



CITY OF NORTH SALT LAKE

CITY COUNCIL MEETING NOTICE & AGENDA August 15, 2023

Notice is given that the City Council of the City of North Salt Lake will hold a regular meeting on **August 15, 2023** at City Hall, 10 East Center Street, North Salt Lake, Utah. A work session will be held at 6:00 pm followed by the regular session at 7:00 pm in the Council Chambers. Some members may participate electronically via Zoom. The public may attend in person or via Zoom; however, the electronic meeting option does not allow for participation during public hearings or comment periods. Please see instructions included in this agenda to attend and view the meeting via Zoom.

The following items of business will be discussed; the order of business may be changed as time permits.

WORK SESSION – 6:00 p.m.

1. Presentation and Discussion on the North Salt Lake Wellbeing Survey Conducted by the Utah State University
2. Discussion of Proposed Improvements at the Eaglewood Village Detention Pond
3. Adjourn

REGULAR SESSION – 7:00 p.m.

1. Introduction by Mayor Brian Horrocks
2. Thought or Prayer and Pledge of Allegiance ~ Councilmember Baskin
3. Citizen Comment
4. Public Hearing and Consideration of Ordinance 2023-10: An Ordinance Adopting and Codifying a New Chapter 11 of Title 9 in the City's Code Related to Impact Fees
5. Public Hearing and Consideration of Ordinance 2023-11: An Ordinance Establishing an Impact Fee Policy and Adopting Water System Impact Fees on Development Activities within the City
6. Public Hearing and Consideration of Ordinance 2023-12: An Ordinance Establishing an Impact Fee Policy and Adopting Storm Drain System Impact Fees on Development Activities within the City
7. Consideration of Preliminary Design Plan and Final Plat for Union Court Subdivision Located at 25 and 95 East Union Avenue, Cal Johnson, Legend Engineering, Applicant
8. Consideration of Public Works Equipment Purchase of the Sensus Flexnet Base Station Infrastructure for Fixed-Based Water Meter Reading in the Amount of \$203,800
9. Consideration of Public Works Equipment Purchase of a Toro Workman for a Price not to Exceed \$45,000
10. Consideration of Public Works Equipment Purchase of a 2023 Trench Compaction Roller in the Amount of \$34,875
11. Consideration of Public Works Equipment Purchase of a Valve Turning Machine in the Amount of \$87,697.98

12. Consideration of Golf Equipment Purchases in the Amount of \$235,612.12
13. Approval of City Council Minutes of August 1, 2023
14. Action Items
15. Council Reports
16. City Attorney Report
17. Mayor’s Report
18. City Manager Report
19. Adjourn

CLOSED SESSION

1. Possible closed session for the purpose of discussing the character professional competence, or physical or mental health of an individual; to discuss pending or reasonably imminent litigation; to discuss the purchase, exchange, sale, or lease of real property; or to discuss the deployment of security personnel, devices, or systems. *Utah Code 52-4-205*

This meeting has an option to attend electronically via Zoom, with joining information below:
Topic: August 15, 2023 City Council Meeting
Time: August 15, 2023, 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting: <https://us02web.zoom.us/j/87866813986>

Webinar ID: 878 6681 3986

The public is invited to attend all City Council meetings. If you need special accommodations to participate in the City Council meeting, please call the City office at 801-335-8709. Please provide at least 24 hours notice for adequate arrangements to be made.

Notice of Posting:
I, the duly appointed City Recorder for the City of North Salt Lake, certify that copies of the agenda for the **City Council** meeting to be held **August 15, 2023** were posted on the Utah Public Notice Website: <https://www.utah.gov/pmn/>, City’s Website: <https://www.nslcity.org>, and at City Hall: 10 E. Center St. North Salt Lake.

Date Posted: August 14, 2023


Wendy Page, City Recorder





CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

Brian J. Horrocks
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ken Leetham, City Manager

DATE: August 15, 2023

SUBJECT: Work Session Items for August 15, 2023

There are two work session items for the upcoming City Council meeting on August 15, 2023. First, Dr. Courtney Flint from Utah State University will attend and report on the results of the Citywide Wellness Survey that was conducted earlier this year by USU. Members of the Health and Wellness Committee will also attend the meeting.

Second, we have put a discussion item on the agenda related to the Eaglewood Village Detention Pond. The City received the attached proposed plan from Casey Moore, a preferred contractor who was asked by the City to put together a plan within the informal budget we discussed earlier this year. The plan has several improvements which we discussed including grading and treatment of the hillside adjacent to the parking lot, the removal of phragmite vegetation, replacement of the existing fishing dock with a rock dike, a crushed rock trail with a small retaining wall and additional vegetation. His proposed price for this work is \$75,000. The purpose of this item is to receive feedback from the City Council with the idea that we would put a small contract together for this work for your consideration during the September 19, 2023 City Council meeting.



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sherrie Pace, Community Development Director & Wendy Page, City Recorder
DATE: August 15, 2023
SUBJECT: Consideration of Ordinance 2023-10 amending City Code related to Impact Fees

RECOMMENDATION

City staff recommends to the City Council the approval of Ordinance 2023-10, an ordinance amending the North Salt Lake City Code, Title 9, Chapter 11 related to impact fee enactment with the following findings:

1. The proposed amendment will increase efficiency in the administration of development applications, including the imposition of impact fees; and
2. The proposed amendment codifies Chapter 11 in accordance with the provisions of the Utah Impact Fees Act.

BACKGROUND

As part of the City Attorney's review of the staff's work to update Title 9, Chapter 11 with regard to noticing for impact fee enactment, he advised staff that the entire chapter should be updated and codified. The attached proposed Ordinance 2023-10 repeals in its entirety current Title 9, Chapter 11 and replaces it with the attached Exhibit A.

REVIEW

The proposed amendments are in accordance with the Impact Fees Act, Utah Code Annotated sections 11-36a-101, et seq. as follows:

- 9-11-1: Findings & Purpose
- 9-11-2: Definitions
- 9-11-3: Calculation And Administration
- 9-11-4: Service Areas
- 9-11-5: Timing Of Impact Fees
- 9-11-6: Use Of Fees
- 9-11-7: Adjustments And Credits
- 9-11-8: Accounting, Expenditure And Refunds
- 9-11-9: Impact Fee Challenges and Appeals

POSSIBLE MOTION

I move that the City Council approve Ordinance 2023-10, an ordinance amending the North Salt Lake City Code, Title 9, Chapter 11 related to impact fee enactment with the following findings:

1. The proposed amendment will increase efficiency in the administration of development applications, including the imposition of impact fees; and
2. The proposed amendment codifies Chapter 11 in accordance with the provisions of the Utah Impact Fees Act.

Attachments

- 1) Ordinance 2023-10
- 2) Exhibit A

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE ADOPTING AND CODIFYING A NEW CHAPTER 11 OF TITLE 9 RELATING TO IMPACT FEES

WHEREAS, the City Council of North Salt Lake has determined that efficiency in the administration of development applications, including the imposition of impact fees, will be furthered by the adoption of simplified provisions relating to the imposition of impact fees; and

WHEREAS, the City Council desires to codify a new Chapter 11, an impact fee enactment, in accordance with the provisions of the Utah Impact Fees Act, in order to comply with existing provisions of the Act and the imposition of impact fees; and

WHEREAS, the City Council has held a public hearing and now desires to adopt the new chapters as set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Salt Lake, Utah, as follows:

Section 1. Repeal. Chapter 11 of Title 9 of the North Salt Lake City Code, including all appendices, A through G, is hereby repealed in its entirety. Capital Facilities Plans, Impact Fee Facilities Plans and other studies, plans or documents which underline the City's current impact fees, and any and all impact fees analyses previously adopted and currently in effect shall remain in full force and effect until specifically replaced and superseded.

Section 2. Adoption and Codification. Chapter 11 of Title 9 of the North Salt Lake City Code, relating to impact fees, as set forth in Exhibit A, attached hereto and incorporated herein by reference, is hereby adopted and codified.

Section 3. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This ordinance, to be consistent with revised impact fees, shall be effective on that date which is 90 days from the date of approval which is affixed to this ordinance.

PASSED AND ADOPTED by the City Council of the City of North Salt Lake, Utah, this 15th day of August, 2023.

CITY OF NORTH SALT LAKE

By:

BRIAN J. HORROCKS

Mayor

ATTEST:

WENDY PAGE

City Recorder

City Council Vote as Recorded:

Council Member Watts Baskin _____
Council Member Gordon _____
Council Member Knowlton _____
Council Member Porter _____
Council Member Van Langeveld _____

Certificate of Posting Ordinance:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2023-10 was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713.

Recorded this _____ day of _____, 2023.

Wendy Page, City Recorder

[Seal]

ORDINANCE 2023-10

EXHIBIT A

CHAPTER 11 **IMPACT FEES**

SECTION:

- 9-11-1: Findings And Purpose
- 9-11-2: Definitions
- 9-11-3: Calculation And Administration
- 9-11-4: Service Areas
- 9-11-5: Timing Of Payment Of Fees
- 9-11-6: Use Of Fees
- 9-11-7: Adjustments And Credits
- 9-11-8: Accounting, Expenditure And Refund
- 9-11-9: Impact Fee Challenges And Appeals

9-11-1: FINDINGS AND PURPOSE:

A. The City Council of the City of North Salt Lake hereby declares that the City will impose impact fees on development activity in accordance with the provisions of the Utah Impact Fees Act and the provisions of this chapter.

B. The City Council finds and determines that there is a need for certain public facilities to serve new development activity within the City which facilities have not been constructed and must be constructed in conformance with the Impact Fees Act of the State of Utah to protect public health, safety and welfare. The public facilities are needed for the following categories of improvements:

1. Water system improvements;
2. Transportation system improvements;
3. Storm drainage system improvements;
4. Police facilities; and
5. Parks and recreation facilities.

C. The City may collect impact fees on behalf of other governmental entities that provide services within the City.

D. Continuing growth within the City requires the imposition and collection of impact fees to assure that the costs associated with the impact of new growth are equitably assessed.

9-11-2: DEFINITIONS:

Unless otherwise stated, the terms used in this chapter shall have the same meaning as set forth in the Impact Fees Act, Utah Code Annotated sections 11-36a-101, et seq.

9-11-3: CALCULATION AND ADMINISTRATION:

Impact fees imposed by the City shall be calculated, adopted, and administrated in accordance with the Impact Fees Act.

9-11-4: SERVICE AREAS:

The City Council may adopt separate service areas for any category of impact fee where it determines that the adoption of such service areas is necessary to equitably allocate the cost of public facilities to serve new growth.

9-11-5: TIMING OF PAYMENT OF FEES:

Impact fees for the declared categories of public improvements shall be collected at those times as may be set forth in the rules, regulations or resolutions of the City.

9-11-6: USE OF FEES:

Collected impact fees shall be used solely to:

- A. Pay for described system improvements to be constructed by the City or caused to be constructed by the City;
- B. For reimbursing the City for the development's share of those system improvements already constructed by the District;
- C. For reimbursing developers who have constructed system improvements where such facilities were beyond the project improvements needed for the developer's project(s); and
- D. For debt service incurred for system improvements.

9-11-7: ADJUSTMENTS AND CREDITS:

The City may, upon proper showing, adjust the impact fee at the time the fee is charged to:

- A. Respond to unusual circumstances in specific cases;
- B. Ensure that impact fees are imposed fairly;
- C. Allow credits pursuant to this chapter;
- D. Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same;
- E. Allow credits as approved by the City for dedication of land, improvement to, or new construction of public facilities providing service to the City at large, provided such facilities are identified in the Impact Fee Facilities Plan for the appropriate category of improvement and are required by the City as a condition of approving the development activity, however, no credit shall be given for project improvements as defined by the Impact Fees Act.

9-11-8: ACCOUNTING, EXPENDITURE AND REFUND:

The City shall account for, expend and refund impact fees in accordance with the provisions of the Impact Fees Act.

9-11-9: IMPACT FEE CHALLENGES AND APPEALS:

Any challenge to the fees imposed by the City shall comply with the provisions of Utah Code Annotated sections 11-36a-701, et seq., as amended. Administrative appeals of the impact fees imposed by the City shall follow the procedures of this section.

- A. Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City by delivering a copy of such appeal to the City Recorder setting forth, in detail, all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed.

B. Upon receipt of the appeal, the City shall schedule a hearing on the appeal before the City Council at which time the appeal will be heard. The City Council shall thereafter render its decision on the appeal within thirty (30) days of the filing of the appeal. An applicant may request that the City appoint a hearing officer to hear an appeal of an impact fee. The City shall appoint a hearing officer qualified to hear an appeal of an impact fee and the applicant shall bear the cost associated with the appointment and work of the hearing officer.



CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
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Brian J. Horrocks
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ken Leetham, City Manager

DATE: August 15, 2023

SUBJECT: Consideration of Ordinance Number 2023-11: An Ordinance Establishing an Impact Fee Policy and Adopting Water System Impact Fees on Development Activities Within the City of North Salt Lake

RECOMMENDATION

I recommend approval Ordinance Number 2023-11: An Ordinance Establishing an Impact Fee Policy and Adopting Water System Impact Fees on Development Activities Within the City of North Salt Lake.

BACKGROUND

This ordinance is the final step in the City's process of analyzing its water system, adopting a Water Impact Fee Capital Facilities Plan and adopting a Water Impact Fee Analysis. You will recall these reports and documents constitute the findings of the City's consultant Bowen and Collins who was contracted to perform this work related to our water system and our storm drain system.

Utah Code 11-36a, known as the Impact Fee Act, requires that prior to the City's adoption of a water impact fee, it must prepare the above-referenced documents and conduct a public hearing on them and the accompanying ordinance which establishes the impact fees.

Prior to the work done by Bowen Collins, the City's water impact fees were assessed based mostly upon meter size and a consideration for where development occurred within the water system (elevation, availability of secondary water, etc.). The proposed impact fees use an equivalent residential connection (ERC) approach which we believe will be much simpler and more straightforward. These proposed fees do represent a small increase in the amount charged, but are based upon the important findings in Bowen Collins' work after review of the City's long-range capital needs and existing capital facilities obligations within the system. Consistent with State Code, the proposed impact fees are related to new growth only and not used for maintenance or operations within the Water Fund.

PROPOSED MOTION

I move that the City Council adopt Ordinance Number 2023-11: An Ordinance Establishing an Impact Fee Policy and Adopting Water System Impact Fees on Development Activities Within the City of North Salt Lake.

ORDINANCE NO. 2023-11

AN ORDINANCE ESTABLISHING AN IMPACT FEE POLICY AND ADOPTING WATER SYSTEM IMPACT FEES ON DEVELOPMENT ACTIVITIES WITHIN THE CITY OF NORTH SALT LAKE

WHEREAS, the Legislature of the State of Utah has heretofore adopted the Impact Fees Act (the “Act”) providing for and authorizing the imposition of impact fees in accordance with the provisions of the Act; and

WHEREAS, the City of North Salt Lake continues to experience growth and development within the boundaries of the City, all of which creates a demand for additional water services and infrastructure in order to service the new growth; and

WHEREAS, the City has determined that an equitable allocation of costs requires the adoption of impact fees to assist in the financing for construction of water system improvements for the City, and has completed an impact fee facilities plan together with an impact fee analysis therefore as required by the Act and desires, based upon the foregoing, to establish and adopt a new water impact fee policy and water impact fees for the City as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Salt Lake as follows:

Section 1. Adoption of Impact Fee Policy and Impact Fees. The water impact fees policy, rules, regulations and impact fees of the City as defined herein below, are hereby established, adopted and approved as follows:

IMPACT FEE POLICY

1. Definitions.

- A. “Impact Fee Facilities Plan” means the Water Impact Fee Facilities Plan, dated March 2023, and adopted as set forth in Subparagraph 2.c, below, as the same may be amended hereafter from time to time.
- B. “Development activity” means any construction or expansion of a building, structure, or use, any changes in the use of land that creates additional demand and need for public facilities.
- C. “Development approval” means any written authorization from the City that authorizes the commencement of development activity and/or any written agreement between the City and any political subdivision to provide water service for a new development.
- D. “City” means City of North Salt Lake, a municipal corporation of the State of Utah.

