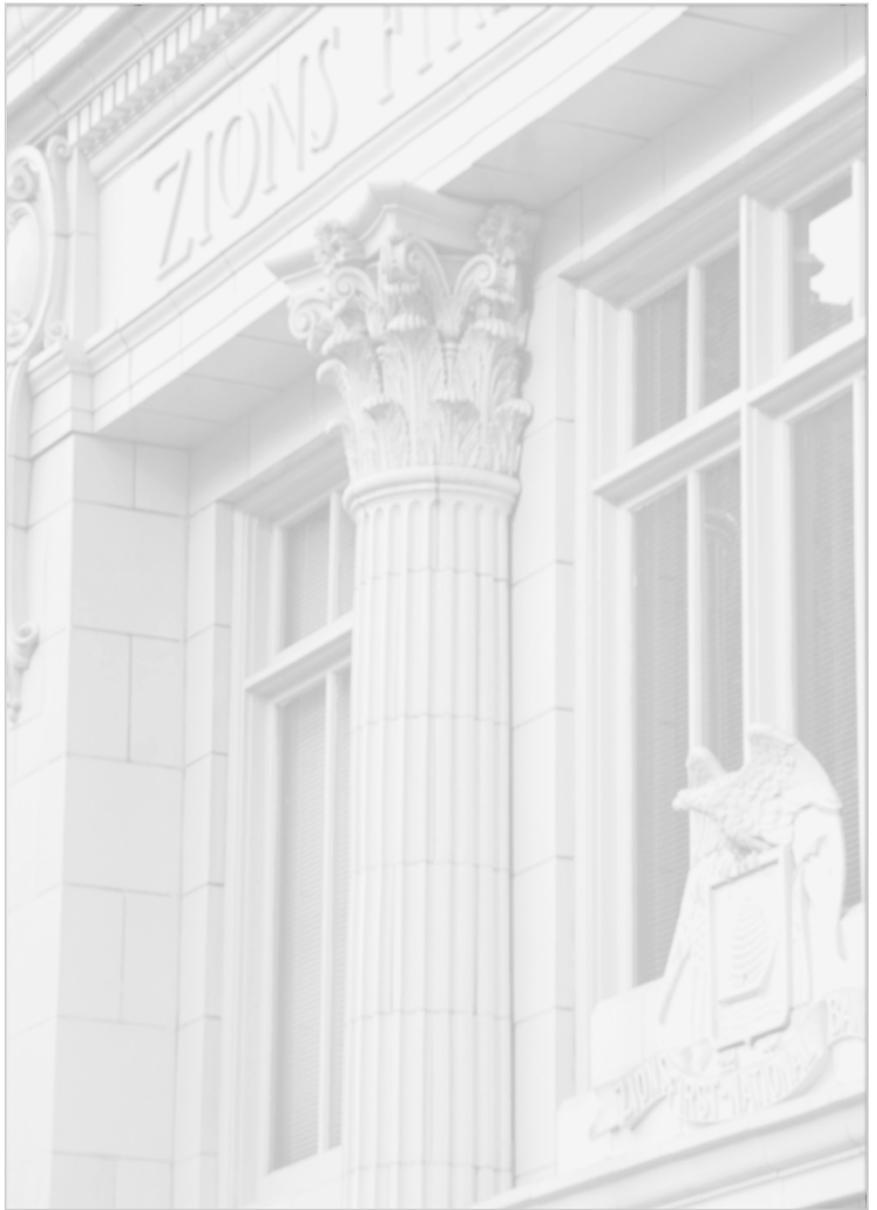
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Clearfield City

Sewer Impact Fees Analysis

ZIONS  PUBLIC FINANCE, INC.

August 23, 2016

Impact Fee Analysis for Sewer

Summary

This Impact Fees Analysis (“IFA”) uses the information provided in Clearfield City’s (“City”) recently-completed Impact Fee Facilities Plan (“IFFP”)¹ to calculate the proportionate share for impact fees that the City can charge to new development. Because Clearfield City sends all of its wastewater to North Davis Sewer District for treatment, the IFFP and IFA only address wastewater transmission infrastructure.

Clearfield City forms one geographic service area that provides sewer utility services to properties in the City. The City currently has 15,962 sewer ERCs.² The City is projected to grow by 1,394 ERCs within the next six years, by an additional 2,352 ERCs for years 7 through 12, and by 1,118 ERCs in year 13 and thereafter.³

Existing service levels are based on the 2015 levels of service in the City, as defined in the City’s IFFP for Sewer dated June 2016. Proposed service levels are intended to be the same as the existing service levels. The CFP states that, “The City of Clearfield has adopted The Utah Department of Environmental Quality (DEQ) guidelines and regulations for new sewer system design.”⁴ The IFFP further states that “it is proposed that the City of Clearfield continue to maintain its existing level of service.”⁵

The IFFP identifies excess capacity in the existing system, as well as construction of new facilities attributable to new development. Excess capacity has been estimated at 5.93 percent of the existing system, or an actual cost of \$498,568.87 with the ability to serve 1,005 additional ERCs.

New construction projects are outlined in this IFA as listed in the Sewer IFFP and total \$2,150,000. Of this amount, the engineers have identified \$552,770 as attributable to new development and therefore as impact-fee eligible. Development within the next six years will be required to pay for \$158,421 of those costs which is representative of the capacity used by new development over the next six years.

In addition, impact fees can include the cost of preparing the Sewer IFFP and IFA. Credits have been made to offset the current impact fee fund balance which can be used to offset the costs of construction of new facilities or as repayment for the excess capacity already purchased by the City.

The proportionate share analysis for sewer impact fees is as follows:

Table 1: Proportionate Share Analysis

¹ Clearfield City, *Impact Fee Facilities, Plan*, Horrocks Engineering, June 2016.

² Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 14.

³ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 17.

⁴ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 13.

⁵ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 14

Description	Amount
Excess Capacity	
Actual Cost of System	\$8,414,656.76
Existing Capacity GPD	14,846,400
Existing Usage GPD	13,966,750
Existing Excess Capacity GPD	879,650
Percent Excess Capacity	5.93%
Actual Cost of Excess Capacity	\$498,568.87
GPD per ERC	875
ERCs of Excess Capacity	1,005
Buy-In Cost per ERC	\$495.93
Impact Fee Calculations - New Growth	
Total Cost Attributable to Growth, Next 6 Years	\$158,421
Growth in ERCs, Next 6 Years	1,394
Cost per ERC	\$113.65
Consultant Costs	
New Growth ERCs, Next 6 Years	1,394
Cost per ERC	\$14.42
Impact Fee Fund Balance	
New Growth ERCs, Next 6 Years	1,394
Credit per ERC	\$0.00
Summary	
Buy-In Cost	\$495.93
New Construction	\$113.65
Consultant costs	\$14.42
Impact Fee Fund Balance Credit	\$0.00
TOTAL	\$624.00

The maximum gross fee per ERC is \$624.00. However, credits must be made against this gross fee in order to account for outstanding sewer bonds. The Sewer Fund is currently budgeting \$176,012 per year as its fair share of outstanding general obligation and sales tax bonds that include sewer facilities. Therefore, a credit should be made against the gross impact fee so that double payment does not occur. This credit is made by dividing the \$176,012 annual payment by the anticipated ERCs in that year to determine the annual credit per ERC. The annual credit declines each year, due to the rising number of ERCs. Therefore, the maximum fee ranges between \$613.13 and \$620.42. The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$613.13, or any lesser amount.