- E. “Impact fee” means a payment of money imposed upon development activity as a condition of development approval and may also be referred to herein as “connection fee(s).”

2. Findings and Purpose.

The City Council of North Salt Lake hereby finds and determines:

- A. There is a need for water system facilities for new development in the City which have not been constructed and are required to be consistent with the Impact Fee Facilities Plan and to protect the public's health, safety and welfare.
- B. The continuing growth within the City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing water system facilities occasioned by the demands and needs of the development projects at service levels necessary to promote and preserve the public health, safety and welfare.
- C. The City Council of North Salt Lake hereby adopts the Water Impact Fee Facilities Plan prepared by Bowen Collins & Associates dated March 2023, which sets forth the future infrastructure needed by the City to adequately serve the demands of new development.
- D. The City Council of North Salt Lake hereby adopts the Water Impact Fee Analysis prepared by Bowen Collins & Associates dated March 2023, (“Impact Fee Analysis”), which establishes the costs for providing public water facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- E. The impact fees established by this Ordinance are based upon the costs which are generated through the need for new water facilities and other capital acquisition costs required, incrementally, by new development within the City.
- F. The impact fees established by this Ordinance do not exceed the reasonable cost of providing public water facilities occasioned by development projects within the City.

3. Impact Fees Levied.

The City’s impact fees are hereby adopted as set forth in Exhibit A attached hereto and by this reference made a part hereof. The water impact fees as set forth have been calculated as set forth in the Water Impact Fee Analysis. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined from the City fee schedule in effect at the time of payment and shall not be determined at the time a request for an estimate is received by the City. There shall be no guarantee that any quoted impact fee whether oral or in writing, will be in

effect when the developer or prospective customer actually makes the impact fee payment. If a developer or prospective customer desires to receive the rate quoted by the City, payment must be made at that time.

In addition to the impact fees set forth in Exhibit A attached hereto, the City will charge all water users service charges and may levy property taxes on property located within the City. In addition to basic service charges, additional service charges may be levied based upon the quantity of water used in accordance with the City's rules and regulations.

4. Time of Collection.

Unless otherwise provided by the City Council, water impact fees shall be payable prior to connection to the City's water system.

5. Use of Fees.

The impact fees shall be used solely to:

- A. Pay for the described public water facilities to be constructed by the City or caused to be constructed by the City;
- B. For reimbursing the City for the development's share of those capital improvements already constructed by the City;
- C. For reimbursing developers who have constructed system improvements where such facilities were beyond project improvements needed for the developer's project(s).
- D. For debt service incurred for water system facilities.

6. Adjustments and Credits.

The City may, upon a proper showing, adjust the impact fee at the time the fee is charged to:

- A. Respond to unusual circumstances in specific cases; and
- B. Ensure that the impact fees are imposed fairly; and
- C. Allow credits pursuant to the Impact Fee Policy of the City; and
- D. Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- E. Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the City at large, provided such facilities are identified in the Impact Fee Facilities Plan and are

required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

- F. Any *ex gratia* payments made to the City by a developer in order to induce or entice the City to accelerate construction of future system improvements shall not be considered a developer credit.

7. Accounting, Expenditure and Refund.

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

8. Impact Fee Challenges and Appeals.

Any challenge to the Impact Fees imposed by the City shall comply with the provisions of *Utah Code Annotated* §11-36a-701, *et seq.*, as amended. Administrative appeals of the impact fees imposed by the City shall follow the following procedure: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal to the City Recorder setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested parties will be given an opportunity to be heard. The Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective on that date which is 90 days from the date of approval of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of North Salt Lake, Utah, this 15th day of August, 2023.

CITY OF NORTH SALT LAKE
By:

BRIAN J. HORROCKS
Mayor

ATTEST:

WENDY PAGE
City Recorder

City Council Vote as Recorded:

Council Member Watts Baskin _____
Council Member Gordon _____
Council Member Knowlton _____
Council Member Porter _____
Council Member Van Langeveld _____

Certificate of Posting Ordinance:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2023-11 was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713.

Recorded this _____ day of _____, 2023.

Wendy Page, City Recorder

[Seal]

EXHIBIT A

Impact Fees Schedule

Table ES-2
Recommended Water Impact Fee, per ERC

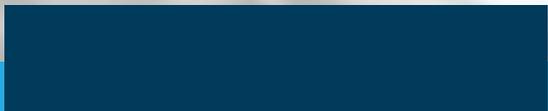
	2023	2024	2025	2026	2027
Base Impact Fee	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01
User Fee Credit	(\$60.16)	(\$56.32)	(\$52.64)	(\$47.05)	(\$41.66)
Total Overall Fee	\$5,663.85	\$5,667.70	\$5,671.37	\$5,676.96	\$5,682.35



PREPARED FOR:



PREPARED BY:



NORTH SALT LAKE CITY

MAY 2023

IMPACT FEE FACILITIES PLAN (WATER)

NORTH SALT LAKE CITY IMPACT FEE FACILITIES PLAN (WATER)

May 2023

Prepared for:



Prepared by:



IMPACT FEE FACILITIES PLAN (WATER)

INTRODUCTION

The City of North Salt Lake (NSL or City) has retained Bowen Collins & Associates (BC&A) to prepare an Impact Fee Facilities Plan (IFFP). Requirements for the preparation of an IFFP are outlined in Title 11, Chapter 36a of the Utah Code (the Impact Fees Act). Under these requirements, an IFFP shall accomplish the following for each facility:

1. Identify the existing level of service
2. Establish a proposed level of service
3. Identify excess capacity to accommodate future growth at the proposed level of service
4. Identify demands placed upon existing public facilities by new development
5. Identify the means by which demands from new development will be met
6. Consider the following additional issues
 - a. revenue sources to finance required system improvements
 - b. necessity of improvements to maintain the proposed level of service
 - c. need for facilities relative to planned locations of schools

The following sections of this report have been organized to address each of these requirements. Much of the analysis forming the basis of this IFFP has been taken from the previous sections of the City's latest Water Master Plan. The reader should refer to the Water Master Plan for additional discussion of planning and evaluation methodology beyond what is contained here.

EXISTING LEVEL OF SERVICE - 11-36a-302(1)(a)(i)

Level of service is defined in the Impact Fees Act as: "the defined performance standard or unit of demand for each capital component of a public facility within a service area." This section discusses the level of service being currently provided to existing users.

Unit of Demand

The projected flow used to design and evaluate system components will vary depending on the nature of each component. For example, water rights are often evaluated based on average annual yields. Conversely, transmission pipelines must be designed based on peak hour flow. For the purposes of this analysis, it is useful to define these various demands in terms of Equivalent Residential Connections (ERCs). An ERC represents the demand that a typical single family residence places on the system. The basis of an ERC for historical flow rates is summarized in Table 1. Additional details regarding the calculation of values used in the definition of an ERC are contained in the City's Water Master Plan.

Table 1
NSL Service Area Historic Flows

Item	Value for Existing Conditions
Population	20,824
Equivalent Residential Connections (ERCs)	10,730
Average Day Flow (mgd)	6.11
Average Day, Indoor Flow (mgd)	2.84
Peak Day Flow (mgd)	13.8
Peak Hour Flow (mgd)	23.1
Flows per ERC	
Average Day Flow (gpd/ERC)	531
Average Day, Indoor Flow (gpd/ERC)	265
Peak Day Flow (gpd/ERC)	1,155
Peak Hour Flow (gpm/ERC)	1.50

Performance Standard

Performance standards are the standards used to design and evaluate the performance of facilities. While the Impact Fees Act includes “defined performance standard” as part of the level of service definition, this report will make a subtle distinction between performance standard, and level of service. The performance standard will be considered the desired minimum level of performance for each component, while the existing level of service will be the actual current performance of the component. Thus, if the existing level of service is less than the performance standard, it is a deficiency. If it is greater than the performance standard, it may indicate excess capacity. This section discusses the existing performance standards for the City. A subsequent section will consider existing level of service relative to these standards.

To improve the accuracy of the analysis, this impact fee facilities plan has divided the system into four different components (Production, Storage, Conveyance, and Administrative & Service). Each of these components has its own set of performance standards:

Production

Water production must be adequate to satisfy demands on both an annual and peak day basis. Production of supplies must consider seasonal limitations in supply availability and reductions in yield because of dry year conditions. Production capacity must be capable of satisfying all sources of demand including secondary demands where applicable.

Storage

Three major criteria are generally considered when sizing storage facilities for a water distribution system: operational or equalization storage, fire flow storage, and emergency or standby storage.

1. **Equalization Storage:** Equalization storage is the storage required to satisfy the difference between the maximum rate of supply and the rate of demand during peak conditions. Sources, major transmission pipelines, and pump stations are usually sized to convey peak day demands to optimize the capital costs of infrastructure. During peak hour demands, storage is needed to meet the difference in source/conveyance capacity and the increased peak instantaneous demands. Equalization storage was reviewed a few different ways for the City including reviewing the typical water use patterns of the City and comparing it to State of Utah minimum storage recommendations.
2. **Fire Flow Storage:** Fire flow storage is the amount of water needed to combat fires occurring in the distribution system. This storage is calculated based on the fire flow rate for structures in each area of the system multiplied by a specified duration as required by the fire authority. The City's fire authority is the South Davis Metro Fire. Typical residential homes require a fire flow of 1,500 gpm for a duration of 2 hours (180,000 gallons). Typical commercial facilities require a fire flow of at least 2,000 gpm for a duration of 2 hours (240,000 gallons). For some buildings in the City, the fire authority requires even greater fire flow. The maximum fire flow possible with fire sprinkler protection (common for industrial) is 4,000 gpm for 4 hours (960,000 gallons). This is the assumed fire storage needed for the lowest tank service area in the City where the larger customers are located.
3. **Emergency Storage:** Emergency or standby storage is the storage needed to meet demands in the event of an emergency such as a failure at a production well, booster pump, or treatment plant, or a line break or other unexpected event. The State of Utah recommended sizing standard includes some buffer for emergency storage.

Storage requirements are calculated for the system as a whole and for each individual zone.

Conveyance (Transmission, Distribution, and Pumping)

Based on input from City staff, the following criteria were used as the performance standards for major conveyance facilities:

1. The system was evaluated for existing conditions and projected conditions at buildout. Each demand scenario included model runs at both peak day and peak hour demand.

2. NSL requires pumps to deliver water from wells and lower pressure zones to higher pressure zones. Pumping stations must be sized to deliver flow to destination storage reservoirs such that the level in the reservoirs at the end of a peak day of demand is the same as the level in the reservoir at the beginning of the day. In addition, each pressure zone should have sufficient redundant capacity such that it can experience a failure of one of the pumps in the zone and still meet the peak day demands as described above. In essence, pump stations must be sized to reliably satisfy peak day demands in their respective service areas.
3. Under peak hour demand, the system must be capable of limiting the maximum rate of draining in all system tanks and reservoirs to two times the tank or reservoir's size (e.g., - a 1-million-gallon tank will drain at a rate of two mgd or less during the peak hour). This criterion limits the fluctuation of all tanks and reservoirs to 50 percent of their total volume during a peak day and ensures operational storage is adequate.
4. The system should be capable of maintaining 40 psi during peak day demand and 30 psi during peak hour demand.
5. If any major source fails or is off-line, the system must be capable of conveying water from the remaining sources to all points of demand at a demand rate equal to the production rate of the remaining sources.
6. If any major transmission line fails or is off-line, the system must be capable of delivering water from other delivery points sufficient to satisfy average day demand conditions.
7. Per requirements of the State of Utah, the system must be able to meet fire flow demands and still maintain greater than 20-psi residual pressure in the distribution system under peak day demand conditions. Fire flow demands were set at 1,500 gpm for residential areas, with higher custom fire flows for a few other large structures as established by the fire authority.

Administrative and Service Buildings

In addition to the water system needs, NSL personnel need to be able to provide administrative and service functions for the City to satisfy NSL customers. Generally, the City considers its existing administrative and service buildings satisfactory for existing needs and believes they will be satisfactory for future needs as well.

Existing Level of Service

Existing level of service has been divided into the same five components as identified for the system performance standard (production capacity, storage, conveyance, and buildings). Existing level of service values are summarized in Table 2 below. For comparison purposes, Table 2 also includes a summary of the existing performance standards.

**Table 2
Existing Performance Standards and Level of Service
for Various System Requirements**

	Existing Performance Standard	Existing Level of Service¹
Production		
Production Capacity (gpd/ERC)	1,155	1,508
Storage		
Storage (gallons/ERC) ²	542	837 ³
Conveyance (Transmission, Pumping, and Distribution)		
Culinary Peak Day Demand Pressure (psi) / Percent of System that Meets the Standard	40 / 100%	99.86%
Culinary Peak Hour Demand Pressure (psi) / Percent of System that Meets the Standard	30 / 100%	99.50%
Minimum Available Fire Flow at 20 psi during Peak Day Demand (gpm) / Percent of System that Meets the Standard	1,500 ⁴ / 100%	95.45%
Maximum Pipe Velocity Peak Hour (feet per second) / Percent of System that Meets Standard	7.0 / 100%	97.24%
Pumping Capacity (gpd/ERC)	1,155	1,151 ⁵
Administrative & Service		
Administrative and Service Buildings	Satisfactory	Satisfactory

¹ Existing level of service represents level available, not necessarily level used. For example, the storage being used per ERC will be 542 gallons even though the amount available is 837 gallons.

² Does not include fire storage volumes in calculation.

³ Provided for storage in the system as a whole. Deficiencies may exist in individual pressure zones.

⁴ Required fire flow indicated is for newer residential neighborhood. Fire flow may be lower or higher based on fire authority requirements.

⁵ Existing level of service shown for only worst case pump station. Existing level of service is adequate for most pump stations, but there is a small reliable pumping capacity deficiency in the lowest pump station. However, that pump delivers flow to all of the upper pressure zones.

In some cases, the City’s performance standard is higher than the existing level of service and indicates there is some deficiency in the existing system. In most cases, this is associated with limited locations in the existing system and excess capacity still may exist in other parts of the system. Excess capacity and curing of deficiencies will be discussed in subsequent sections of

this report. Costs for projects to correct deficiencies that do not meet the required level of service will not be included as part of the impact fee as required by the Impact Fee Act.

PROPOSED LEVEL OF SERVICE - 11-36a-302(1)(a)(ii)

The proposed level of service is the performance standard used to evaluate system needs in the future. The Impact Fees Act indicates that the proposed level of service may:

1. diminish or equal the existing level of service; or
2. exceed the existing level of service if, independent of the use of impact fees, the City implements and maintains the means to increase the level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

By definition, the proposed level of service will be equal to the performance standard and will not change.

**Table 3
Proposed Performance Standards and Level of Service
for Various System Requirements**

	Proposed Performance Standard	Proposed Level of Service
Production		
Production Capacity (gpd/ERC)	1,155	1,155
Storage		
Storage (gallons/ERC) ¹	542	542
Conveyance (Transmission, Pumping, and Distribution)		
Culinary Peak Day Demand Pressure (psi) / Percent of System that Meets the Standard	40 / 100%	100%
Culinary Peak Hour Demand Pressure (psi) / Percent of System that Meets the Standard	30 / 100%	100%
Minimum Available Fire Flow at 20 psi during Peak Day Demand (gpm) / Percent of System that Meets the Standard	1,500 ² / 100%	100%
Maximum Pipe Velocity Peak Hour (feet per second) / Percent of System that Meets Standard	7.0 / 100%	100%
Pumping Capacity (gpd/ERC)	1,155	1,155
Administrative & Service		
Administrative and Service Buildings	Satisfactory	Satisfactory

¹ Does not include fire storage volumes in calculation.

² Required fire flow indicated is for newer residential neighborhood. Fire flow may be lower or higher based on Fire Authority requirements.

EXCESS CAPACITY TO ACCOMMODATE FUTURE GROWTH (11-36A-302(1)(A)(III))

Projected future growth will be met through a combination of available excess capacity in existing facilities and construction of additional capacity in new facilities. Defining existing system capacity in terms of a single number is difficult. To improve the accuracy of the analysis, we have divided the system into four different components (Production, Storage, Conveyance, and Administrative & Service). The purpose of this breakdown is to consider the available capacity for each component individually. Excess capacity in each component of the system is as follows:

Production

The Water Master Plan includes an analysis of available supply to service existing and projected demands. This analysis includes consideration of annual supply and peak production capacity. Existing sources within the City, which includes groundwater wells will be utilized proportionally by existing and future users to reduce overall treated water purchase costs from Weber Basin Water Conservancy District (WBWCD). Table 4 summarizes how excess source capacity in the City will be divided based on source type.

**Table 4
Excess Capacity in City Sources**

Facilities	Percent to Existing	Percent to 10-Year	Percent to Growth Beyond 10-Year
Wells & Secondary	82.5%	6.1%	11.4%

Storage

The City owns and operates many storage reservoirs. There are currently no existing storage deficiencies in the City’s water system because of new storage reservoirs that have been constructed. Several of the newly constructed reservoirs have excess capacity to support impending growth. In addition, the City is in the process of constructing additional secondary facilities to convert some of its existing culinary demand to secondary. As a result, for the purpose of this analysis; culinary and secondary storage requirements have been added together for evaluation.

The projected use of excess capacity in the existing storage reservoirs is summarized in Table 5. For the purposes of this calculation, only equalization storage is shown. Since both existing and future users will benefit from fire flow and emergency storage, using the percentages shown in the table divides these components proportionally based on demands as summarized in the table.

**Table 5
Excess Storage Capacity**

Storage Facilities	Existing Equalization Storage Requirement (MG)	10-Year Storage Requirement (MG)	Buildout Storage Requirement (MG)	Percent to 10-Year
5480 #1 and #2	1,621,600	1,700,000	1,700,000	4.6%
5200 #1 and #2 (2.0), Gary Way Tank (0.35)	1,512,000	1,512,000	1,620,000	0.0%
Alger Tank	230,400	230,400	270,000	0.0%
Steel Tank	144,000	144,000	160,000	0.0%
Eaglewood Tank	66,000	66,000	66,000	0.0%
Morton (2.0), Donut (2.5), 350 E (0.5)	2,100,000	3,218,526	3,920,000	28.5%
Total	5,674,000	6,870,926	7,736,000	15.5%

Conveyance (Transmission, Distribution, and Pumping)

To calculate the percentage of existing capacity to be used by future growth in existing facilities, existing and future flows were examined in system modeling. Because pipelines and pump stations are closely related within the operation of the system, these two components were grouped for the purposes of this analysis. The method used to calculate excess capacity available for use by future flows is as follows:

1. **Calculate Flows** – The peak flow in each facility was calculated in the model for both existing and future flows. The maximum capacity of each facility was also calculated. Defining an absolute maximum capacity in water system facility is difficult because capacity is a function of both pipeline size (with corresponding velocity) and required delivery pressure. In water distribution systems, however, a common design guideline is to limit velocities to less than 7 ft/sec. This has been used as the definition for maximum capacity of pipelines in this analysis.
2. **Identify Available Capacity** – Where a facility has capacity more than projected flows at buildout, the available capacity in the facility was defined as the difference between existing flows and buildout flows. Where the facility has capacity less than projected flows at buildout, the available capacity in the facility was defined as the difference between existing flows and the facility’s maximum capacity.
3. **Eliminate Facilities without Excess Capacity** – For the planning window period (in

this case, 10 years), the projected growth in flow during the planning window was compared against the facility’s available capacity. Where the future flow exceeded the capacity of the facility, the available excess capacity is zero. By definition, this corresponds to those facilities with deficiencies that are identified in the facilities plan. By assigning a capacity of zero, this eliminated double counting those facilities against new users.

4. **Calculate Percent of Excess Capacity Used in Remaining Facilities** – Where the future flow was less than the capacity of the facility, the percent of excess capacity being used in each facility was calculated by dividing the growth in flow in the facility (future flow less existing flow) by the total capacity (existing flow plus available capacity).
5. **Calculate Excess Capacity for the System as a Whole** – Each pipeline in the system has a different quantity of excess capacity to be used by future growth. To develop an estimate of excess capacity on a system wide basis, the capacities of each of these pipelines and their contribution to the system as a whole must be considered. To do this, each pipeline must first be weighted based on its estimated cost. For this purpose, each pipeline has been weighted based on the product of its diameter and length (which increase linearly with cost). For example, a pipe that is 16 inches in diameter and is 4,000 ft. long will cost proportionally more than a pipe that is 10 inches in diameter and 300 ft. long. The excess capacity in the system as a whole can then be calculated as the sum of the weighted capacity used by future growth divided by the sum of total weighted capacity in the system.

Based on the method described above, the amount of excess capacity in existing facilities available to accommodate future growth and the demands placed on the existing facilities by new development activity has been calculated for each element in the system by BC&A. Table 6 summarizes the percentage of system pipes used by existing, growth in the 10-year planning window, and for demands associated with growth beyond the 10-year planning window.

**Table 6
Excess Capacity in Existing Transmission / Pumping Facilities**

Transmission & Pumping Projects	Percent to Existing	Percent to 10-Year	Percent to Growth Beyond 10-Year
Deer Hollow Secondary ¹	68.6%	22.8%	8.6%
All other areas	79.7%	5.2%	15.1%
Weighted Average for All Areas	78.6%	6.9%	14.5%

¹ The Deer Hollow secondary service area includes areas where secondary water is being expanded to free up culinary capacity. As a result, the secondary facilities for this area will be treated separately from the rest of the City.

Administrative & Service

Use of the City’s administrative and service buildings will be based on proportional growth in ERCs because the City believes the existing facilities will meet the needs of future growth through buildout. Based on the 10-year growth in ERCs, percent used by future growth is listed in Table 7.

**Table 7
Excess Admin / Building Capacity**

Administration Facilities	Percent to Existing	Percent to 10-Year	Percent to Growth Beyond 10-Year
Admin & Maintenance Facilities	82.5%	6.1%	11.4%

DEMANDS PLACED ON FACILITIES BY NEW DEVELOPMENT - 11-36A-302(1)(A)(IV)

Growth and new development in the City are discussed in the City’s Water Master Plan. These growth projections are based on development plans submitted to the City, and planning guidance provided by North Salt Lake personnel. These projections include consideration of developable area, zoning, the nature of surrounding development, designated open space and other factors. Additional information on growth projections is included in the Water Master Plan. Future growth as projected in the Water Master Plan is shown in Table 8.

**Table 8
Projected NSL Water System Growth**

Year	Total ERCs	Average Day (gpm)	Peak Day (gpm)
2020	10,635	4,206	9,404
2022	10,730	4,241	9,553
2025	10,976	4,332	9,943
2030	11,363	4,474	10,594
2032	11,517	4,531	10,854
2035	11,754	4,618	11,245
2040	12,222	4,791	12,013
2045	12,466	4,880	12,335
2050	12,630	4,941	12,544
2055	12,763	4,990	12,753
2060	12,881	5,033	12,963
2065	12,999	5,077	13,172

INFRASTRUCTURE REQUIRED TO MEET DEMANDS OF NEW DEVELOPMENT - 11-36a-302(1)(a)(v)

To satisfy the requirements of state law, the effect of demand placed upon existing system facilities by future development was evaluated using the process outlined below. Each of the steps was completed as part of this plan's development. More description of the methodology used in the process outlined below can be found in the Water Master Plan.

1. **Existing Demand** – The demand existing development places on the City's system was estimated based on historic water use and flow records.
2. **Existing Capacity** – The capacities of existing system collection facilities were estimated using size data provided by the City and a hydraulic computer model. The capacities of existing production and pumping facilities were taken from the City's water system model.
3. **Existing Deficiencies** – Existing deficiencies in the system were looked for by comparing defined levels of service against calculated capacities.
4. **Future Demand** – The demand future development will place on the system was estimated based on development projections as discussed in a previous section.
5. **Future Deficiencies** – Future deficiencies in the collection system were identified using defined level of service and results from the computer model.
6. **Recommended Improvements** – Needed system improvements were identified to remedy existing deficiencies and meet demands associated with future development.

The steps listed above “identify demands placed upon existing public facilities by new development activity at the proposed level of service; and... the means by which the political subdivision or private entity will meet those growth demands” (Section 11-36a-302(1)(a) of the Utah Code).

10-Year Improvement Plan

In the City's Water Master Plan, capital facility projects needed to provide service to various parts of the City at projected ten-year and buildout scenarios were identified. Most of these projects will need to be constructed in phases as development occurs. Only infrastructure to be constructed within a ten-year horizon will be considered in the calculation of these impact fees to avoid uncertainty surrounding improvements further into the future. Table 9 summarizes the components of projects identified in the Water Master Plan that will need to be constructed within the next ten years. Details associated with the costs used for each project are contained in the Water Master Plan. Projects that exclusively resolve existing deficiencies or maintenance needs have been excluded from the list of projects.

Table 9
Project Costs Allocated to Projected Development, 10-year Planning Window¹

Capital Project	Project Cost	Existing	10-Year	Buildout	Existing Cost	10-Year Cost	Cost to Growth Beyond 10-years
New Well / Honey Well - Replacement & Repair Designs	\$55,000	82.5%	6.1%	11.4%	\$45,400	\$3,329	\$6,272
Honey Well Building Repair	\$328,000	82.5%	6.1%	11.4%	\$270,747	\$19,851	\$37,402
New Well Replacement - Well Drilling	\$1,126,000	82.5%	6.1%	11.4%	\$929,454	\$68,147	\$128,399
New Well Replacement - Equipping and Backup Power	\$2,438,000	82.5%	6.1%	11.4%	\$2,012,441	\$147,552	\$278,007
Hughes Well - Equipping	\$1,710,000	82.5%	6.1%	11.4%	\$1,411,515	\$103,492	\$194,993
W1 - WBWCD Orchard Bypass to Zone 3	\$258,000	82.5%	6.1%	11.4%	\$212,965	\$15,615	\$29,420
Subtotal - Production	\$5,915,000				\$4,882,521	\$357,986	\$674,492
Sec Water - Mtn View, Skyview, Wildflower, Segó Lily	\$562,000	0.0%	60.7%	39.3%	\$0	\$340,916	\$221,084
Secondary Water - Elk Hollow, Rosewood, Elk Hol Cir.	\$921,000	0.0%	60.7%	39.3%	\$0	\$558,689	\$362,311
Sec Water - Woodcrest, Tanglewood N, Sunflower Cir	\$658,000	0.0%	60.7%	39.3%	\$0	\$399,150	\$258,850
Subtotal - Conveyance	\$2,141,000				\$0	\$1,298,756	\$842,244
Total	\$8,056,000				\$4,882,521	\$1,656,742	\$1,516,737

¹ Costs have been adjusted for inflation (3% per year)

Project Cost Attributable to Future Growth

To satisfy the requirements of state law, Table 9 provides a breakdown of the capital facility projects and the percentage of the project costs attributed to existing and future users. As defined in Section 11-36a-102(15), the impact fee facilities plan should only include the proportionate share of “the cost of public facilities that are roughly proportionate and reasonably related to the service demands and needs of any development activity.” While several of the projects identified in the table are required solely to meet future growth, some projects also provide a benefit to existing users. Projects that benefit existing users include those projects addressing existing capacity needs and maintenance related projects.

For some projects, the division of costs between existing and future users is easy because 100 percent of the project costs can be attributed to one category or the other (e.g., infrastructure needed solely to serve new development can be 100 percent attributed to new growth, while projects related to existing condition or capacity deficiencies can be 100 percent attributed to existing user needs). For projects needed to address both existing deficiencies and new growth or where a higher level of service is being proposed, costs have been divided proportionally between existing and future users based on their needs in the facility. These percentages have been calculated based on flows in each facility as calculated in the hydraulic model. A few additional notes regarding specific projects are as follows:

- **Water Supply Projects** – Many of the projects included in Table 9 consist of source reliability and redundancy projects intended to improve the level of service of existing sources. Several well projects are included to improve redundancy of groundwater sources. In addition, a new bypass project to use WBWCD is included that will increase available capacity from WBWCD and reduce pumping costs for the City. These costs are shared by existing and future users proportionally.
- **Culinary to Secondary Conversion Project** – The primary reason the City is converting existing culinary water users to secondary water for outdoor irrigation is because the City has no excess culinary groundwater supply to support future growth. In addition, existing culinary pump stations have exceeded their reliable capacity (all pumps are required for operation rather than maintaining one backup pump). Therefore, the secondary water system for the Deer Hollow service area is needed both to support outdoor irrigation for developing growth in the upper pressure zones of the City and to free up culinary water for their use. By converting existing culinary users to secondary outdoor irrigation, the City frees up available groundwater and culinary pumping capacity for use by future users and reduces reliance on more expensive WBWCD treated water.

Table 9 does not include bond costs related to paying for impact fee eligible improvements. These costs, if any, will be considered as part of the impact fee analysis.

Project Cost Attributable to 10-Year Growth

Included in Table 9 is a breakdown of capacity associated with growth both at full build-out and through the next 10-years. This is necessary because many of the projects identified in the table will be built with capacity to accommodate flows or service beyond the 10-year growth window.

This has been done following the same general process as described above.

Basis of Construction Cost Estimates

The costs of construction for projects to be completed within ten years have been estimated based on past experience with projects of a similar nature both inside and outside of the City. Additional details are provided in the Water Master Plan.

ADDITIONAL CONSIDERATIONS

MANNER OF FINANCING - 11-36a-302(2)

The City may fund the infrastructure identified in this IFFP through a combination of different revenue sources.

Federal and State Grants and Donations

Impact fees cannot reimburse costs funded or expected to be funded through federal grants and other funds that the City has received for capital improvements without an obligation to repay. Grants and donations are not currently contemplated in this analysis. If grants become available for constructing facilities, impact fees will need to be recalculated and an appropriate credit given. Any existing infrastructure funded through past grants will be removed from the system value during the impact fee analysis.

Bonds

None of the costs contained in this IFFP include the cost of bonding. The cost of bonding required to finance impact fee eligible improvements identified in the IFPP may be added to the calculation of the impact fee. This will be considered in the impact fee analysis.

Interfund Loans

Because infrastructure must be built ahead of growth, there often arise situations in which projects must be funded ahead of expected impact fee revenues. In some cases, the solution to this issue will be bonding. In others, funds from existing user rate revenue will be loaned to the impact fee fund to complete initial construction of the project and will be reimbursed later as impact fees are received. Consideration of potential interfund loans will be included in the impact fee analysis and should be considered in subsequent accounting of impact fee expenditures.

Impact Fees

It is recommended that impact fees be used to fund growth-related capital projects as they help to maintain the proposed level of service and prevent existing users from subsidizing the capital needs for new growth. Based on this IFFP, an impact fee analysis will be able to calculate a fair and legal fee that new growth should pay to fund the portion of the existing and new facilities that will benefit new development.

Developer Dedications and Exactions

Developer exactions are different from grants. If a developer constructs a system improvement or dedicates land for a system improvement identified in this IFFP or dedicates a public facility that is recognized to reduce the need for a system improvement, the developer will be entitled to an appropriate credit against that particular developer's impact fee liability or a proportionate reimbursement.

If the value of the credit is less than the development's impact fee liability, the developer will owe the balance of the liability to the City. If the recognized value of the improvements/land dedicated is more than the development's impact fee liability, the City must reimburse the difference to the developer from impact fee revenues collected from other developments.

It should be emphasized that the concept of impact fee credits pertains to system level improvements only. Developers will be responsible for the construction of project improvements (i.e., improvements not identified in the impact fee facilities plan) without credit against the impact fee.

NECESSITY OF IMPROVEMENTS TO MAINTAIN LEVEL OF SERVICE - 11-36a-302(3)

According to State statute, impact fees cannot be used to correct deficiencies in the City's system and must be necessary to maintain the proposed level of service established for all users. Only those facilities or portions of facilities that are required to maintain the proposed level of service for future growth have been included in this IFFP. Additionally, any portion of projects being used to cure existing deficiencies that will be paid for through future user rates will be accounted for through an impact fee credit to be calculated as part of the impact fee analysis. This will result in an equitable fee as future users will not be expected to fund any portion of the facilities that will benefit existing residents.