TABLE 2: CALCULATION OF CREDITS

Year	ERCs	Bond Payments	Credit per ERC	Maximum Impact Fee
2016	16,195	\$176,012	\$10.87	\$613.13
2017	16,427	\$176,012	\$10.71	\$613.28
2018	16,659	\$176,012	\$10.57	\$613.43
2019	16,891	\$176,012	\$10.42	\$613.58
2020	17,123	\$176,012	\$10.28	\$613.72
2021	17,355	\$176,012	\$10.14	\$613.86
2022	17,747	\$67,691	\$3.81	\$620.18
2023	18,139	\$67,691	\$3.73	\$620.27
2024	18,531	\$67,691	\$3.65	\$620.35
2025	18,923	\$67,691	\$3.58	\$620.42

The maximum fee per ERC is then applied to the actual number of ERCs or is based on the following schedule for water meter sizes and average flow.

TABLE 3: FEES BASED ON WATER METER SIZE

Water Meter Size	Operating Flow	Ratio	Fee
SF Residential - 5/8"	18	1.00	\$613.13
Water - Commercial 3/4"	25	1.39	\$851.57
Water - Commercial 1" - 1 1/2"	50	2.78	\$1,703.14
Water - Commercial 2"	100	5.56	\$3,406.28
Water - Commercial 3"	320	17.78	\$10,900.10
Water - Commercial 4"	500	27.78	\$17,031.41
Water - Commercial 6"	1000	55.56	\$34,062.82

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Analysis (IFA) before enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPF) to prepare this Impact Fee Analysis in accordance with legal requirements.

Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Plan (Utah Code §11-36a-503). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice on August 27, 2014. A copy of the notice is included in Appendix A.

Preparation of Impact Fee Analysis

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee analysis. (Utah Code 11-36a-304).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis which is required to:

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) identify how the impact fee was calculated.

- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
 - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;

- (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly-developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Certification of Impact Fee Analysis

Utah Code states that an Impact Fee Analysis shall include a written certification from the person or entity that prepares the Impact Fee Analysis. This certification is included at the conclusion of this analysis.

Anticipated Impact On or Consumption of Any Existing Capacity of a Public Facility by the Anticipated Development Activity

Utah Code 11-36a-304(1)(a)

Anticipated Development Activity

Impacts on sewer facilities will come from both residential and nonresidential growth. Growth is projected in the IFFP as follows:

TABLE 4: ERC GROWTH

Timeframe	Growth in ERCs
1-6 Years	1,394
7-12 Years	2,352
13+ Years	1,118
Total New Growth	4,864
2015 Existing ERCs	15,962

Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 17

Demand Placed on Facilities by New Development Activity

The IFFP states that the existing and proposed service level for sewer is 250 gallons per resident per day. With a household size of 3.5 persons, this results in demand of 875 gallons per day per ERC on the transmission system. With excess capacity of 879,650 gpd, there is sufficient excess capacity to serve 1,005 ERCs. However, there is not sufficient excess capacity to serve the demands of new growth within the next six years without additional construction of new sewer facilities as well. New growth within the next six years is estimated at 1,394 ERCs.

TABLE 5: DEMAND PLACED ON EXISTING SYSTEM BY NEW DEVELOPMENT

Description	Amount
Existing Capacity GPD	14,846,400
Existing Usage GPD	13,966,750
Existing Excess Capacity	879,650
GPD per ERC	875
ERCs of Excess Capacity	1,005

The actual cost of the existing sewer system has been provided in the IFFP at a cost of \$8,414,656.76.⁶ The excess capacity represents 5.93 percent of the existing system, or \$498,568.87 of the actual cost. New development should be required to buy in to this existing, excess capacity in the sewer system.

TABLE 6: ACTUAL COST OF EXISTING SYSTEM

Description	Amount
Actual cost of system	\$8,414,656.76

⁶ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, June 2016, p. 12

Description	Amount
Existing capacity gpd	14,846,400
Exiting usage gpd	13,966,750
Excess capacity gpd	879,650
Percent excess capacity	5.93%
Actual cost of excess capacity	\$498,568.87

Identify the Anticipated Impact on System Improvements Required by the Anticipated Development Activity to Maintain the Established Level of Service for Each Public Facility and Demonstrate How the Anticipated Impacts are Reasonably Related to the New Development Activity

Utah Code 11-36a-304(1)(b)(c)

The IFFP identifies the new projects needed to meet the demand on the sewer system by the anticipated development activity. The projects needed over the next six years total \$2,150,000, with \$552,770 of that amount attributable to new growth. New growth over the next six years is responsible for 28.7 percent of the capacity associated with the new facilities, or \$158,421.

TABLE 7: NEW CONSTRUCTION PROJECTS

Project #	Description	Percent to New Growth	2015 Estimate	Impact Fee Eligible	Percent of Total Growth Within Next 6 Yrs	Cost Within Next 6 Years
1	Freeport Center - 3rd St - E St to G St	30%	\$230,000	\$70,500	28.7%	\$20,205
2	Freeport Center - G Street - 3rd St to 5th St Phase 1	30%	\$240,000	\$72,600	28.7%	\$20,807
3	Freeport Center - G Street - 5th St to 7th St Phase 2	30%	\$220,000	\$65,400	28.7%	\$18,743
4	Freeport Center - G Street - 7th St to 9th St Phase 3	30%	\$230,000	\$70,050	28.7%	\$20,076
5	Freeport Center - G Street - 9th St to 11th St Phase 4	30%	\$230,000	\$67,650	28.7%	\$19,388
13	1000 W - 75 S to 200 S	20.34%	\$100,000	\$21,460	28.7%	\$6,150
27	Chelemes - State St to 1000 E	20.34%	\$140,000	\$29,500	28.7%	\$8,455
28	400 E - 700 S to 1250 S	20.34%	\$320,000	\$65,400	28.7%	\$18,743
30	1450 S - I15 bore - 1500 E to Legend Hills	20.34%	\$440,000	\$90,210	28.7%	\$25,854
TOTAL			\$2,150,000	\$552,770		\$158,421

Source: Clearfield City, *Sewer Impact Fee Facilities Plan*, June 2016, p. 16.

As the table above clearly demonstrates, only a percentage of the new facilities are related to new growth within the next six years.

Proportionate Share Analysis

The proportionate share analysis is calculated by taking five components of the impact fees:

- 1) Buy-in to the actual costs of existing, excess capacity;
- 2) Proportionate share of the cost of constructing new facilities;
- 3) Consultant costs associated with the sewer impact fees;
- 4) Credits for the impact fee fund balance; and
- 5) Credits for payments to be made on any outstanding bonds.

Excess Capacity Calculation.