IMPACT FEE CERTIFICATION 11-36A-306(1)

This IFFP has been prepared in accordance with Utah Code Title 11 Chapter 36a (the “Impact Fees Act”), which prescribes the laws pertaining to the imposition of impact fees in Utah. The accuracy of this IFFP relies in part upon planning, engineering, and other source data, provided by the City and its designees.

In accordance with Utah Code Annotated, 11-36a-306(1), Bowen Collins & Associates makes the following certification:

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; or
 - 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; and
3. Complies in each relevant respect with the Impact Fees Act.



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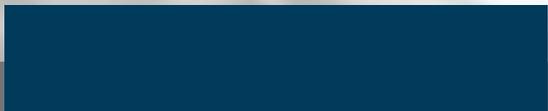
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PREPARED FOR:



PREPARED BY:



NORTH SALT LAKE CITY

MAY 2023

IMPACT FEE ANALYSIS (WATER)

NORTH SALT LAKE CITY IMPACT FEE ANALYSIS (WATER)

May 2023

Prepared for:



Prepared by:



NORTH SALT LAKE WATER IMPACT FEE ANALYSIS (IFA) SUMMARY

INTRODUCTION

The purpose of the Impact Fee Analysis (IFA) is to calculate the allowable impact fees that may be assessed by the City to new development in accordance with Utah Code.

WHY ASSESS AN IMPACT FEE?

Until new development utilizes the full capacity of existing facilities, the City can assess an impact fee to recover its cost of excess capacity available to serve future development. The general impact fee methodology divides the available capacity of existing and future capital facility projects between existing and future users. Capacity is measured in terms of Equivalent Residential Connections, or ERCs, which represents the demand that a typical single family residence places on the system.

HOW ARE IMPACT FEES CALCULATED?

A fair impact fee is calculated by dividing the cost of excess capacity in existing and future facilities by the amount of new growth (expressed as the number of ERCs) that will benefit from the excess capacity. Only the capacity that is needed to serve the projected growth within the next ten years is included in the impact fee calculation. Costs used in the calculation of impact fees include:

- New facilities required to maintain (but not exceed) the proposed level of service identified in the IFFP; only those expected to be built within ten years are considered in the final impact fee calculations.
- Historic costs of existing facilities that will serve new development.
- Cost of professional services for engineering, planning, and preparation of the impact fee facilities plan and impact fee analysis.

Costs not used in the impact fee calculation

- Operational and maintenance costs
- Cost of facilities constructed beyond 10 years
- Cost associated with excess capacity not expected to be used within 10 years
- Cost of facilities funded by grants, developer contributions, or other funds which the City is not required to repay
- Cost of renovating or reconstructing facilities which do not provide new capacity or needed enhancement of services to serve future development

IMPACT FEE CALCULATION

Impact fees for this analysis were calculated by dividing the proportional cost of facilities required to service 10-year growth by the amount of growth (in ERCs), expected over the next 10 years. This is done for each of the major water system components identified in the Impact Fee Facilities

Plan (IFFP). Calculated impact fees by component are summarized in Table ES-1.

**Table ES-1
Water Impact Fee Calculation per ERC**

System Components	Total Cost of Component	% Serving 10-year Growth	Cost Serving 10-year Growth	10-year ERUs Served	Cost Per ERU
Production					
Existing Facilities	\$4,556,151	6.05%	\$275,746	787	\$350.50
Existing Facility Interest Costs Outstanding	\$0	6.05%	\$0	787	\$0.00
10-year Projects	\$5,915,000	6.05%	\$357,986	787	\$455.03
10-Year Project Interest Costs	\$309,525	6.05%	\$18,733	787	\$23.81
Subtotal	\$10,780,675		\$652,465		\$829.34
Storage					
Existing Facilities	\$6,638,289	15.47%	\$1,027,087	787	\$1,305.52
Existing Facility Interest Costs Outstanding	\$0	15.47%	\$0	787	\$0.00
10-year Projects	\$0	0.00%	\$0	787	\$0.00
10-Year Project Interest Costs	\$0	0.00%	\$0	787	\$0.00
Subtotal	\$6,638,289		\$1,027,087		\$1,305.52
Conveyance					
Existing Facilities	\$16,060,900	6.89%	\$1,106,979	787	\$1,407.07
Existing Facility Interest Costs Outstanding	\$2,069,463	27.39%	\$566,852	787	\$720.52
10-year Projects	\$2,141,000	60.66%	\$1,298,756	787	\$1,650.84
10-Year Project Interest Costs	\$0	60.66%	\$0	787	\$0.00
Subtotal	\$20,271,363		\$2,972,587		\$3,778.43
Administrative & Service					
Admin & Service Facilities	\$562,905	6.05%	\$34,068	787	\$43.30
Planning and Impact Fee Studies	\$132,695	73.00%	\$96,867	393	\$246.25
Subtotal	\$67,350,953		\$8,142,404		\$289.56
Total	\$98,400,554		\$11,934,984		\$5,724.01

The total water impact fee per ERC can be calculated by adding up the fee for each type of system component. This is separate from any additional charges levied by the City for hookup costs or for other reasonable permit and application fees.

RECOMMENDED IMPACT FEE

The total calculated impact fee is summarized in Table ES-2. This table considers the impact fee and includes appropriate user fee credits and corresponding overall fee. As discussed previously, the calculated user fee credit associated with the impact fees will decrease over time. As a result, the allowable impact fee will increase over time as shown in the table.

**Table ES-2
Recommended Water Impact Fee, per ERC**

	2023	2024	2025	2026	2027
Base Impact Fee	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01
User Fee Credit	(\$60.16)	(\$56.32)	(\$52.64)	(\$47.05)	(\$41.66)
Total Overall Fee	\$5,663.85	\$5,667.70	\$5,671.37	\$5,676.96	\$5,682.35

The recommended impact fee by meter size is summarized in Table ES-3.

**Table ES-3
Recommended Impact Fee, By Meter Size**

Size of Meter (inch)	AWWA Capacity Ratios	Maximum Allowable Impact Fee (By year)				
		2023	2024	2025	2026	2027
3/4 and smaller	1.00	\$5,664	\$5,668	\$5,671	\$5,677	\$5,682
1	1.67	\$9,440	\$9,446	\$9,452	\$9,462	\$9,471
1.5	3.33	\$18,880	\$18,892	\$18,905	\$18,923	\$18,941
2	5.33	\$30,207	\$30,228	\$30,247	\$30,277	\$30,306
3	11.67	\$66,078	\$66,123	\$66,166	\$66,231	\$66,294
4	20.00	\$113,277	\$113,354	\$113,427	\$113,539	\$113,647
6	41.67	\$235,994	\$236,154	\$236,307	\$236,540	\$236,765
8	60.00	\$339,831	\$340,062	\$340,282	\$340,618	\$340,941
10	96.67	\$547,506	\$547,877	\$548,233	\$548,773	\$549,294

IMPACT FEE ANALYSIS (WATER)

INTRODUCTION

North Salt Lake (NSL) has retained Bowen Collins & Associates (BC&A) to prepare an impact fee analysis (IFA) for its water system based on a recently completed impact fee facilities plan. An impact fee is a one-time fee, not a tax, imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The purpose of an IFA is to calculate the allowable impact fee that may be assessed to new development in accordance with Utah Code.

Requirements for the preparation of an IFA are outlined in Title 11, Chapter 36a of the Utah Code (the Impact Fees Act). Under these requirements, an IFA shall accomplish the following for each facility:

1. Identify the impact of anticipated development activity on existing capacity
2. Identify the impact of anticipated development activity on system improvements required to maintain the established level of service
3. Demonstrate how the impacts are reasonably related to anticipated development activity
4. Estimate the proportionate share of:
 - a. Costs of existing capacity that will be recouped
 - b. Costs of impacts on system improvements that are reasonably related to the new development activity
5. Identify how the impact fee was calculated
6. Consider the following additional issues
 - a. Manner of financing improvements
 - b. Dedication of system improvements
 - c. Extraordinary costs in servicing newly developed properties
 - d. Time-price differential

The following sections of this report have been organized to address each of these requirements.

IMPACT ON SYSTEM - 11-36a-304(a)(b)

Growth within the City’s service area, and projections of water demand resulting from said growth is discussed in detail in the City’s Water Master Plan and Impact Fee Facilities Plan (IFFP). For the purposes of impact fee calculation, growth in the system has been expressed in terms of equivalent residential connections (ERCs). An ERC represents the demand that a typical single family residence places on the system. Growth in ERCs projected for the service area is summarized in Table 1.

**Table 1
Service Area ERC Projections**

Year	Total ERCs	Percent Growth
2020	10,635	
2022	10,730	0.44%
2025	10,976	0.76%
2030	11,363	0.69%
2032	11,517	0.68%
2035	11,754	0.68%
2040	12,222	0.78%
2045	12,466	0.40%
2050	12,630	0.26%
2055	12,763	0.21%
2060	12,881	0.18%
2065	12,999	0.18%
10-Year Growth	787	0.71%

To maintain the established level of service, projected future growth will be met through a combination of available excess capacity in existing facilities and construction of additional capacity in new facilities. Use of excess capacity and required system improvements are detailed in the IFFP.

RELATION OF IMPACTS TO ANTICIPATED DEVELOPMENT - 11-36a-304(1)(c)

To satisfy the requirements of state law, it is necessary to show that all impacts identified in the impact fee analysis are reasonably related to the anticipated development activity. This has been documented in detail in the Impact Fee Facilities Plan. In short, only that capacity directly associated with demand placed upon existing system facilities by future development has been identified as an impact of the development. The steps completed to identify the impacts of anticipated development are as follows.

1. **Existing Demand** – The demand existing development places on the system was estimated based on historic demand records.
2. **Existing Capacity** – The capacities of existing facilities were calculated based on the level of service criteria established for each type of facility in the Impact Fee Facilities Plan.
3. **Existing Deficiencies** – Existing deficiencies in the system were looked for by comparing defined levels of service against calculated capacities. Where existing deficiencies existed, projects were identified to eliminate the deficiencies. Costs associated with existing deficiencies were not assigned to impacts of development.
4. **Future Demand** - The demand future development will place on the system was estimated based on development projections as discussed in the Impact Fee Facilities Plan.
5. **Future Demand Use of Existing Capacity** – Whenever possible, excess capacity in existing facilities has been used to serve future demands. Where this occurs, the amount of capacity used by future growth has been calculated as described in detail in the Impact Fee Facilities Plan.
6. **Future Deficiencies** – Where excess capacity is inadequate to meet projected demands, future deficiencies in the system were identified using the same established level of service criteria used for existing demands.
7. **Recommended Improvements** – Needed system improvements were identified to meet demands associated with future development.

PROPORTIONATE SHARE ANALYSIS - 11-36a-304(d)

A comprehensive proportionate share analysis associated with anticipated future development and its impact on the system was completed as part of the Impact Fee Facilities Plan. A summary of that analysis is contained here with additional discussion of the costs of facilities impacted by growth.

Excess Capacity to Accommodate Future Growth

Defining existing system capacity in terms of a single number is difficult. To improve the accuracy of the analysis, the system has been divided into four different components (Production Capacity, Storage, Conveyance, and Administrative & Shop buildings). As part of the Impact Fee Facilities Plan, the capacity used by each type of user was analyzed in detail. Based on the analysis, the calculated percentage of existing capacity in system facilities used by existing users, growth during the 10-year planning window, and growth beyond the 10-year planning window is summarized in Table 2.

**Table 2
Use of Existing Capacity**

	Production	Storage	Conveyance*	Administrative & Service
Existing	82.5%	73.3%	78.6%	82.5%
10-year Growth	6.1%	15.5%	6.9%	6.1%
Growth Beyond 10 Years	11.4%	11.2%	14.5%	11.4%
Total	100%	100%	100%	100%

*Based on weighted average for all areas and Deer Hollow service area

Existing System Infrastructure Costs

To calculate the actual cost of excess capacity in the existing system, BC&A first looked at the actual cost of all existing facilities. Table 3 lists the actual construction costs of existing components of the City’s water system. These costs were obtained from a fixed asset detailed report for the City through fiscal year ending 2021. Costs exclude assets contributed by other entities (e.g. developers). Detailed costs for the facilities included in the table are contained in the appendix to this report. In this study, public facility costs already incurred by the City will be included in the impact fee only to the extent that new growth will be served by the previously constructed improvements.

**Table 3
Existing Infrastructure Costs**

	Production	Storage	Conveyance	Administrative & Service
Existing Infrastructure Costs	\$4,556,151	\$16,060,900	\$6,638,289	\$562,905

Reimbursement Agreements

There are no current reimbursement agreements existing within the system.

Future Improvements

In addition to using available existing capacity, demand associated with projected future development will be met through the construction of additional capacity in new facilities. A primary focus of the Impact Fee Facilities Plan was the identification of projects required to serve new development. The results of the Impact Fee Facilities Plan are summarized in Table 4. Included in the table are the costs of each required project and the portion of costs associated with development.

**Table 4
Impact Fee Eligible Capital Projects**

Description	District Construction / Purchase Cost	Percent Attributable to 10-Year Growth	Cost Attributable to 10-Year Growth
New Well / Honey Well - Replacement & Repair Designs	\$55,000	6.1%	\$3,329
Honey Well Building Repair	\$328,000	6.1%	\$19,851
New Well Replacement - Well Drilling	\$1,126,000	6.1%	\$68,147
New Well Replacement - Equipping and Backup Power	\$2,438,000	6.1%	\$147,552
Hughes Well - Equipping	\$1,710,000	6.1%	\$103,492
W1 - WBWCD Orchard Bypass to Zone 3	\$258,000	6.1%	\$15,615
<i>Subtotal - Production</i>	<i>\$5,915,000</i>		<i>\$357,986</i>
Sec Water - Mtn View, Skyview, Wildflower, Sego Lily	\$562,000	60.7%	\$340,916
Secondary Water - Elk Hollow, Rosewood, Elk Hol Cir.	\$921,000	60.7%	\$558,689
Sec Water - Woodcrest, Tanglewood N, Sunflower Cir	\$658,000	60.7%	\$399,150
<i>Subtotal - Conveyance</i>	<i>\$2,141,000</i>		<i>\$1,298,756</i>
Total	\$8,056,000		\$1,656,742

All cost estimates contained in this IFA have been taken directly from the IFFP. The basis of these estimates are documented in the IFFP and City Water Master Plan.

IMPACT FEE CALCULATION - 11-36a-304(1)(e)

Using the information contained in the previous sections, impact fees can be calculated by dividing the proportional cost of facilities required to service 10-year growth by the amount of growth expected over the next 10-years. This is done for each of the major system components identified previously. Calculated impact fees by component are summarized in Table 5.

**Table 5
Impact Fee Calculation per ERC**

System Components	Total Cost of Component	% Serving 10-year Growth	Cost Serving 10-year Growth	10-year ERUs Served	Cost Per ERU
Production					
Existing Facilities	\$4,556,151	6.05%	\$275,746	787	\$350.50
Existing Facility Interest Costs Outstanding	\$0	6.05%	\$0	787	\$0.00
10-year Projects	\$5,915,000	6.05%	\$357,986	787	\$455.03
10-Year Project Interest Costs	\$309,525	6.05%	\$18,733	787	\$23.81
Subtotal	\$10,780,675		\$652,465		\$829.34
Storage					
Existing Facilities	\$6,638,289	15.47%	\$1,027,087	787	\$1,305.52
Existing Facility Interest Costs Outstanding	\$0	15.47%	\$0	787	\$0.00
10-year Projects	\$0	0.00%	\$0	787	\$0.00
10-Year Project Interest Costs	\$0	0.00%	\$0	787	\$0.00
Subtotal	\$6,638,289		\$1,027,087		\$1,305.52
Conveyance					
Existing Facilities	\$16,060,900	6.89%	\$1,106,979	787	\$1,407.07
Existing Facility Interest Costs Outstanding	\$2,069,463	27.39%	\$566,852	787	\$720.52
10-year Projects	\$2,141,000	60.66%	\$1,298,756	787	\$1,650.84
10-Year Project Interest Costs	\$0	60.66%	\$0	787	\$0.00
Subtotal	\$20,271,363		\$2,972,587		\$3,778.43
Administrative & Service					
Admin & Service Facilities	\$562,905	6.05%	\$34,068	787	\$43.30
Planning and Impact Fee Studies	\$132,695	73.00%	\$96,867	393	\$246.25
Subtotal	\$67,350,953		\$8,142,404		\$289.56
Total	\$98,400,554		\$11,934,984		\$5,724.01

The total impact fee per ERC can be calculated by adding up the fee for each type of system component. This is separate from any additional charges levied by the City for hookup costs or for other reasonable permit and application fees.

Bonding Interest Costs

In addition to construction costs, Table 5 includes the cost of bond interest expense where applicable. This includes any interest costs on existing facilities where new growth will benefit from excess capacity and future interest costs for bonds required to build projects needed for growth as identified in the Impact Fee Facilities Plan. Similar to project construction costs, only that portion of interest expense associated with capacity for growth is included in the impact fee calculation.

Impact Fee Studies

Utah Code allows for the cost of planning and engineering associated with impact fee calculations to be recovered as part of an impact fee. This study includes the cost of this study and the portion attributable to future planning.

Credit for User Fees

Not all of the existing deficiencies identified in the plan can be paid for from existing cash reserves. The City has about \$3.6 million in cash reserves, but costs attributable to existing include approximately \$4 million of improvements over the next 10-years. It is anticipated the City will need to bond in 2025 to fund some of these improvements. As a result, the plan includes some assumed bonding toward projects that have at least a portion of their costs that benefit existing users. The City also has some outstanding debt service that has been used to pay for existing facilities with capacity benefiting existing users. In these situations, some user fees will be used to pay for a portion of the bonds over their lifetime.

For projects where this is the case, future users will pay for their portion of capacity via impact fees. They cannot also be expected to pay through user rates the portion of future bonds that will be used to build capacity or remedy deficiencies for existing users. This creates the need for a credit for future users. Calculation of this credit is summarized in Table 6. This table includes the following information:

- **Existing and Future Paid Through User Fees** – This represents the total amount paid each year by the City toward the portion of past or future bonds used to cure existing deficiencies or increase the level of service for existing users.
- **Cost Per ERC** – This column takes to the total amount paid and divides it by the number of ERCs projected for each year. This represents the amount paid in each year by each ERC.
- **Present Value Cost per ERC** – This column takes into account the time value of money assuming a rate of return of 3 percent annually.
- **Total User Fee Credit** – At the bottom of the table, the present value costs for all future years are added together to develop the total user fee credit.

It will be noted that, because the user fee credit is the summation of user fees paid toward existing deficiencies in each year, a new user who joins the system in five or ten years will pay less in total user fees than someone who joins the system next year. Thus, the user fee credit will decrease over time. The appropriate user fee can be calculated by adding the present value cost for all years subsequent to a new user’s connection to the system.

**Table 6
Credit for User Fees Paid Toward Existing**

Year	ERUs	Existing Costs Paid Through User Fees	Future Costs Paid Through User Fees	Cost Per ERU	Present Value Cost Per ERU
2023	11,025	\$43,623.49	\$0.00	\$3.96	\$3.84
2024	11,183	\$43,623.49	\$0.00	\$3.90	\$3.68
2025	10,976	\$43,623.49	\$23,427.01	\$6.11	\$5.59
2026	11,062	\$43,623.49	\$23,427.01	\$6.06	\$5.39
2027	11,142	\$43,623.49	\$23,427.01	\$6.02	\$5.19
2028	11,205	\$43,623.49	\$23,427.01	\$5.98	\$5.01
2029	11,280	\$43,623.49	\$23,427.01	\$5.94	\$4.83
2030	11,363	\$43,623.49	\$23,427.01	\$5.90	\$4.66
2031	11,444	\$0.00	\$23,427.01	\$2.05	\$1.57
2032	11,517	\$0.00	\$23,427.01	\$2.03	\$1.51
2033	11,603	\$0.00	\$23,427.01	\$2.02	\$1.46
2034	11,672	\$0.00	\$23,427.01	\$2.01	\$1.41
2035	11,754	\$0.00	\$23,427.01	\$1.99	\$1.36
2036	11,904	\$0.00	\$23,427.01	\$1.97	\$1.30
2037	11,976	\$0.00	\$23,427.01	\$1.96	\$1.26
2038	12,079	\$0.00	\$23,427.01	\$1.94	\$1.21
2039	12,146	\$0.00	\$23,427.01	\$1.93	\$1.17
2040	12,222	\$0.00	\$23,427.01	\$1.92	\$1.13
2041	12,293	\$0.00	\$23,427.01	\$1.91	\$1.09
2042	12,349	\$0.00	\$23,427.01	\$1.90	\$1.05
2043	12,377	\$0.00	\$23,427.01	\$1.89	\$1.02
2044	12,433	\$0.00	\$23,427.01	\$1.88	\$0.98
2045	12,466	\$0.00	\$23,427.01	\$1.88	\$0.95
2046	12,499	\$0.00	\$23,427.01	\$1.87	\$0.92
2047	12,531	\$0.00	\$23,427.01	\$1.87	\$0.89
2048	12,578	\$0.00	\$23,427.01	\$1.86	\$0.86
2049	12,604	\$0.00	\$23,427.01	\$1.86	\$0.84
Total		\$348,987.91	\$585,675.22		\$60.16

Recommended Impact Fee

The total calculated impact fee is summarized in Table 7. This table considers the impact fee and includes appropriate user fee credits and corresponding overall fee. As discussed previously, the calculated user fee credit associated with the impact fees will decrease over time. As a result, the allowable impact fee will increase over time as shown in the table. Impact fees beyond 2027 can be calculated by reducing the user fee credit for ¾-inch meters by the amount shown for each successive year in Table 6.

**Table 7
Maximum Allowable Impact Fee, per ERC**

	2023	2024	2025	2026	2027
Base Impact Fee	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01
User Fee Credit	(\$60.16)	(\$56.32)	(\$52.64)	(\$47.05)	(\$41.66)
Total Overall Fee	\$5,663.85	\$5,667.70	\$5,671.37	\$5,676.96	\$5,682.35

The values in the table represent the maximum allowable impact fee by law. A lower amount may be adopted if desired, but is not recommended. Adopting the full fee maintains equity between existing and future users of the system.

Application to Residential Impact Fees

Impact fees as calculated above are based on an average ERC (Equivalent Residential Connection). This means that the City needs to consider what constitutes an ERC and what are the implications of different types of residential development. Specifically, outdoor irrigation can have a significant effect on the potential impact of various types of development. A method for calculating the relative impact of various types of residential connections is needed.

The percentage of the impact fee attributable to indoor demand can be comparing indoor demand (using an estimated indoor peaking factor for the City of 1.25) to total peak day demand. Table 8 summarizes the estimated indoor and outdoor impact fee for various size single family lot sizes.

Table 8
2022 Recommended Impact Fee, Indoor & Outdoor

Type of Unit	Indoor Water Impact Fee	Average Irrigated Area (acres)*	Outdoor Water Impact Fee	Total Water Impact Fee
Townhome	\$1,641	0.030	\$1,422	\$3,062
Single "ERC" <0.17 Acre	\$1,641	0.085	\$4,023	\$5,664
Single Family 0.17 to 0.24 Acre Lot	\$1,641	0.162	\$7,677	\$9,318
Single Family 0.25 to 0.49 Acre Lot	\$1,641	0.232	\$10,995	\$12,636
Single Family 0.5 to 0.74 Acre Lot	\$1,641	0.361	\$17,108	\$18,749

*Based on statistical analysis of parcels and billing data for NSL. Note that open space or irrigated areas associated with townhomes vary significantly and may need to be calculated for each development or as part of the homeowner's association irrigation connection.

Because some users in the City will have both culinary and secondary connections relative to water use, the impact fee should be calculated using estimated irrigated area for outdoor irrigation. This will be dependent on lot size. For lots 0.75 acres or larger, a custom impact fee should be calculated based on the irrigated area. As an example, a 1 acre lot with 0.5 acres (21,780 square feet) of irrigated area would have an impact fee calculated as follows.

$$\$1,641 + \$1,088 (\$/1,000 sf) \times \frac{21,780 sf}{1000} = \$25,607$$

Application to Non-Residential Impact Fees

Non-residential water use patterns can vary widely depending on the type and nature of the non-residential customer. Correspondingly, it is recommended that non-residential impact fees be assessed based on water meter size. Table 9 converts the overall impact fee to different meter sizes based on American Water Works Association (AWWA) meter capacity ratios. The AWWA ratios are based on the relative capacity increase of each meter. The values in table allow the City to charge impact fees based on potential use of capacity where the type of use cannot be used to easily assess expected use.

**Table 9
Recommended Impact Fee, By Meter Size**

Size of Meter (inch)	AWWA Capacity Ratios	Maximum Allowable Impact Fee (By year)				
		2023	2024	2025	2026	2027
3/4 and smaller	1.00	\$5,664	\$5,668	\$5,671	\$5,677	\$5,682
1	1.67	\$9,440	\$9,446	\$9,452	\$9,462	\$9,471
1.5	3.33	\$18,880	\$18,892	\$18,905	\$18,923	\$18,941
2	5.33	\$30,207	\$30,228	\$30,247	\$30,277	\$30,306
3	11.67	\$66,078	\$66,123	\$66,166	\$66,231	\$66,294
4	20.00	\$113,277	\$113,354	\$113,427	\$113,539	\$113,647
6	41.67	\$235,994	\$236,154	\$236,307	\$236,540	\$236,765
8	60.00	\$339,831	\$340,062	\$340,282	\$340,618	\$340,941
10	96.67	\$547,506	\$547,877	\$548,233	\$548,773	\$549,294

Calculation of Non-Standard Impact Fees

The calculations above have been based on an ERC. The Impact Fee Enactment should include a provision that allows for calculation of a fee for customers that fall outside the typical residential or non-residential connections discussed above. Consistent with the level of service standards established in the Impact Fee Facilities Plan, the following formula may be used to calculate an impact fee for a non-standard user based on the calculated daily total water use for an average ERC.

$$\frac{\text{Estimated Average Total Water Use}}{531 \text{ gallons per day}^1} \times \text{Impact Fee per ERC} = \text{Impact Fee}$$

¹ Based on average ERC water use of 0.594 acre-ft/yr.

ADDITIONAL CONSIDERATIONS - 11-36a-304(2)**MANNER OF FINANCING - 11-36a-304(2)(a-e)**

As part of this Impact Fee Analysis, it is important to consider how each facility has been or will be paid for. Potential infrastructure funding includes a combination of different revenue sources.

User Charges

Because infrastructure must generally be built ahead of growth, there often arises situations in which projects must be funded ahead of expected impact fee revenues. In some cases, the solution to this issue will be bonding. In others, funds from existing user rate revenue will be loaned to the impact fee fund to complete initial construction of the project and will be reimbursed later as impact fees are received. Interfund loans should be considered in subsequent accounting of impact fee expenditures.

Special Assessments

Where special assessments exist, the impact fee calculation must take into account funds contributed. No special assessments currently exist in North Salt Lake.

Pioneering Agreements

Pioneering agreements provide a method of reimbursing developers for financing construction of large system improvements that will continue to benefit the City or future users long after completion of a specific development. The City does not have any current pioneering agreements for system facilities.

Bonds

None of the costs contained in the IFFP included bonding. Where City financial plans identify bonding will be required to finance impact fee eligible improvements, the portion of bond cost and interest expense attributable to future growth has been added to the calculation of the impact fee.

General Taxes

If taxes are used to pay for infrastructure, they should be accounted for in the impact fee calculation. Specifically, any contribution made by property owners through taxes should be credited toward their available capacity in the system. In this case, no taxes are proposed for the construction of infrastructure.

Federal and State Grants and Donations

Impact fees cannot reimburse costs funded or expected to be funded through federal grants and other funds that the City has received for capital improvements without an obligation to repay.

Grants and donations are not currently contemplated in this analysis. If grants become available for constructing facilities, impact fees will need to be recalculated and an appropriate credit given. Any existing infrastructure funded through past grants has been removed from the system cost.

DEDICATION OF SYSTEM IMPROVEMENTS 11-36a-304(2)(f)

Developer exactions are not the same as grants. If a developer constructs a system improvement or dedicates land for a system improvement identified in this IFFP or dedicates a public facility that is recognized to reduce the need for a system improvement, the developer may be entitled to an appropriate credit against that particular developer's impact fee liability or a proportionate reimbursement.

If the value of the credit is less than the development's impact fee liability, the developer will owe the balance of the liability to the City. If the recognized value of the improvements/land dedicated is more than the development's impact fee liability, the City may be required to reimburse the difference to the developer.

It should be emphasized that the concept of impact fee credits pertains to system level improvements only. Developers will be responsible for the construction of project improvements (i.e. improvements not identified in the impact fee facilities plan) without credit against the impact fee.

Eaglewood Cove Development

The Eaglewood Cove development is constructing all of its own project level facilities. It is also constructing its own storage tanks for both culinary and secondary water. Thus, the development will be utilizing City sources, transmission, and administrative facilities but will not be using any of the city's existing storage facilities. Table 5 lists the portion of the impact fee that is used to purchase storage capacity within the City. If the Eaglewood Cove development constructs its own storage, the impact fee for properties in the development should be reduced by the storage component of the impact fee. This reduction can be proportionally applied to all subsequent tables for calculation of the impact fee for Eaglewood Cove indoor and outdoor costs.

EXTRAORDINARY COSTS - 11-36a-304(2)(g)

The Impact Fees Act indicates the analysis should include consideration of any extraordinary costs of servicing newly developed properties. In cases where one area of potential growth may cost significantly more to service than other growth, a separate service area may be warranted. No areas with extraordinary costs have been identified as part of this analysis.

TIME-PRICE DIFFERENTIAL - 11-36a-304(2)(h)

Utah Code allows consideration of time-price differential in order to create fairness for amounts paid at different times. To address time-price differential, this analysis includes construction inflation for future construction projects. Per the requirements of the Code, existing infrastructure cost is based on actual historical costs without adjustment.

IMPACT FEE CERTIFICATION - 11-36a-306(2)

This IFA has been prepared in accordance with Utah Code Title 11, Chapter 36a (the “Impact Fees Act”), which prescribes the laws pertaining to the imposition of impact fees in Utah. The accuracy of this IFFP relies in part upon planning, engineering, and other source data, provided by the City and its designees.

In accordance with Utah Code Annotated, 11-36a-306(2), Bowen Collins & Associates, makes the following certification:

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 of 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.



Andrew T. McKinnon, P.E.

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CITY OF NORTH SALT LAKE

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Brian J. Horrocks
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ken Leetham, City Manager

DATE: August 15, 2023

SUBJECT: Consideration of Ordinance Number 2023-12: An Ordinance Establishing an Impact Fee Policy and Adopting Storm Drain System Impact Fees on Development Activities Within the City of North Salt Lake

RECOMMENDATION

I recommend approval Ordinance Number 2023-12: An Ordinance Establishing an Impact Fee Policy and Adopting Storm Drain System Impact Fees on Development Activities Within the City of North Salt Lake.

BACKGROUND

This ordinance is the final step in the City's process of analyzing its water system, adopting a Storm Drain Impact Fee Capital Facilities Plan and adopting a Storm Drain Impact Fee Analysis. You will recall these reports and documents constitute the findings of the City's consultant Bowen and Collins who was contracted to perform this work related to our water system and our storm drain system.

Utah Code 11-36a, known as the Impact Fee Act, requires that prior to the City's adoption of a storm drain impact fee, it must prepare the above-referenced documents and conduct a public hearing on them and the accompanying ordinance which establishes the impact fees.