The buy-in cost for excess capacity is calculated by taking the 5.93 percent excess capacity that currently exists and multiplying by the actual cost of the entire system to determine the actual cost of the excess capacity only. The cost of the excess capacity is then divided by the 1,005 ERCs that the excess capacity can serve to arrive at a buy-in cost of \$495.93 per ERC.

TABLE 8: PROPORTIONATE SHARE CALCULATION FOR EXISTING, EXCESS CAPACITY

Description	Amount
Actual Cost of System	\$8,414,656.76
Existing Capacity GPD	14,846,400
Existing Usage GPD	13,966,750
Existing Excess Capacity GPD	879,650
Percent Excess Capacity	5.93%
Actual Cost of Excess Capacity	\$498,568.87
GPD per ERC	875
ERCs of Excess Capacity	1,005
Buy-In Cost per ERC	\$495.93

New Construction Calculation.

The proportionate fee for the construction of new facilities is calculated by taking the cost attributable to new development over the next six years (\$158,421) and dividing by the growth in ERCs over that same time period (1,394 ERCs).

TABLE 9: PROPORTIONATE SHARE CALCULATION FOR NEW FACILITIES

Impact Fee Calculations - New Growth	
Total Cost Attributable to Growth, Next 6 Years	\$158,421
Growth in ERCs, Next 6 Years	1,394
Cost per ERC	\$113.65

Consultant Costs.

The costs incurred by the consultants in preparing the IFFP and IFA can be included as part of the impact fees calculation. These costs are shown below.

TABLE 10: PROPORTIONATE SHARE CALCULATION FOR CONSULTANT COSTS

Description	Amount
Consultant Costs	\$20,102

Description	Amount
Growth in ERCs, Next 6 Years	1,394
Cost per ERC	\$14.42

Impact Fee Fund Balance.

The impact fee fund balance for sewer, as of July 2016, is \$432,198.⁷ This fund balance can be used to offset some of the new construction costs as well as to repay the General Fund for prior sewer expenditures. Therefore, a credit needs to be made against the impact fee to account for the impact fee fund balance.

TABLE 11: PROPORTIONATE SHARE CALCULATION FOR IMPACT FEE FUND BALANCE

Description	Amount
Impact Fee Fund Balance	\$0
Growth in ERCs, Next 6 Years	1,394
Credit per ERC	(\$0.00)

Summary of Impact Fees

The maximum gross impact fee that can be charged is \$624.00 per equivalent residential connection. Credits must be applied against this gross fee, as discussed in the following section.

TABLE 12: SUMMARY OF PROPORTIONATE SHARE CALCULATION

Description	Amount
Buy-In Cost	\$495.93
New Construction	\$113.65
Consultant Costs	\$14.42
Impact Fee Fund Balance Credit	(\$0.00)
TOTAL	\$624.00

Calculation of Credits for Outstanding Debt

The Sewer Fund is currently budgeting \$176,012 per year as its fair share of outstanding general obligation and sales tax bonds for sewer facilities. Therefore, a credit should be made against the gross impact fee so that double payment does not occur. This credit is made by dividing the \$176,012 (decreasing in later years) annual payment by the anticipated ERCs in that year to determine the annual credit per ERC. The annual credit declines each year, due to the rising number of ERCs, as well as the decreasing bond payments. Therefore, the maximum fee ranges between \$613.13 and \$620.42. The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$613.13, or any lesser amount.

⁷ Source: Clearfield City

TABLE 13: CALCULATION OF CREDITS

Year	ERCs	Bond Payments	Credit per ERC	Maximum Impact Fee
2016	16,195	\$176,012	\$10.87	\$613.13
2017	16,427	\$176,012	\$10.71	\$613.28
2018	16,659	\$176,012	\$10.57	\$613.43
2019	16,891	\$176,012	\$10.42	\$613.58
2020	17,123	\$176,012	\$10.28	\$613.72
2021	17,355	\$176,012	\$10.14	\$613.86
2022	17,747	\$67,691	\$3.81	\$620.18
2023	18,139	\$67,691	\$3.73	\$620.27
2024	18,531	\$67,691	\$3.65	\$620.35
2025	18,923	\$67,691	\$3.58	\$620.42

The maximum fee per ERC is then applied to the actual number of ERCs or is based on the following schedule for water meter sizes and average flow.

TABLE 14: FEES BASED ON WATER METER SIZE

Water Meter Size	Operating Flow	Ratio	Fee
SF Residential - 5/8"	18	1.00	\$613.13
Water - Commercial 3/4"	25	1.39	\$851.57
Water - Commercial 1" - 1 1/2"	50	2.78	\$1,703.14
Water - Commercial 2"	100	5.56	\$3,406.28
Water - Commercial 3"	320	17.78	\$10,900.10
Water - Commercial 4"	500	27.78	\$17,031.41
Water - Commercial 6"	1000	55.56	\$34,062.82

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

3. Offsets costs with grants or other alternate sources of payment; and

4. Complies in each and every relevant respect with the Impact Fees Act.

Appendix A - Notice of Intent to Prepare Sewer Impact Fee Analysis

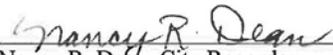
NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.



CLEARFIELD CITY CORPORATION


Nancy R. Deah, City Recorder

Public Notice Website: Admin

<https://secure.utah.gov/pmn-admin/notice/add-successful.html?status...>

is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

ADA:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Electronic Participation:

NA

Other:

Emergency Notice:

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Audio File Location:

Attachments:

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Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Government Type:

Cities

Entity:

Clearfield

Public Body Name:

City Council

Notice Subject:

Fees

Notice Type:

Notice

Street Address:

55 South State Street

Street Address continued:

City:

Clearfield

Zip:

84015

Start Date:

08/27/14 8:24 AM

End Date:

Description / Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located

of 3

8/27/2014 8:28 AM



7/12/2016

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Subject: Fees

Notice Title: Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Notice Type: Notice

Event Start Date & Time: August 27, 2014 8:24 AM

Description/Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

Notice of Special Accommodations:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Notice of Electronic or telephone participation:

NA

Other Information

This notice was posted on: August 27, 2014 08:28 AM

This notice was last edited on: March 21, 2016 09:26 AM

Board/Committee Contacts

Meeting Location:

55 South State Street
Clearfield , 84015

[Map this!](#)

Contact Information:

Nancy Dean
nancy.dean@clearfieldcity.org
(801) 525-2700

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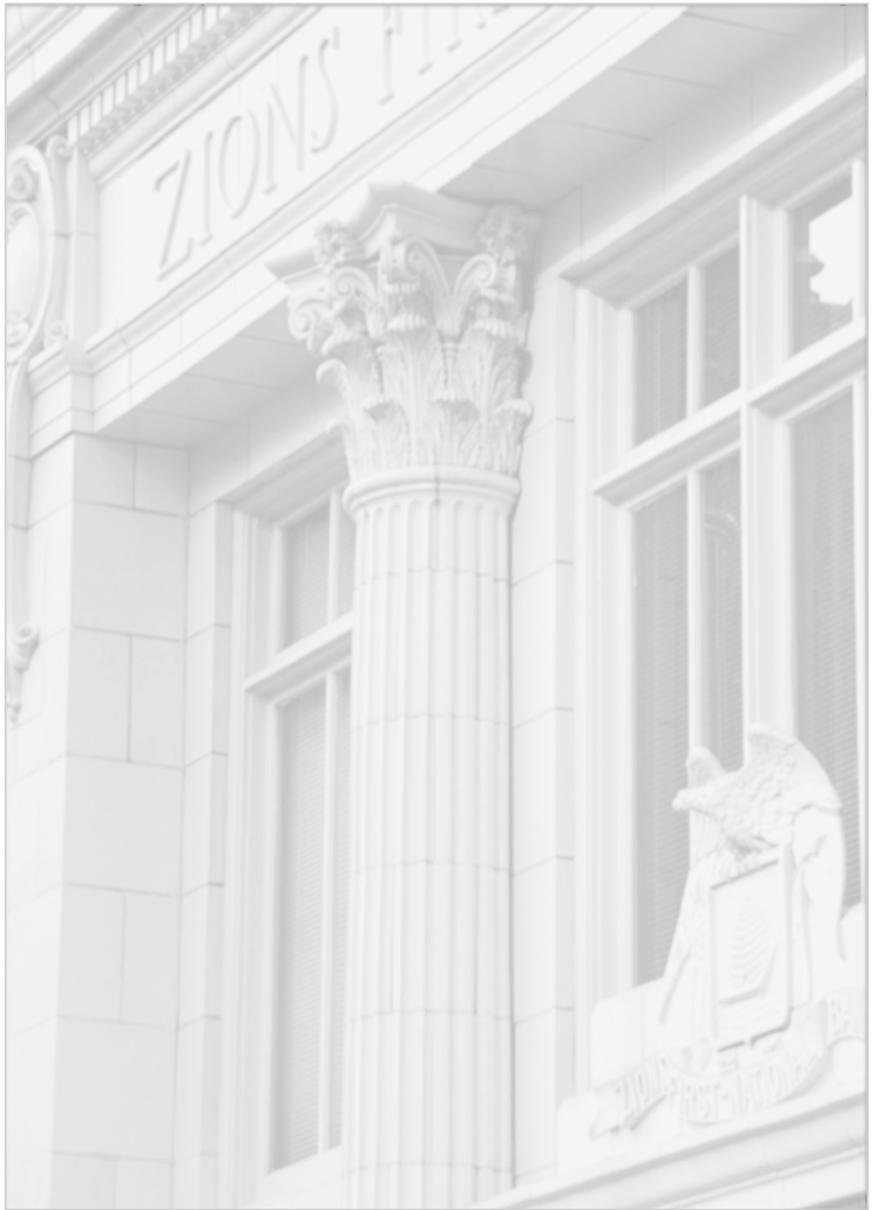
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Clearfield City

Storm Water Impact Fees Analysis

ZIONS  PUBLIC FINANCE, INC.

August 23, 2016

Impact Fee Analysis for Storm Water

Summary

This Impact Fees Analysis (“IFA”) uses the information provided in Clearfield City’s (“City”) recently-completed Impact Fee Facilities Plan (“IFFP”)¹ to calculate the proportionate share for impact fees that the City can charge to new development for storm water.

Clearfield City forms one geographic service area that provides storm water utility services to properties in the City. The City currently has 16,480 storm water ESUs.² The City is projected to grow by 1,716 ESUs within the next six years, by an additional 3,082 ESUs for years 7 through 12, and by 1,365 ESUs in year 13 and thereafter.³

Existing service levels are based on the 2015 levels of service in the City, as defined in the City’s IFFP for Storm Water dated June 2016. Proposed service levels are intended to be the same as the existing service levels. The IFFP states that the current “level of service of Clearfield’s current drain system is defined by the current city ordinances and construction standards. Future facilities must accommodate up to 0.20 cubic feet per acre of discharge.”⁴ The proposed service level in the IFFP reads exactly the same as the existing service level.⁵

The IFFP identifies no excess capacity in the existing storm water system, and also lists the construction of new facilities needed in order to maintain existing and proposed service levels given future growth.

New construction projects are outlined in this IFA as listed in the Storm Water IFFP and total \$2,750,000. Of this amount, the engineers have identified \$560,770 as attributable to new development and therefore as impact-fee eligible. Development within the next six years will be required to pay for \$156,138 of those costs which is representative of the capacity used by new development over the next six years.

In addition, impact fees can include the cost of preparing the Storm Water IFFP and IFA. Credits should be made to offset the current storm water impact fee fund balance which can be used to offset the costs of construction of new facilities.

The proportionate share analysis for storm water impact fees is as follows:

Table 1: Proportionate Share Analysis

Description	Amount
-------------	--------

¹ Clearfield City, *Impact Fee Facilities, Plan*, Horrocks Engineering, June 2016.

² Clearfield City – 6,069 residential ESUs and 10,441 commercial ESUs.

³ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 21.

⁴ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 18.

⁵ Clearfield City *Impact Fee Facilities Plan*, June 2016, p. 19.

Description	Amount
New Construction	
Total Impact Fee Eligible Costs	\$156,138
ESU Growth, Years 1-6	1,716
Fee per ESU	\$90.99
Consultant Costs	
New Growth in ESUs, Years 1-6	1,716
Cost per ESU	\$11.71
Impact Fee Fund Balance	
Future Growth in ESUs, Years 1-6	1,716
Credit per ESU	(\$36.38)
Summary	
New Construction	\$90.99
Consultant Costs	\$11.71
Impact Fee Fund Balance Credit	\$(36.38)
TOTAL Fee per ESU	\$66.32

The maximum gross fee per ESU is \$66.32. However, credits must be made against this gross fee in order to account for outstanding bonds for storm water improvements. The Storm Water Fund currently pays for a portion of a General Obligation Bond (due to expire in 2021). Credit must be made against payments due for this bond so that double-payment will not occur.

The annual payment made by the Storm Water Fund on the General Obligation Bond is \$25,275. The current credit per ERC is therefore \$1.51.

The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$64.81, or any lesser amount.

TABLE 2: CALCULATION OF CREDITS

Year	ERCs	Bond Payment	Credit per ERC	Maximum Impact Fee
2016	16,195	\$25,275	\$1.51	\$64.81
2017	16,427	\$25,275	\$1.48	\$64.84
2018	16,659	\$25,275	\$1.46	\$64.86
2019	16,891	\$25,275	\$1.43	\$64.89
2020	17,123	\$25,275	\$1.41	\$64.91
2021	17,355	\$25,275	\$1.39	\$64.93
2022	17,747			\$64.93

Year	ERCs	Bond Payment	Credit per ERC	Maximum Impact Fee
2023	18,139			\$64.93
2024	18,531			\$64.93
2025	18,923			\$64.93

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Analysis (IFA) before enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPFI) to prepare this Impact Fee Analysis in accordance with legal requirements.

Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Plan (Utah Code §11-36a-503). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice on August 27, 2014. A copy of the notice is included in Appendix A.

Preparation of Impact Fee Analysis

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee analysis. (Utah Code 11-36a-304).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis which is required to:

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) identify how the impact fee was calculated.

- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
- (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;
 - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
 - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
 - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
 - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
 - (g) extraordinary costs, if any, in servicing the newly-developed properties; and
 - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Certification of Impact Fee Analysis

Utah Code states that an Impact Fee Analysis shall include a written certification from the person or entity that prepares the Impact Fee Analysis. This certification is included at the conclusion of this analysis.

Anticipated Impact On or Consumption of Any Existing Capacity of a Public Facility by the Anticipated Development Activity

Utah Code 11-36a-304(1)(a)

Anticipated Development Activity

Impacts on storm water facilities will come from both residential and nonresidential growth. Growth is projected in the IFFP as follows:

TABLE 3: ESU GROWTH

Timeframe	Growth in ESUs
1-6 Years	1,716
7-12 Years	3,082
13+ Years	1,365
Total New Growth	6,163
Existing ESUs	16,480

Source: Clearfield City, *Impact Fee Facilities Plan*, p.21

Demand Placed on Existing Facilities by New Development Activity

The IFFP does not identify any excess capacity in the existing storm water system. Therefore, in order to offset the increased demands placed by new development on existing facilities, construction of new storm water facilities will be required.

Identify the Anticipated Impact on System Improvements Required by the Anticipated Development Activity to Maintain the Established Level of Service for Each Public Facility and Demonstrate How the Anticipated Impacts are Reasonably Related to the New Development Activity

Utah Code 11-36a-304(1)(b)(c)

The IFFP identifies the new projects needed to meet the demand on the storm water system by the anticipated development activity. The projects needed over the next six years total \$2,750,000, with \$560,770 of that amount attributable to new growth. New growth over the next six years is responsible for 27.84 percent of the capacity associated with the new facilities, or \$156,138.

TABLE 4: NEW CONSTRUCTION PROJECTS

Project #	Description	Percent to New Growth	2015 Estimate	Impact Fee Eligible	Percent of Total Growth Within Next 6 Yrs	Cost Within Next 6 Years
19	Freeport Industrial Parkway - Piping & Collection	20.34%	\$530,000	\$107,910	27.84%	\$30,046
21	H Street - Piping & Collection	20.34%	\$950,000	\$193,950	27.84%	\$54,003



Project #	Description	Percent to New Growth	2015 Estimate	Impact Fee Eligible	Percent of Total Growth Within Next 6 Yrs	Cost Within Next 6 Years
23	200 S & 1000 W - Piping & Collection	20.34%	\$480,000	\$97,230	27.84%	\$27,072
31	Depot Street - 24" Dia Piping & Collection Boxes	20.34%	\$320,000	\$65,890	27.84%	\$18,346
32	550 E to Depot - 18" P&C	20.34%	\$130,000	\$27,380	27.84%	\$7,624
33	1450 S Str - 36" Dia P&C	20.34%	\$340,000	\$68,410	27.84%	\$19,048
TOTAL			\$2,750,000	\$560,770		\$156,138

Source: Clearfield City, *Sewer Impact Fee Facilities Plan*, June 2016, p. 16.

As the table above clearly demonstrates, only a percentage of the new facilities are related to new growth within the next six years.

Proportionate Share Analysis

The proportionate share analysis is calculated by taking five components as follows:

- 1) Buy-in to the actual costs of existing facilities which, in this case are \$0 because no excess capacity has been identified by the engineers in the IFFP;
- 2) Proportionate share of the cost of constructing new facilities;
- 3) Consultant costs associated with preparing the storm water IFFP and IFA;
- 4) Credits for any impact fee fund balance; and
- 5) Credits for any outstanding debt in order to avoid double payment of impact fees.

New Construction Calculation.

The proportionate fee for the construction of new facilities is calculated by taking the cost attributable to new development over the next six years (\$156,138) and dividing by the growth in ESUs over that same time period (1,716 ESUs).

TABLE 5: PROPORTIONATE SHARE CALCULATION FOR NEW FACILITIES

Impact Fee Calculations - New Growth	
Total Cost Attributable to Growth Next 6 Years	\$156,138
Growth in ESUs Next 6 Years	1,716
Cost per ESU	\$90.99

Consultant Costs.

The costs incurred by the consultants in preparing the IFFP and IFA can be included as part of the impact fees calculation. These costs are shown below.

TABLE 6: PROPORTIONATE SHARE CALCULATION FOR CONSULTANT COSTS

Description	Amount
Consultant Costs	\$20,102

Description	Amount
Growth in ESU's, Next 6 Years	1,716
Cost per ESU	\$11.71

Impact Fee Fund Balance.

The impact fee fund balance for storm water, as of July 12, 2016, is \$62,434.⁶ This fund balance can be used to offset some of the new construction costs. Therefore, a credit needs to be made against the impact fee to account for the impact fee fund balance.

TABLE 7: PROPORTIONATE SHARE CALCULATION FOR IMPACT FEE FUND BALANCE

Description	Amount
Impact Fee Fund Balance	\$62,434
Growth in ESUs, Next 6 Years	1,716
Credit per ESU	(\$36.38)

Summary of Impact Fees

The maximum gross impact fee that can be charged is \$66.32 per equivalent surface unit. Credits must be applied against this gross fee, as discussed in the following section.

TABLE 8: SUMMARY OF PROPORTIONATE SHARE CALCULATION

Description	Amount
New Construction	\$90.99
Consultant costs	\$11.71
Impact Fee Fund Balance Credit	(\$36.38)
TOTAL	\$66.32

An equivalent surface unit (ESU) is defined in the IFFP as 2,700 square feet of impervious surface.⁷ Residential units can all be charged one ESU (\$66.32), while commercial development should be charged based on the appropriate number of ESUs.

Calculation of Credits

The maximum gross fee per ESU is \$66.32. However, credits must be made against this gross fee in order to account for outstanding bonds for storm water improvements. The Storm Water Fund currently pays for a portion of a General Obligation Bond (due to expire in 2021). Credit must be made against payments due for this bond so that double-payment will not occur.

The annual payment made by the Storm Water Fund on the General Obligation Bond is \$25,275. The current credit per ERC is therefore \$1.51.

⁶ Source: Clearfield City

⁷ Source: Clearfield City Impact Fee Facilities Plan, *Horrocks Engineering*, p. 5.

The City can choose to either adopt the following table for its fee schedule or, for ease in administering the fees, could simply adopt the 2016 maximum fee of \$64.81, or any lesser amount.

TABLE 9: CALCULATION OF CREDITS

Year	ERCs	Bond Payment	Credit per ERC	Maximum Impact Fee
2016	16,195	\$25,275	\$1.51	\$64.81
2017	16,427	\$25,275	\$1.48	\$64.84
2018	16,659	\$25,275	\$1.46	\$64.86
2019	16,891	\$25,275	\$1.43	\$64.89
2020	17,123	\$25,275	\$1.41	\$64.91
2021	17,355	\$25,275	\$1.39	\$64.93
2022	17,747			\$64.93
2023	18,139			\$64.93
2024	18,531			\$64.93
2025	18,923			\$64.93

Certification

Zions Bank Public Finance certifies that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

3. Offsets costs with grants or other alternate sources of payment; and

4. Complies in each and every relevant respect with the Impact Fees Act.

Appendix A - Notice of Intent to Prepare Sewer Impact Fee Analysis

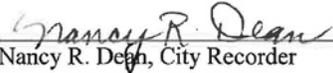
NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.