The City's current storm drain impact fees are assessed on an estimated or measured square foot unit of impervious surface area thought to be established by new development. That is, it measures driveways, roof surfaces, sidewalks, roads and any other improvements that will not drain, but will shed water off to the storm drain system. This has worked very well and the proposed impact fee, though a different measurement, is a similar approach. The proposed impact fees will be a charge per acre of new development rather than a square foot unit for impervious surface. But, the new rates are also lower per unit which reflects the idea new development contains both pervious and impervious surface areas. Though it is difficult to make exact comparisons, the proposed impact fees may actually be slightly lower than the current fees in Area #1 (most of the City with the exception of an area which drains into the Eaglewood Village area) and slightly higher in Area #2 which is the Eaglewood Village drainage area.

Consistent with State Code, the proposed impact fees are related to new growth only and not used for maintenance or operations within the Storm Drain Fund.

PROPOSED MOTION

I move that the City Council adopt Ordinance Number 2023-12: An Ordinance Establishing an Impact Fee Policy and Adopting Storm Drain System Impact Fees on Development Activities Within the City of North Salt Lake.

ORDINANCE NO. 2023-12

**AN ORDINANCE ESTABLISHING AN IMPACT FEE POLICY AND
ADOPTING STORM DRAIN SYSTEM IMPACT FEES ON
DEVELOPMENT ACTIVITIES WITHIN THE CITY OF NORTH SALT
LAKE**

WHEREAS, the Legislature of the State of Utah has heretofore adopted the Impact Fees Act (the “Act”) providing for and authorizing the imposition of impact fees in accordance with the provisions of the Act; and

WHEREAS, the City of North Salt Lake continues to experience growth and development within the boundaries of the City, all of which creates a demand for additional storm drain services and infrastructure in order to service the new growth; and

WHEREAS, the City has determined that an equitable allocation of costs requires the adoption of impact fees to assist in the financing for construction of storm drain system improvements for the City, and has completed an impact fee facilities plan together with an impact fee analysis therefore as required by the Act and desires, based upon the foregoing, to establish and adopt a new storm drain impact fee policy and storm drain impact fees for the City as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Salt Lake as follows:

Section 1. Adoption of Impact Fee Policy and Impact Fees. The storm drain impact fees policy, rules, regulations and impact fees of the City as defined herein below, are hereby established, adopted and approved as follows:

IMPACT FEE POLICY

1. Definitions.
 - A. “Impact Fee Facilities Plan” means the Storm Drain Impact Fee Facilities Plan, dated March 2023, and adopted as set forth in Subparagraph 2.c, below, as the same may be amended hereafter from time to time.
 - B. “Development activity” means any construction or expansion of a building, structure, or use, any changes in the use of land that creates additional demand and need for public facilities.
 - C. “Development approval” means any written authorization from the City that authorizes the commencement of development activity and/or any written agreement between the City and any political subdivision to provide storm drain service for a new development.

- D. “City” means City of North Salt Lake, a municipal corporation of the State of Utah.
- E. “Impact fee” means a payment of money imposed upon development activity as a condition of development approval and may also be referred to herein as “connection fee(s).”

2. Findings and Purpose.

The City Council of North Salt Lake hereby finds and determines:

- A. There is a need for storm drain system facilities for new development in the City which have not been constructed and are required to be consistent with the Impact Fee Facilities Plan and to protect the public’s health, safety and welfare.
- B. The continuing growth within the City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing storm drain system facilities occasioned by the demands and needs of the development projects at service levels necessary to promote and preserve the public health, safety and welfare.
- C. The City Council of North Salt Lake hereby adopts the Storm Drain Impact Fee Facilities Plan prepared by Bowen Collins & Associates dated March 2023, which sets forth the future infrastructure needed by the City to adequately serve the demands of new development.
- D. The City Council of North Salt Lake hereby adopts the Storm Drain Impact Fee Analysis prepared by Bowen Collins & Associates dated March 2023, (“Impact Fee Analysis”), which establishes the costs for providing public storm drain facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- E. The impact fees established by this Ordinance are based upon the costs which are generated through the need for new storm drain facilities and other capital acquisition costs required, incrementally, by new development within the City.
- F. The impact fees established by this Ordinance do not exceed the reasonable cost of providing public storm drain facilities occasioned by development projects within the City.

3. Impact Fees Levied.

The City’s impact fees are hereby adopted as set forth in Exhibit A attached hereto and by this reference made a part hereof. The storm drain impact fees as set forth have been calculated as set forth in the Storm Drain Impact Fee Analysis. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined from the City fee schedule in effect at the time

of payment and shall not be determined at the time a request for an estimate is received by the City. There shall be no guarantee that any quoted impact fee whether oral or in writing, will be in effect when the developer or prospective customer actually makes the impact fee payment. If a developer or prospective customer desires to receive the rate quoted by the City, payment must be made at that time.

The City has previously identified two separate service areas for the imposition of storm drain impact fees. The adopted analysis now identifies one Service Area, with an impact fee surcharge in the former Service Area 2 in order to assure that the burdens imposed on properties within the former Service Area 2 are adequately financed, proportionately charged and fairly apportioned.

In addition to the impact fees set forth in Exhibit A attached hereto, the City will charge all storm drain users service charges and may levy property taxes on property located within the City.

4. Time of Collection.

Unless otherwise provided by the City Council, storm drain impact fees shall be payable prior to connection to the City's storm drain system.

5. Use of Fees.

The impact fees shall be used solely to:

- A. Pay for the described public storm drain facilities to be constructed by the City or caused to be constructed by the City;
- B. For reimbursing the City for the development's share of those capital improvements already constructed by the City;
- C. For reimbursing developers who have constructed system improvements where such facilities were beyond project improvements needed for the developer's project(s).
- D. For debt service incurred for storm drain system facilities.

6. Adjustments and Credits.

The City may, upon a proper showing, adjust the impact fee at the time the fee is charged to:

- A. Respond to unusual circumstances in specific cases; and
- B. Ensure that the impact fees are imposed fairly; and
- C. Allow credits pursuant to the Impact Fee Policy of the City; and

- D. Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- E. Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the City at large, provided such facilities are identified in the Impact Fee Facilities Plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.
- F. Any *ex gratia* payments made to the City by a developer in order to induce or entice the City to accelerate construction of future system improvements shall not be considered a developer credit.

7. Accounting, Expenditure and Refund.

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

8. Impact Fee Challenges and Appeals.

Any challenge to the Impact Fees imposed by the City shall comply with the provisions of *Utah Code Annotated* §11-36a-701, *et seq.*, as amended. Administrative appeals of the impact fees imposed by the City shall follow the following procedure: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal to the City Recorder setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested parties will be given an opportunity to be heard. The Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective on that date which is 90 days from the date of approval of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of North Salt Lake, Utah,
this 15th day of August, 2023.

CITY OF NORTH SALT LAKE
By:

BRIAN J. HORROCKS
Mayor

ATTEST:

WENDY PAGE
City Recorder

City Council Vote as Recorded:

Council Member Watts Baskin _____
Council Member Gordon _____
Council Member Knowlton _____
Council Member Porter _____
Council Member Van Langeveld _____

Certificate of Posting Ordinance:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2023-12 was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713.

Recorded this _____ day of _____, 2023.

Wendy Page, City Recorder

[Seal]

EXHIBIT A

Impact Fees Schedule

**Table ES-2
Recommended Per Acre Impact Fee**

Maximum Allowable Impact Fee (Per acre, by year)						
	2022	2023	2024	2025	2026	2027
All Properties						
Base Impact Fee (includes study costs)	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69
User Fee Credit	\$1,163.26	\$1,073.38	\$988.23	\$907.56	\$831.12	\$758.71
Total Overall Fee	\$2,228.43	\$2,318.31	\$2,403.46	\$2,484.13	\$2,560.57	\$2,632.98
Properties in Service Area #2 Reimbursement Area						
Additional Reimbursement Cost	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38
Total Overall Fee – Service Area #2	\$12,917.81	\$13,007.69	\$13,092.84	\$13,173.51	\$13,249.95	\$13,322.36

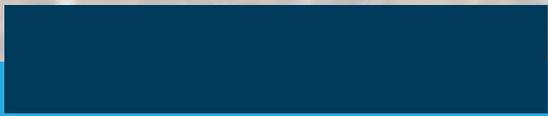


PREPARED FOR:

PREPARED BY:



BOWEN COLLINS
& ASSOCIATES



NORTH SALT LAKE CITY

MARCH 2023

STORM DRAIN IMPACT FEE FACILITIES PLAN

NORTH SALT LAKE CITY STORM DRAIN IMPACT FEE FACILITIES PLAN

March 2023



3/9/23

Prepared for:



Prepared by:



EXECUTIVE SUMMARY

INTRODUCTION

North Salt Lake City has retained Bowen Collins & Associates (BC&A) to prepare a storm drain impact fee facility plan (IFFP). The purpose of an IFFP is to identify demands placed upon City facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which may be funded through impact fees.

WHY IS AN IFFP NEEDED?

The IFFP provides a technical basis for assessing updated impact fees throughout the City. This document will address the future infrastructure needed to serve the City with regard to current land use planning. The existing and future capital projects documented in this IFFP will ensure that level of service standard is maintained for all existing and future residents who reside within the service area. Local governments must pay strict attention to the required elements of the Impact Fee Facilities Plan which are enumerated in the Impact Fees Act.

SERVICE AREAS

There is a single service are for the entirety of North Salt Lake City. In the past, there were two separate service areas. However, the only difference in the second service area was the presence of a reimbursement agreement. Thus, as part of this IFFP update, the service areas will be combined for overall calculations, but there will be a reimbursement area discussed in the Impact Fee Analysis (IFA).

PROJECTED FUTURE GROWTH

A large portion of the open space left in North Salt Lake City is not anticipated to ever be developed. This includes a portion of the City to the east that is both National Forest Land and typically too steep for development. This also includes a portion of the northwest corner of the City west of Leagacy parkway that is maintaed for natrue conservation.

EXISTING CAPACITY AVAILABLE TO SERVE FUTURE GROWTH

Projected future growth will be met through a combination of available excess capacity in existing facilities and construction of additional capacity in new facilities. The calculated percentage of existing capacity currently in use by existing development, calculated percentage of growth during the next 10 years, and calculated percentage of growth after the 10-year period is presented in Table ES-1.

**ES-1
Calculated Percentage of Capacity in the Existing Storm Drainage System**

Area	North Salt Lake (Percent)
Existing Development	91.7
10-yr Growth	4.8
Growth beyond 10 years	3.5

REQUIRED SYSTEM IMPROVEMENTS

Beyond available existing capacity, additional improvements will need to be constructed within the next 10 years to serve new growth. These improvements are summarized in Table ES-2.

**Table ES-2
Impact Fee Facilities Plan - Costs Required for Future Growth**

Project ID	Total Estimated Cost 2020 Dollars	Percentage of Cost Attributable to:		
		Existing	10-year Growth	Beyond 10-Year Growth
HD-01	\$ 379,659.75	100.0%	0.0%	0.0%
HD-03	\$ 265,902.75	99.8%	0.2%	0.2%
HD-05	\$ 485,636.25	100.0%	0.0%	0.0%
HD-06	\$ 249,075.00	62.3%	37.7%	37.7%
HD-07	\$ 478,258.13	55.3%	44.7%	44.7%
HD-08	\$ 89,100.00	94.8%	5.2%	5.2%
HD-09	\$ 310,873.50	96.3%	3.7%	3.7%
HD-10	\$ 258,142.50	100.0%	0.0%	0.0%
HD-12	\$ 98,550.00	58.5%	41.5%	41.5%
CD-01	\$ 179,190.00	100.0%	0.0%	0.0%
CD-02	\$ 758,025.00	100.0%	0.0%	0.0%
CD-03	\$ 426,937.50	100.0%	0.0%	0.0%
CD-04	\$ 493,278.08	99.2%	0.8%	0.8%
CD-08	\$ 196,920.00	94.7%	5.3%	5.3%
CD-05	\$ 249,842.50	86.2%	6.7%	13.8%
CD-06	\$ 281,503.50	100.0%	0.0%	0.0%
CD-07	\$ 134,540.00	74.1%	25.9%	25.9%
CD-09	\$ 287,124.96	95.1%	4.9%	4.9%
Total	\$ 5,622,559.41	\$ 5,159,283.78	\$ 445,541.81	\$ 463,275.63

To satisfy the requirements of state law, Table ES-2 provides a breakdown of the percentage of the project costs attributed to existing and future users. For future use, capacity has been divided between capacity to be used by growth within the 10-year planning window of this IFFP and capacity that will be available for growth beyond the 10-year window.

SECTION 1 – IMPACT FEE FACILITIES PLAN

North Salt Lake City has retained Bowen Collins & Associates (BC&A) to prepare a Storm Drain Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). The purpose of an IFFP is to identify demands placed upon City facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which may be funded through impact fees. A separate report will be prepared for the Storm Drain IFA.

Requirements for the preparation of an IFFP are outlined in Title 11, Chapter 36 of the Utah code (the Impact Fees Act). Under these requirements, an IFFP shall accomplish the following for each facility:

1. Identify service areas
2. Identify the existing level of service
3. Establish a proposed level of service
4. Identify excess capacity to accommodate future growth
5. Identify demands of new development
6. Identify the means by which demands from new development will be met
7. Consider the following additional issues
 - a. revenue sources to finance required system improvements
 - b. necessity of improvements to maintain the proposed level of service
 - c. need for facilities relative to planned locations of schools

The following sections of this report have been organized to address each of these requirements.

SECTION 2 – SERVICES AREAS & TYPES OF RECOMMENDED IMPROVEMENTS

This section defines the service areas for North Salt Lake City and the difference between system improvements and local improvements.

SERVICE AREAS

The entirety of North Salt Lake City is included in a single service area.

TYPES OF RECOMMENDED IMPROVEMENTS

The recommended improvements identified in this IFFP and the Storm Drain Master Plan report (SDMP) include only major storm drain facilities that benefit the City as a whole (system improvements). Local storm drain facilities (project improvements), typically associated with individual development projects, are not included in the SDMP report nor are they eligible to be paid for using impact fees. The SDMP report defines system improvements and project improvements for North Salt Lake City's Storm Drain System. The definitions of system improvements and project improvements are presented below.

- **Conveyance Facilities** – Major storm drain conveyance facilities (system improvements) include pipelines or major channels that typically service multiple developments. Local facilities (project improvements) include smaller storm drain conveyance facilities that typically only serve one development and are used to convey storm water runoff to the major conveyance facilities.
- **Detention Facilities** – Development is required to provide local detention facilities (project improvements) to attenuate peak storm water discharges to the limits stated in the SDMP report. A major regional detention facility (system improvement) will attenuate peak runoff from multiple developments to levels that can be safely conveyed through existing downstream facilities.

SECTION 3 – EXISTING LEVEL OF SERVICE (11-36A-302.1.A.I)

Level of service is defined in the Impact Fees Act as “the defined performance standard or unit of demand for each capital component of a public facility within a service area”. This section discusses the level of service being currently provided to existing users.

PERFORMANCE STANDARD

The performance standard defines the level of service the City has established to satisfy City and/or State performance requirements. There is no minimum State standard for storm drain as there are with some other utilities. Every city desires to protect their residents and infrastructure from flooding and attempts to balance the cost of storm drainage improvements with the amount of flow in the streets. The evaluation criteria for this study was provided by North Salt Lake City personnel and was documented in their SDMP. The level of service adopted by North Salt Lake City is similar to the level of service provided by neighboring cities.

STORM DRAIN PIPELINES

Storm drain pipelines are not allowed to surcharge to within two feet from the ground surface during the 10 percent annual chance (10-year) design storm event. Storm drain trunklines are also not to be smaller than 15 inches in diameter. It is important to note that roadways become the major storm water conveyance facility during storms that are larger than the 10-year design event.

OPEN CHANNELS

Open channels should have at least one foot of free board during the 1 percent annual chance (100-year) design storm event. Open channels should also have protective lining. If velocities are less than 4 ft per second (ft/s), the channel may be grass lined. However, if the peak velocity in a channel is over 4 ft/s, then grass will not be sufficient to protect the channel from erosion damage and armoring will be required.

DETENTION BASINS

Detention facilities need to have capacity for the 100-year storm, with at least one foot of freeboard, and have an emergency overflow that directs water away from private property.

DESIGN STORM PARAMETERS

The design storm defines how much precipitation falls and at what rate for a projected precipitation event. The rainfall depth for system evaluation is based on the National Oceanic and Atmospheric Administration (NOAA) Atlas 14. The storm distribution is the 3-hour modified Farmer-Fletcher distribution as described in the SDMP. This data is commonly used by professionals in the industry and has been shown to produce accurate results in studies conducted in neighboring communities.

It is important to note that not all of the existing facilities in the storm drain system meet the existing level of service. Those deficient storm drain facilities will be remedied over the next 6-years and will be paid for independent of the impact fees.

SECTION 4 - PROPOSED LEVEL OF SERVICE (11-36A-302.1.A.II)

The proposed level of service is the performance standard used to evaluate system needs in the future. The Impact Fee Act indicates that the proposed level of service may:

1. diminish or equal the existing level of service; or
2. exceed the existing level of service if, independent of the use of impact fees, the City implements and maintains the means to increase the level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

No changes in the level of service are proposed for North Salt Lake City. Future facilities will be constructed to meet the same performance standards identified for the existing level of service.

SECTION 5 – EXCESS CAPACITY TO ACCOMMODATE FUTURE GROWTH (11-36A-302.1.A.III)

Projected future growth will be met through a combination of excess capacity in existing facilities and construction of additional capacity in new facilities.

EXISTING DEMAND AND DETERMINATION OF EXCESS CAPACITY

To calculate the percentage of existing excess capacity in the existing North Salt Lake Storm Drain System to be used by future growth, existing and future development patterns were examined. The method used to calculate excess capacity available for use by future development is as follows:

- **Calculate Potential Drainage Area of the Facilities** – The drainage area contributing to the existing storm drain system facilities in each service area was calculated for both existing and future development scenarios (See Section 6). Additionally, the area that will be served by future projects was removed from these areas to only counting the existing facilities.
- **Identify Existing Development** – Based on GIS records and available aerial photography, existing developed areas within each service area have been identified.
- **Identify 10-year Growth** – Areas of 10-year growth are identified in Figure 5-1.
- **Calculate Percent of Excess Capacity Used by 10-year Growth** – The percent of excess capacity being used in each service area was calculated by dividing the growth in use in the existing facilities (10-year developed area less existing developed area) by the maximum use of capacity at buildout (total drainage area for the service areas).

Based on the method described above, the percentage of existing capacity currently in use by existing development was calculated, the percentage of growth during the next 10 years was calculated, and percentage of growth after the 10-year period was calculated and is presented in Table 5-1.

**Table 5-1
Calculated Percentage of Capacity in the Existing Storm Drainage System**

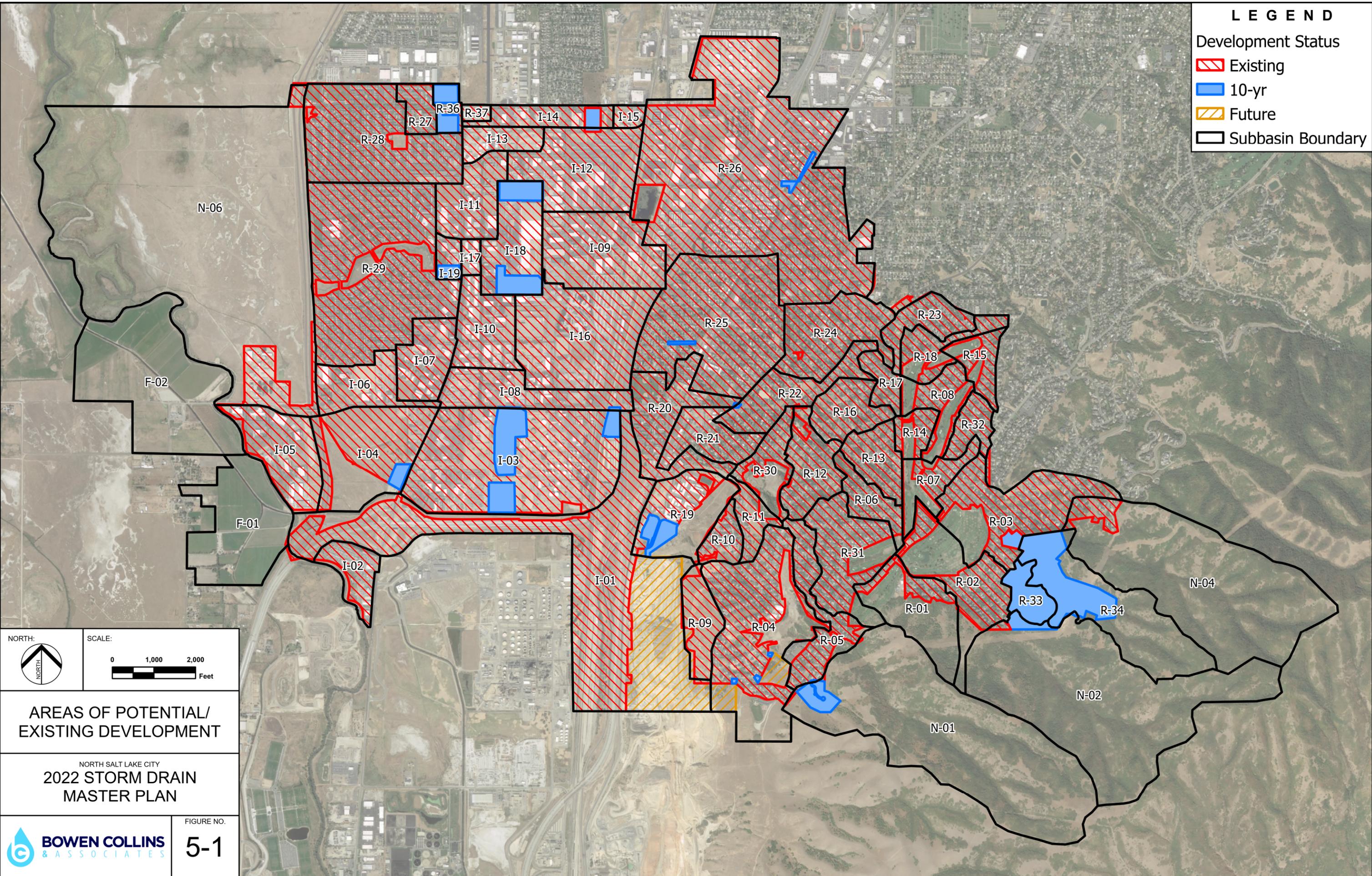
	North Salt Lake City (Percent)
Existing Development	91.7
10-yr Growth	4.8
Growth beyond 10 years	3.5
Total	100.0

In considering available capacity in existing storm drain facilities, it should be remembered that excess capacity can only serve growth in the areas for which it was constructed. In other words, an existing pipeline that has available capacity for future growth in one area of the City can provide no benefit for projected growth in another area of the City. Thus, it is very common for projects to be needed in one area, even though available capacity may exist in another area. By following the procedure to calculate use of capacity as described above, only the existing capacity that will actually be used by 10-year growth has been identified as reimbursable through impact fees.

LEGEND

Development Status

-  Existing
-  10-yr
-  Future
-  Subbasin Boundary



NORTH: 

SCALE:  Feet

**AREAS OF POTENTIAL/
EXISTING DEVELOPMENT**

NORTH SALT LAKE CITY
**2022 STORM DRAIN
MASTER PLAN**

FIGURE NO.
5-1

 **BOWEN COLLINS
& ASSOCIATES**

SECTION 6 – DEMANDS PLACED ON FACILITIES BY NEW DEVELOPMENT (11-36A-302.1.A.IV)

Growth and new development in North Salt Lake City is based on discussions with City Personnel. There is little open space available within the City for new development due to the existing National Forest and Conservations boundaries. Potential development areas are presented in Figure 5-1. The total area of potential growth is provided in Table 6-1 below.

**Table 6-1
Total Potential Development in North Salt Lake City**

	Total North Salt Lake Area (ac)	Area Contributing to Improvements (ac)
Total Existing Developed Area	3,791	1,224
Total 10-yr Growth	200	120
Greater than 10-yr Growth	144	23
Total Developed Area	4,135	1,367

SECTION 7 – INFRASTRUCTURE REQUIRED TO MEET DEMANDS OF NEW DEVELOPMENT (11-36A-302.1.A.V)

To satisfy the requirements of state law, demand placed upon system facilities by future development was projected using the process outlined below.

1. **Existing Capacity** – The capacities of the existing facilities were evaluated using a hydraulic storm water model as part of the master plan.
2. **Existing Deficiencies** – Existing deficiencies in the system were identified by comparing defined levels of service against calculated capacities. Identified deficiencies were verified by City staff (see Chapter 5 of the SDMP).
3. **Future Demand** - The demand that future development will place on the system was estimated based on development projections as discussed in Section 6.
4. **Future Deficiencies** - Future deficiencies in the storm drain infrastructure were identified based on the defined level of service.
5. **Recommended Improvements** – Needed storm drain improvements were identified to resolve the projected deficiencies.

The steps listed above describe the “demands placed upon existing public facilities by new development activity at the proposed level of service; and... the means by which the political subdivision or private entity will meet those growth demands” (Section 11-36a-302-1.a of the Utah Code).

10-YEAR IMPROVEMENT PLAN

Planned improvements to satisfy level of service requirements for projected demands at build out have been identified in the North Salt Lake City SDMP. These improvements will be constructed in phases as development occurs. Only infrastructure to be constructed within a ten-year horizon will be considered in the calculation of these impact fees to avoid uncertainty surrounding improvements further into the future.

To identify improvements to be built within the 10-year window, BC&A compared all of the projects identified at build-out with the distribution of projected 10-yr growth as identified in Figure 5-1. Those projects that will service areas of projected growth within the next 10 years were added to the City’s 10-year improvement plan. Table 7-1 summarizes the projects that are projected to be needed within the next ten years. The location of these projects is shown on Figures 7-1 and 7-2.

It should be noted that Table 7-1 only includes those projects with components of cost that are eligible to be included in the impact fee calculation. Other storm drain projects that may be completed over the next ten years but have not been shown in the table include: projects for maintenance and repair (to be paid for by existing users) and project level improvements (to be paid for by individual developers).

**Table 7-1
Summary of Future Storm Drain Impact Fee Facility Improvements**

Project Identifier	Total Estimated Cost	Existing Developed Area (ac)	10-yr Developed Area (ac)	Future Developed Area (ac)	Percentage of Cost Attributable to:			Cost Attributable to:		
					Existing Development	10-yr Growth	Future Development	Existing Development	10-yr Growth	Future Development
HD-01	\$ 379,659.75	25.70	0.00	25.70	100.0%	0.0%	0.0%	\$ 379,659.75	\$ -	\$ -
HD-03	\$ 265,902.75	390.97	0.92	391.89	99.8%	0.2%	0.2%	\$ 265,278.52	\$ 624.23	\$ 624.23
HD-05	\$ 485,636.25	48.78	0.00	48.78	100.0%	0.0%	0.0%	\$ 485,636.25	\$ -	\$ -
HD-06	\$ 249,075.00	146.11	88.4	234.51	62.3%	37.7%	37.7%	\$ 155,184.63	\$ 93,890.37	\$ 93,890.37
HD-07	\$ 478,258.13	70.14	56.69	126.83	55.3%	44.7%	44.7%	\$ 264,488.09	\$ 213,770.03	\$ 213,770.03
HD-08	\$ 89,100.00	70.12	3.88	74.00	94.8%	5.2%	5.2%	\$ 84,428.27	\$ 4,671.73	\$ 4,671.73
HD-09	\$ 310,873.50	208.95	8.08	217.03	96.3%	3.7%	3.7%	\$ 299,299.72	\$ 11,573.78	\$ 11,573.78
HD-10	\$ 258,142.50	50.32	0.00	50.32	100.0%	0.0%	0.0%	\$ 58,142.50	\$ -	\$ -
HD-12	\$ 98,550.00	124.96	88.4	213.09	58.5%	41.5%	41.5%	\$ 57,666.71	\$ 40,883.29	\$ 40,883.29
CD-01	\$ 179,190.00	72.93	0.00	72.93	100.0%	0.0%	0.0%	\$ 179,190.00	\$ -	\$ -
CD-02	\$ 758,025.00	48.78	0.00	48.78	100.0%	0.0%	0.0%	\$ 758,025.00	\$ -	\$ -
CD-03	\$ 426,937.50	41.35	0.00	41.35	100.0%	0.0%	0.0%	\$ 426,937.50	\$ -	\$ -
CD-04	\$ 493,278.08	118.68	0.99	119.67	99.2%	0.8%	0.8%	\$ 489,197.31	\$ 4,080.77	\$ 4,080.77
CD-08	\$ 196,920.00	69.17	3.88	73.05	94.7%	5.3%	5.3%	\$ 186,460.73	\$ 10,459.27	\$ 10,459.27
CD-05	\$ 249,842.50	277.36	21.45	321.64	86.2%	6.7%	13.8%	\$ 215,446.82	\$ 16,661.86	\$ 34,395.68
CD-06	\$ 281,503.50	87.52	0.00	87.52	100.0%	0.0%	0.0%	\$ 281,503.50	\$ -	\$ -
CD-07	\$ 134,540.00	253.38	88.4	341.78	74.1%	25.9%	25.9%	\$ 99,741.78	\$ 34,798.22	\$ 34,798.22
CD-09	\$ 287,124.96	158.06	8.18	166.24	95.1%	4.9%	4.9%	\$ 272,996.70	\$ 14,128.26	\$ 14,128.26
Total								\$ 5,159,283.78	\$ 445,541.81	\$ 463,275.63

PROJECT COST ATTRIBUTABLE TO FUTURE GROWTH

To satisfy the requirements of state law, Table 7-1 provides a breakdown of the impact fee facility projects and the percentage of the project costs attributed to existing and future users. As defined in Section 11-36-304, the impact fee facilities plan should only include “the proportionate share of the costs of public facilities [that] are reasonably related to the new development activity.”

For some projects, the division of costs between existing and future users is easy because 100 percent of the project costs can be attributed to one category or the other (e.g. infrastructure needed solely to serve new development can be 100 percent attributed to new growth). There are some projects that will benefit existing users (e.g., a new facility is being added that will be used to convey flow from both existing and future sources). An example of this is the situation where an existing flow development discharges into a small open ditch. The ditch may have capacity for the existing flows but is not capable of conveying future flows. In this case, no existing deficiencies exist at this location. However, with the construction of a new pipeline for future growth, it makes little sense for the City to maintain the ditch parallel to the new pipeline to convey existing flows. As a result, this plan identifies installation of a new pipeline with adequate capacity for both existing and future flows and abandonment of the existing ditch. In this type of situation, costs have been divided between the two categories based on the ratio of flow needed for each type of user. For example, if the peak flow through a proposed facility will save 4.0 acres of existing development and 10.0 acres at buildout, 40 percent of the costs of the project have been assigned to existing users with 60 percent assigned to future growth.

The method used to calculate flows associated with each type of development is as follows:

- **Calculate Potential Drainage Area of the Facilities** – The total developable drainage area contributing to each project at buildout was calculated.
- **Identify Existing Development** – Based on GIS records and available aerial photography, existing developed areas within each drainage area were identified.
- **Identify 10-year Growth** – Based on developable land and City input, Figure 5-1 identifies the 10-year growth.
- **Calculate Percent of Capacity Used by Future Growth** – The percent of capacity being used in each facility was calculated by dividing the developable area of each type (existing, 10-year, and beyond 10-year) contributing to each facility by the total drainage area for the project.

It should be noted that Table 7-1 does not include bond costs related to paying for impact fee eligible improvements. These costs, if any, should be added as part of the impact fee analysis.