CLEARFIELD CITY CORPORATION


Nancy R. Deah, City Recorder

Public Notice Website: Admin

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Notice Title:

Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Government Type:

Cities

Entity:

Clearfield

Public Body Name:

City Council

Notice Subject:

Fees

Notice Type:

Notice

Street Address:

55 South State Street

Street Address continued:

City:

Clearfield

Zip:

84015

Start Date:

08/27/14 8:24 AM

End Date:

Description / Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located

of 3

8/27/2014 8:28 AM

Public Notice Website: Admin

<https://secure.utah.gov/pmn-admin/notice/add-successful.html?status...>

is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

ADA:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Electronic Participation:

NA

Other:

Emergency Notice:

No

Send copy of notice to:

Audio File Location:

Attachments:

There are no attachments associated with this notice.

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Clearfield:
City Council

Entity: Clearfield

Body: [City Council](#)

Subject: Fees

Notice Title: Notice of Intent to Prepare or Amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis

Notice Type: Notice

Event Start Date & Time: August 27, 2014 8:24 AM

Description/Agenda:

NOTICE OF INTENT TO PREPARE OR AMEND AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE WRITTEN ANALYSIS

Pursuant to the requirements of Utah Code Ann. 11-36a-501 and 11-36a-503, notice is hereby given of Clearfield City's intent to contract to prepare or amend an Impact Fee Facilities Plan and an Impact Fee Written Analysis for culinary water, sewer and storm water. The geographical area where the proposed impact fee facilities will be located is the entire city limits.

Dated this 27th day of August, 2014.

CLEARFIELD CITY CORPORATION

/s/Nancy R. Dean, City Recorder

Notice of Special Accommodations:

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

Notice of Electronic or telephone participation:

NA

Other Information

This notice was posted on: August 27, 2014 08:28 AM
This notice was last edited on: March 21, 2016 09:26 AM

Board/Committee Contacts

[Search again](#)

Meeting Location:

55 South State Street
Clearfield , 84015

[Map this!](#)

Contact Information:

Nancy Dean
nancy.dean@clearfieldcity.org
 (801) 525-2700

Audio File Address

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1/2

CLEARFIELD CITY RESOLUTION 2016R-20

A RESOLUTION AUTHORIZING AN IN-KIND DONATION TO THE PIONEER ADULT REHABILITATION CENTER (PARC)

WHEREAS, Clearfield City finds that the Pioneer Adult Rehabilitation Center (PARC) is a non-profit organization in Clearfield City with the unique mission of advancing employment opportunities for individuals with disabilities; and

WHEREAS, the services provided by PARC enhance the health, enjoyment, and quality of life for those individuals; and

WHEREAS, Clearfield City further finds that many intangible benefits accrue to the entire community from the City's support of PARC; and

WHEREAS, Clearfield City finds an important public interest is served by providing assistance to PARC in the form of a waiver of the deposit and room rental fees at the Clearfield Aquatic Center one hour, once per month; and

WHEREAS, Clearfield City's donation is both necessary and appropriate to accomplish the reasonable goals and objectives of the City to further the legitimate public purpose of providing opportunities for individuals with disabilities to achieve a high level of independence as well as the benefits that are derived thereby for the entire community;

NOW, THEREFORE, be it resolved by the Clearfield City Council that:

Upon approval of this Resolution, the City's Community Services Director is hereby authorized to assist PARC with a waiver of the deposit and room rental fees at the Clearfield Aquatic Center one hour, once per month.

Passed and adopted by the City Council at its regular meeting on the 13th day of September, 2016.

ATTEST

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. POLICY SESSION
August 9, 2016

(This meeting was held following the regularly scheduled City Council Meeting.)

PRESIDING:	Bruce Young	Chair
PRESENT:	Keri Benson	Director
	Kent Bush	Director
	Nike Peterson	Director
	Vern Phipps	Director
	Mark Shepherd	Director
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Brian Hogge	Senior Accountant
	Terrence Jackson	IT Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kammie Watt – Boy Scouts, Steven Bishop, Caleb & Gordon Mitchell – Boy Scouts, Bob Bercher, Boy Scout Troop 572

Chair Young called the meeting to order at 8:15 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE JUNE 14, 2016 POLICY SESSION AND THE JULY 12, 2016 WORK SESSION

Director Shepherd moved to approve the Clearfield Community Development and Renewal Agency (CDRA) minutes from the June 14, 2016 policy session and the July 12, 2016 work session as written, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Peterson, Phipps and Shepherd. Voting NO – None.

APPROVAL OF RESOLUTION 2016R-02 ADOPTING THE CDRA 2016/2017 FISCAL YEAR BUDGET

The Clearfield Community Development and Renewal Agency (CDRA) held a public hearing on the proposed budget on June 14, 2016. Utah Code required cities to hold a public hearing relating to the approval of the upcoming fiscal year budget. City staff had prepared and submitted to the Board a balanced final budget for fiscal year 2016/2017 which began July 1, 2016 and ended June 30, 2017.

Rich Knapp, Finance Manager, explained the CDRA budget anticipated revenue of approximately \$2.3 million and expenditures of approximately \$1.8 million. He noted there was one capital project, Gateway Signage, brought forward from last year. He asked if there were any questions and there were none.

Director Phipps moved to approve Resolution 2016R-02 adopting the CDRA 2016/2017 fiscal year budget and authorize the Chair's signature to any necessary documents, seconded by Director Benson. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Peterson, Phipps and Shepherd. Voting NO – None.

There being no further business to come before the Community Development and Renewal Agency, **Director Benson moved to adjourn as the Community Development and Renewal Agency and reconvene as the City Council in a work session at 8:17 p.m., seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Peterson, Phipps and Shepherd. Voting NO – None.**

Staff Report



To: CDRA Board of Directors
From: JJ Allen, Assistant City Manager
Date: September 7, 2016
Re: Better City – Professional Consulting Services Agreement

I. RECOMMENDED ACTION

Approve the Professional Consulting Services Agreement with Better City, and authorize the Chair's signature to any necessary documents.

II. DESCRIPTION / BACKGROUND

Better City is a consulting firm that specializes in redevelopment and economic development. The proposed agreement would authorize Better City to prepare a feasibility study and land use concept plan for the redevelopment of the Mabey Pond / Clearfield Mobile Home Park area, and then to implement that plan by searching for a developer (or developers) willing to undertake the development of the site(s).

III. IMPACT

a. Fiscal

The fee for Phase I (Feasibility Study) is \$30,000. Phase II (Implementation) will be paid on a monthly basis—\$3,500/month for one year. The CDRA budget will need to be amended accordingly.

b. Policy Priorities

The objective of this Agreement is to accomplish the redevelopment of the Mabey Pond / Clearfield Mobile Home Park area. This area has been identified in the Downtown Small Area Plan as the future heart of Clearfield's downtown—a place of significant potential. Moreover, this effort is consistent with several of the strategies listed under "Improving Clearfield's Image, Livability, and Economy" in the 10-Year Strategic Plan.