PROJECT COST ATTRIBUTABLE TO 10 YEAR GROWTH

Included in Table 7-1 is a breakdown of capacity associated with growth through the next 10 years and for growth beyond 10 years. A challenge with storm drain infrastructure is that it is not cost effective to add capacity in small increments. Once a pipeline is being built, it needs to be built to satisfy long-term capacity needs. As a result, the improvements proposed in the impact fee facility plan will include capacity for growth beyond the 10-year planning window. To most accurately evaluate the cost of providing service for growth during the next ten years, added consideration has been given to evaluating how much of each improvement will be used in the next 10 years. This has been done following the same methodology as described above.

BASIS OF CONSTRUCTION COST ESTIMATES

The costs of construction for projects to be completed within ten years have been estimated based on past BC&A experience with projects of a similar nature. Pipeline project costs are based on average per foot costs for pipes of a similar nature. Costs include consideration of other components of the storm drain system including manholes, catch basins, and surface restoration as appropriate for each project. For more detailed information on cost estimate for the recommended storm drain improvements, see the SDMP.

SECTION 8 – ADDITIONAL CONSIDERATIONS

MANNER OF FINANCING (11-36A-302.2)

The City may fund the infrastructure identified in this IFFP through a combination of different revenue sources:

FEDERAL AND STATE GRANTS AND DONATIONS

Impact fees cannot reimburse costs funded or expected to be funded through federal grants and other funds that the City has received for capital improvements without an obligation to repay. Grants and donations are not currently contemplated in this analysis. If grants become available for constructing facilities, impact fees will need to be recalculated and an appropriate credit given. Any existing infrastructure funded through past grants will be removed from the system value during the impact fee analysis.

BONDS

None of the costs contained in this IFFP include the cost of bonding. The cost of bonding required to finance impact fee eligible improvements identified in the IFPP may be added to the calculation of the impact fee. This will be considered in the impact fee analysis.

INTERFUND LOANS

Because infrastructure must generally be built ahead of growth, there often arises situations in which projects must be funded ahead of expected impact fee revenues. In some cases, the solution to this issue will be bonding. In others, funds from existing user rate revenue will be loaned to the impact fee fund to complete initial construction of the project and will be reimbursed later as impact fees are received. Consideration of potential interfund loans will be included in the impact fee analysis and should also be considered in subsequent accounting of impact fee expenditures.

IMPACT FEES

It is recommended that impact fees be used to fund growth-related capital projects as they help to maintain the proposed level of service and prevent existing users from subsidizing the capital needs for new growth. Based on this IFFP, an impact fee analysis will be able to calculate a fair and legal fee that new growth should pay to fund the portion of the existing and new facilities that will benefit new development.

DEVELOPER DEDICATIONS AND EXACTIONS

Developer exactions are not the same as grants. Developer exactions may be considered in the inventory of current and future Storm Drain infrastructure. If a developer constructs facility or dedicates land within the development, the value of the dedication is credited against that particular developer's impact fee liability.

If the value of the dedication/exaction is less than the development's impact fee liability, the developer will owe the balance of the liability to the City. If the value of the improvements dedicated is worth more than the development's impact fee liability, the City must reimburse the difference to the developer from impact fee revenues collected from other developments.

It should be emphasized that the concept of impact fee credits pertains to system level improvements only. For project level improvement (i.e. projects not identified in the impact fee

facility plan), developers will be responsible for the construction of the improvements without credit against the impact fee.

No developer dedications are expected for system level Storm Drain infrastructure.

**NECESSITY OF IMPROVEMENTS TO MAINTAIN LEVEL OF SERVICE
(11-36A-302.3)**

According to State statute, impact fees cannot be used to correct deficiencies in the system and must be necessary to maintain the proposed level of service established for all users. Only those projects or portions of projects that are required to maintain the proposed level of service for future growth have been included in this IFFP. This will result in an equitable fee as future users will not be expected to fund any portion of the projects that will benefit existing residents.

SCHOOL RELATED INFRASTRUCTURE (11-36A-302.2)

As part of the noticing and data collection process for this plan, information was gathered regarding future school district and charter school development. Where the City is aware of the planned location of a school, required public facilities to serve the school have been included in the impact fee analysis.

NOTICING AND ADOPTION REQUIREMENTS (11-36A-502)

The Impact Fees Act requires that entities must publish a notice of intent to prepare or modify any IFFP. If an entity prepares an independent IFFP rather than include a capital facilities element in the general plan, the actual IFFP must be adopted by enactment. Before the IFFP can be adopted, a reasonable notice of the public hearing must be published in a local newspaper at least 10 days before the actual hearing. A copy of the proposed IFFP must be made available in each public library within the City during the 10-day noticing period for public review and inspection. Utah Code requires that the City must post a copy of the ordinance in at least three places. These places may include the City offices and the public libraries within the City's jurisdiction. Following the 10-day noticing period, a public hearing will be held, after which the City may adopt, amend and adopt, or reject the proposed IFFP.

SECTION 9 – IMPACT FEE CERTIFICATION (11-36A-306.1)

This report has been prepared in accordance with Utah Code Title 11 Chapter 36a (the “Impact Fees Act”), which prescribes the laws pertaining to Utah municipal capital facilities plans and impact fee analyses. The accuracy of this report relies upon the planning, engineering, and other source data, which was provided by the City and their designees.

In accordance with Utah Code Annotated, 11-36a-306(1), Bowen Collins & Associates, makes the following certification:

I certify that this impact fee facility plan:

1. Includes only the cost 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. cost of 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.

Kameron Ballentine

Dated: March 9, 2023

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PREPARED FOR:



PREPARED BY:



NORTH SALT LAKE CITY STORM DRAIN IMPACT FEE ANALYSIS

MARCH 2023

NORTH SALT LAKE CITY STORM DRAIN IMPACT FEE ANALYSIS

March 2023



3/9/23

Prepared for:



Prepared by:



EXECUTIVE SUMMARY

INTRODUCTION

North Salt Lake City (City) has retained Bowen Collins & Associates (BC&A) to prepare an impact fee analysis (IFA) for its storm drain system based on a recently completed impact fee facility plan. An impact fee is a one-time fee, not a tax, imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The purpose of an IFA is to calculate the allowable impact fee that may be assessed to new development in accordance with Utah code.

WHY ASSESS AN IMPACT FEE?

As new users join a system, they add demands that must be satisfied through new facilities or use of excess capacity in existing facilities. Until all required projects are completed and new development is utilizing the full capacity of existing facilities, the City can assess an impact fee to recover its cost of latent capacity available to serve the future development. The general impact fee methodology divides the available capacity of existing and future capital projects between existing and future users based on their projected demands.

HOW ARE IMPACT FEES CALCULATED?

A fair impact fee is calculated by dividing the cost of existing and future facilities by the amount of new growth that will benefit from the unused capacity. Only the capacity that is needed to serve the projected growth within the next ten years is included in the fee. Costs used in the calculation of impact fees include:

- New facilities required to maintain (but not exceed) the proposed level of service identified in the IFFP; only those expected to be built within ten years are considered in the final calculations of the impact fee.
- Historic costs of existing facilities that will serve new development
- Cost of professional services for engineering, planning, and preparation of the impact fee facilities plan and impact fee analysis

Costs not used in the impact fee calculation

- Operational and maintenance costs
- Cost of facilities constructed beyond 10 years
- Cost of facilities funded by grants, developer contributions, or other funds which the City is not required to repay
- Cost of renovating or reconstructing facilities which do not provide new capacity or needed enhancement of services to serve future development

IMPACT FEE CALCULATION

Impact fees for this analysis were calculated by dividing the proportional cost of facilities required to service 10-year growth by the amount of growth expected over the next 10-years. This is done for each of the major components in the storm drain system. Calculated impact fees are

summarized in Table ES-1. For impact fee purposes the North Salt Lake storm drain system now includes only one service areas. However, there will be a reimbursement area that was previously represented as Service Area #2 that will have an additional surcharge.

**Table ES-1
Impact Fee Calculation**

Storm Drain System Components	Total Cost of Component	% Serving 10-Year Growth	Cost Serving 10-Year Growth	10-Year Acres Served	Cost per Acre
Existing Facilities	\$3,584,598.38	4.8%	\$173,378.40	200	\$866.89
10-Year Projects	\$5,622,559.41	7.9%	\$445,541.81	200	\$2,227.71
Impact Fee Studies	\$99,030.00	60%	\$59,418.00	200	\$297.09
Subtotal	\$9,306,187.79	-	\$678,338.21	-	\$3,391.69
Impact Fee					\$3,391.69

The impact fee is separate from any additional charges levied by the City for hookup costs or for other reasonable permit and application fees.

RECOMMENDED IMPACT FEE

The total calculated impact fee is summarized in Table ES-2. This is the legal maximum amount that may be charged as an impact fee. A lower amount may be adopted if desired, but a higher fee is not allowable under the requirements of Utah Code.

**Table ES-2
Recommended Per Acre Impact Fee**

Maximum Allowable Impact Fee (Per acre, by year)						
	2022	2023	2024	2025	2026	2027
All Properties						
Base Impact Fee (includes study costs)	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69
User Fee Credit	\$1,163.26	\$1,073.38	\$988.23	\$907.56	\$831.12	\$758.71
Total Overall Fee	\$2,228.43	\$2,318.31	\$2,403.46	\$2,484.13	\$2,560.57	\$2,632.98
Properties in Service Area #2 Reimbursement Area						
Additional Reimbursement Cost	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38
Total Overall Fee – Service Area #2	\$12,917.81	\$13,007.69	\$13,092.84	\$13,173.51	\$13,249.95	\$13,322.36

SECTION 1 INTRODUCTION

North Salt Lake City (City) has retained Bowen Collins & Associates (BC&A) to prepare an Impact Fee Analysis (IFA) for its storm drain system based on a recently completed impact fee facility plan. An impact fee is a one-time fee, not a tax, imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The purpose of an IFA is to calculate the allowable impact fee that may be assessed to new development in accordance with Utah code.

Requirements for the preparation of an IFA are outlined in Title 11, Chapter 36a of the Utah code (the Impact Fees Act). Under these requirements, an IFA shall accomplish the following for each facility:

1. Identify the impact of anticipated development activity on existing capacity and system improvements required to maintain the established level of service
2. Demonstrate how the impacts are reasonably related to anticipated development activity
3. Estimate the proportionate share of:
 - a. Costs of existing capacity that will be recouped
 - b. Costs of impacts on system improvements that are reasonably related to the new development activity
4. Identify how the impact fee was calculated
5. Consider the following additional issues
 - a. Manner of financing improvements
 - b. Dedication of system improvements
 - c. Extraordinary costs of servicing newly developed properties
 - d. Time-price differential

The following sections of this report have been organized to address each of these requirements.

SECTION 2
IMPACT ON SYSTEM (11-36a-304.1(a)(b))

Growth within the City’s service areas, and projections of storm water flows resulting from said growth is discussed in detail in the City’s Master Plan and Impact Fee Facilities Plan. Growth in developed acres projected for each service area (as identified and discussed in the Impact Fee Facilities Plan) is summarized in Table 2-1.

Table 2-1
Existing and Projected Developed Acreage

Development Type	North Salt Lake City
Existing Development (Acres)	3,791
10-Year Development (Acres)	200
Greater than 10-Year Development (Acres)	144
Total	4,135

As indicated in the table, projected growth for the 10-year planning window of this impact fee analysis is 200 acres. In order to maintain the established level of service, projected future growth will be met through a combination of available excess capacity in existing facilities and construction of additional capacity in new facilities.

SECTION 3

RELATION OF IMPACTS TO ANTICIPATED DEVELOPMENT

(11-36a-304.1(c))

To satisfy the requirements of state law, it is necessary to show that all impacts identified in the impact fee analysis are reasonably related to the anticipated development activity. This has been documented in detail in the City's storm drain Impact Fee Facilities Plan. In short, only that capacity directly associated with demand placed upon existing system facilities by future development has been identified as an impact of the development. The steps completed to identify the impacts of anticipated development are as follows.

1. **Existing Development** – The demand existing development places on the system was estimated based on GIS records and available aerial photography.
2. **Existing Capacity** – The capacities of existing facilities were calculated based on the level of service criteria established for each type of facility in the Impact Fee Facilities Plan.
3. **Existing Deficiencies** – Existing deficiencies in the system were looked for by comparing defined levels of service against calculated capacities. Where existing deficiencies existed, projects were identified to eliminate the deficiencies. Costs associated with existing deficiencies were not assigned to impacts of development.
4. **Future Development** - The demand future development will place on the system was estimated based on development projections as discussed in Section 2.
5. **Future Demand Use of Existing Capacity** – Whenever possible, excess capacity in existing facilities has been used to serve future demands. Where this occurs, the amount of capacity used by future growth has been calculated as described in detail in the Impact Fee Facilities Plan.
6. **Future Deficiencies** – Where excess capacity is inadequate to meet projected demands, future deficiencies in the system were identified using the same established level of service criteria used for existing demands.
7. **Recommended Improvements** – Needed system improvements were identified to meet demands associated with future development.

**SECTION 4
PROPORTIONATE SHARE ANALYSIS (11-36a-304(d))**

A comprehensive proportionate share analysis associated with anticipated future development and its impact on the system was completed as part of the Impact Fee Facilities Plan. A summary of that analysis is contained here with additional discussion of the costs of facilities impacted by growth.

EXCESS CAPACITY TO ACCOMMODATE FUTURE GROWTH

The portion of existing capacity used by existing and future development was analyzed in detail as part of the Impact Fee Facilities Plan. Based on the analysis, the calculated percentage of existing capacity in system facilities used by existing users, growth during the 10-year planning window, and growth beyond the 10-year planning window is summarized in Table 4-1.

**Table 4-1
Use of Existing Capacity**

	North Salt Lake City
Existing Development	91.7%
10-Year Growth	4.8%
Growth Beyond 10 years	3.5%
Total	100.0%

EXISTING SYSTEM INFRASTRUCTURE COSTS

To calculate the value of excess capacity in the existing system, BC&A first looked at the value of all existing facilities. North Salt Lake City has on record the actual construction costs of existing system level components of the City’s storm drain system since 2007, which totals \$3,584,598.38. These are actual costs and were obtained from the City.

It should be noted that the impact fee eligible cost identified above represent only a portion of the total system value. System costs not included in the total include facilities with a service life of less than 10 years, project level improvements serving single developments, and improvements not paid for by the City (e.g. projects funded through grants, developer dedications, etc.). In this study, public facility costs already incurred by the City will be included in the impact fee only to the extent that new growth will be served by the previously constructed improvements.

REIMBURSEMENT AGREEMENTS

There is an existing reimbursement agreement between the City and Eaglewood Village, Inc. A copy of the reimbursement agreement is included in Appendix A. The cost of the reimbursement is \$2,416,868, which includes both the construction cost and associated interest. Based on the agreement, the total developable area subject to the reimbursement agreement is 226.1 acres. The reimbursement service area is shown in the figure in Appendix B and is labeled as “Service Area #2”. The reimbursement will be added to the citywide impact fee as an impact fee surcharge for

those properties falling within the reimbursement service area. The total cost of the reimbursement is \$10,689.38/acre.

FUTURE IMPROVEMENTS

In addition to using available existing capacity, demand associated with projected future development will be met through the construction of additional capacity in new facilities. A primary focus of the Impact Fee Facilities Plan was the identification of projects required to serve new development. The results of the Impact Fee Facilities Plan are summarized in Table 4-2. Table 4-2 includes improvements for the City. Included in the table are the costs of each required project and the portion of costs associated with development.

**Table 4-2
Impact Fee Eligible Capital Projects**

Project ID	Project Expense - 2020 Dollars	10-Year Growth	Cost Attributable to 10-Year Growth
HD-01	\$ 379,659.75	0.0%	\$ -
HD-03	\$ 265,902.75	0.2%	\$ 624.23
HD-05	\$ 485,636.25	0.0%	\$ -
HD-06	\$ 249,075.00	37.7%	\$ 93,890.37
HD-07	\$ 478,258.13	44.7%	\$ 213,770.03
HD-08	\$ 89,100.00	5.2%	\$ 4,671.73
HD-09	\$ 310,873.50	3.7%	\$ 11,573.78
HD-10	\$ 258,142.50	0.0%	\$ -
HD-12	\$ 98,550.00	41.5%	\$ 40,883.29
CD-01	\$