IV. SCHEDULE / TIME CONSTRAINTS

The feasibility study is expected to take a couple months to prepare, so it should be ready by Thanksgiving if the Agreement is approved and executed quickly. The implementation phase would last for one year (with an option for a second year).

V. LIST OF ATTACHMENTS

- Better City Professional Consulting Services Agreement

PROFESSIONAL CONSULTING SERVICES AGREEMENT

THIS PROFESSIONAL CONSULTING SERVICES AGREEMENT (the "Agreement") is made and entered into this ____ day of September 2016 (the "Effective Date") by and between the Clearfield Community Development and Renewal Agency, a governmental entity organized by law as a political subdivision of the State of Utah (hereinafter referred to as the "CDRA") and Better City, a Utah LLC, a (hereinafter referred to as the "Firm").

WHEREAS, the CDRA wishes to engage the Firm to provide the services described herein and the Firm agrees to provide the services for the compensation and otherwise in accordance with the terms and conditions contained in this Agreement.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, accepted, and agreed to, the CDRA and the Firm, intending to be legally bound, agree to the terms set forth below.

1. TERM. The Firm agrees that it will provide professional consultant services to the CDRA as specified in the Scope of Work (Attachment A), and that Phase I (Feasibility Study) shall commence as of the Effective Date, and is anticipated to take 2 months. Upon completion and the CDRA's written approval of Phase I, and authorization to proceed with Phase II (Implementation) a one-year term for Phase II shall commence and continue until Services are completed (the "Term"), unless earlier terminated pursuant to Section 9 hereof.

2. RENEWAL. A second year for Phase II (Implementation) must be authorized in writing by the CDRA.

3. DUTIES AND SERVICES. The Firm's duties and responsibilities ("Services") shall be to perform economic development work on behalf of the CDRA, as described in the Scope of Work (Attachment A). This will be limited to the development of the Mabey Pond and Clearfield Mobile Home Park area (see Attachment B).

(a) The Firm represents and warrants to the CDRA that the Firm is under no contractual or other restrictions or obligations which are inconsistent with the execution of this Agreement, or which will interfere with the performance of the Firm's duties. The Firm represents and warrants that the execution and performance of this Agreement will not violate any policies or procedures of any other person or entity for which the Firm performs Services concurrently with those performed herein.

(b) The CDRA will designate a Point-of-Contact (POC) liaison to assist the Firm in coordinating information requests that may be necessary to perform the scope of Services outlined above (e.g. GIS files, utility location and capacity information, impact fee calculations, RDA documents, etc.) and will do so in a timely manner. All Better City requests for information will be made to the POC unless otherwise directed by the CDRA.

4. CDRA APPROVAL REQUIRED. The CDRA reserves the right to reject a third-party

developer for any or no cause, and the Firm agrees to consult with the CDRA in order to attract a third-party developer that is acceptable to the CDRA. The CDRA makes no guarantee with this Agreement regarding future land use approvals, development agreements, or tax increment participation agreements with or for the prospective third-party developers.

4. CONSULTING FEE.

(a) Subject to the provisions hereof, the CDRA shall pay the Firm accordingly:

1. Phase I: Upon completion and acceptance (by the CDRA Board) of a project feasibility study and land use concept plan that is consistent with, or mutually agreed upon divergence from, the Downtown Clearfield Small Area Plan, the CDRA shall pay the Firm a fee of thirty thousand dollars (\$30,000);
2. Phase II: Once the feasibility study is completed and accepted in writing by the CDRA, the CDRA shall thereafter pay the Firm a fee of three thousand five hundred dollars (\$3,500) monthly for ongoing implementation for one (1) year.

In the event the Firm completes the scope of work prior to the expiration of the Term (the definition of which shall be that at least 75% of the area shown in Attachment B is subject to one or more approved and fully-executed development agreements), all remaining payments, including any remaining monthly fees due under this contract shall continue until the expiration of the Term. The total fee paid to the Firm during the Term, including all monthly and milestone payments, but excluding reimbursable expenditures under paragraph 4(d) shall not exceed seventy-two thousand dollars (\$72,000).

(b) The Firm agrees that all Services will be rendered by employees of the Firm as independent contractors and that this Agreement does not create an employer-employee relationship between the CDRA and the Firm. The Firm shall have no right to receive any employee benefits including, but not limited to, health and accident insurance, life insurance, sick leave and/or vacation. The Firm agrees to pay all taxes including self-employment taxes due in respect of the Consulting Fees and to indemnify the CDRA in the event the CDRA is required to pay any such taxes on behalf of the Firm.

(c) In addition to the payment described in paragraph "a" of section 4, the Firm reserves the right to negotiate a payment structure that will be generated from the projects that are orchestrated by the Firm on behalf of the CDRA. This could include real estate commissions from Buyer/Seller and/or a success fee from the Developer paid at closing.

(d) The Firm shall be reimbursed for any direct expenditures that are incurred while working on behalf of the CDRA, subject to CDRA approval before these expenditures are made. Eligible reimbursable expenditures include mileage at \$0.55/mile, meals, lodging, and report production costs such as copies, binding, and postage costs. Reimbursable expenses will be capped at three thousand dollars (\$3,000) during the Term.

5. AUTHORIZED REPRESENTATIVES. Each party shall name an individual, specified in Sections 5a and 5b, as its authorized representative for purposes of representation and notices.

(a) The CDRA designates:
JJ Allen
55 S State St.
Clearfield, UT 84015
jj.allen@clearfieldcity.org

(b) The Firm designates:
Adam Hughes
1100 Country Hills Drive, Suite 100
Ogden, UT 84403
(801)-332-9006
adam@bettercity.us

6. INDEMNIFICATION. The Firm agrees and covenants to hold harmless and indemnify the CDRA from any claims, losses, injury, expenses and attorneys' fees proximately caused by any negligent conduct or omissions that constitute a form of tortious behavior on the part of the Firm, its officers, employees, or agents in the execution of the work performed in accordance with this Agreement, or which constitutes a breach of this Agreement.

The CDRA agrees and covenants to hold harmless and indemnify the Firm from any claims, losses, injury, expenses and attorneys' fees proximately caused by any negligent conduct or omissions that constitute a form of tortious behavior on the part of the CDRA, its officers, employees, or agents in the execution of the work performed in accordance with this Agreement, or which constitutes a breach of this Agreement.

7. INSURANCE. The Firm shall procure and maintain, at the Firm's own expense and from a company selected by the Firm and approved by the CDRA, insurance coverage meeting at least the following levels.

- (a) Comprehensive General Liability Insurance, in an amount not less than \$1,000,000.00 per occurrence and 2,000,000.00 general aggregate.
- (b) Worker's Compensation Insurance as prescribed by state statute.
- (c) Professional Liability Insurance to cover errors and omissions in the amount of \$1,000,000.00 per occurrence with at least a \$2,000,000.00 annual policy aggregate limit. Evidence of such insurance will be furnished to the CDRA upon written request.

The CDRA shall be named as an additional insured on the liability insurance.

8. SUCCESSORS. The Firm and CDRA agree that the provisions of this Agreement shall be binding on heirs, permitted assigns and successors and agents.

9. TERMINATION. CDRA reserves the right to terminate this Agreement after the completion of Phase I if it determines that what is feasible in terms of redevelopment (as determined by Phase I) is not in harmony with the CDRA's long-term vision for the area. Otherwise, this Agreement may be terminated by either party upon 90 days written notice to the

designated representative. At the time of termination, the Firm will provide to CDRA all work completed or in process as of the date of termination. Within 90 days of termination, CDRA will make payment to the Firm for all authorized fees and expenses outstanding.

10. CONFIDENTIALITY OF DATA. The Firm shall treat all data that it receives from or through CDRA, or is otherwise exposed to within the course of completing the scope of work, with the highest degree of confidentiality and in compliance with all applicable federal and state laws and regulations.

The Firm acknowledges that it may be provided or come into contact with confidential information of the CDRA or other related parties (collectively, "CDRA's Confidential Information"). In recognition of the foregoing, the Firm covenants and agrees that

- It will keep and maintain the CDRA's Confidential Information in strict confidence, using such degree of care as is appropriate to avoid unauthorized use or disclosure;
- It will use and disclose the CDRA's Confidential Information solely for the purposes for which such information, or access to it, is provided, and the Firm will not use or disclose CDRA's Confidential Information for its own purposes or for the benefit of anyone other than the CDRA or related parties;
- It will not directly or indirectly disclose any of the CDRA's Confidential Information to any third party, except with the CDRA's prior written consent or as otherwise provided herein;
- It will not directly or indirectly use any of the CDRA's Confidential Information to gain an unfair business advantage;
- It shall, upon the earlier of (i) completion of discussions between the parties or any engagement of the Firm by CDRA, (ii) determination that it has no need for the CDRA's Confidential Information, or (iii) at any time the CDRA may so request, dispose of all records, electronic or otherwise (including all backup records and/or other copies thereof) regarding or including any of the CDRA's Confidential Information that Firm may then possess or control. Disposal shall be achieved through prompt delivery of the records to the CDRA or destruction in a manner that renders the records unreadable and undecipherable by any means. Upon any occurrence of (i), (ii), or (iii) above, the Firm shall, upon request of the CDRA, promptly certify in writing, in a form acceptable to the CDRA and executed by an authorized officer of the Firm, that all of CDRA's Confidential Information has been destroyed or returned.

11. ENTIRE AGREEMENT. This Agreement contains the complete agreement and understanding of the parties hereto and supersedes any previous understandings, commitments, proposals or agreements whether oral or written and may only be modified or amended in writing or executed by authorized individuals of CDRA and Firm. No waiver, alteration, modification, or representation of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the CDRA and the Firm and expressly referring to this Agreement.

12. SEVERABILITY. In case any one or more of the provisions contained in this Agreement shall be invalid, illegal or unenforceable in any respect under any applicable statute or rule of law,

then such provisions shall be deemed inoperative to the extent that they are invalid, illegal or unenforceable, and the remainder of this Agreement shall continue in full force and effect. The parties hereto agree to replace an invalid, illegal or unenforceable provision with a new provision which provides the most nearly similar permissible economic effect as the invalid, illegal or unenforceable provision.

13. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but all such counterparts taken together shall constitute only one instrument.

14. WAIVERS. The failure of either Party at any time or times hereafter to require strict performance by the other of any of the undertakings, agreements or covenants contained in this Agreement shall not waive, affect or diminish any right of either Party hereunder to demand strict compliance and performance thereof. None of the undertakings, agreements, or covenants of either Party under this Agreement shall be deemed to have been waived unless such waiver is evidenced by an instrument in writing signed by the party to be charged with specifying such waiver.

15. AMENDMENTS. Neither this Agreement nor any provisions hereof may be changed, waived, discharged or terminated orally and may only be modified or amended by an instrument in writing, signed by both the CDRA and the Contractor.

16. GOVERNING LAW. The terms of this Agreement shall be construed and interpreted under the laws of the State of Utah. Any action, challenge, or dispute under this Agreement shall be brought in the Second Judicial District Court of Utah, Davis County, or in the U.S. District Court of Utah. In the event of default of one of the parties to this Agreement, the non-defaulting party shall be entitled to reasonable attorneys' fees and all costs of court incurred in the enforcement of this Agreement. Contractor explicitly agrees that the courts listed above in this Paragraph shall have personal and/or subject matter jurisdiction over Contractor and this Agreement in all disputes or challenges under this Agreement. For judgment collection purposes only, the Parties further consent to the jurisdiction of any state court located within a district which encompasses assets of a party against which a judgment has been rendered for the enforcement of such judgment or award against the assets of such party.

17. ATTORNEYS' FEES. In the event of default by one of the parties to this Agreement, the non-defaulting party shall be entitled to reasonable attorneys' fees and all costs incurred in the enforcement of this Agreement, regardless of whether an action is commenced or prosecuted to judgment.

18. SIGNATURES.

EXECUTED as of the Effective Date.

CLEARFIELD CDRA

BETTER CITY, LLC.

Bruce Young, Chair

Adam Hughes, CEO

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

NOTARY PUBLIC

STATE OF UTAH)
)
COUNTY OF _____)

On the ___ day of _____, 2016 personally appeared before me, ADAM HUGHES, as signer of the foregoing document, who duly acknowledged authority to enter the foregoing Agreement to provide services on behalf of BETTER CITY, LLC.

NOTARY PUBLIC
Residing:_____

Attachment A: Scope of Work

The proposed Scope of Work will include the following:

Phase I: Feasibility Study – Completion of a project feasibility study that is consistent with, or mutually agreed upon divergence from, the Downtown Clearfield Small Area Plan, to include various components within a mixed-use development project in the Mabey Pond and Clearfield Mobile Home Park area:

- Evaluate the feasibility of potential uses including entertainment, recreation, retail, office, commercial, and residential;
- develop a pro forma for the project to determine the financing gap created by the difference in redevelopment costs, construction costs, and the level of debt that can be serviced given achievable rental rates in the local market;
- identify funding sources such as tax increment, grants, and tax credits to fill the project's financing gap and formulate a project capital stack;
- develop a project schedule identifying milestones and deadlines for securing funding sources as well as phasing of project development; and
- develop a preliminary estimate of pre-development costs that can be anticipated based on the proposed project concept.

Deliverable: CDRA-approved feasibility study (hard and digital copies)

Phase II: Implementation – Based on the feasibility studies completed in Phase I, and upon the CDRA's authorization and within the parameters that are acceptable to the CDRA (e.g. minimum square footage for office/retail space, minimum or maximum number of residential units, minimum acreage, etc.), engage with the private development community to attract a CDRA-approved third-party developer(s) that will:

- undertake development at the site and assume ongoing operational risk of the facility;
- provide equity and commercial debt to finance the private financing portion of the project;
- enter into a development agreement with the CDRA for the development of the facility in substantial conformance with, or mutually agreed upon divergence from, the feasibility study through a public private partnership (PPP);
- assist the CDRA and third-party developer in securing financing sources for the project, including grants, tax increment financing, and below-market rate loans.

Deliverables: monthly summary reports, real-time tracking, and bi-weekly meetings with CDRA

Attachment B: Mabey Pond / Clearfield Mobile Home Park Area

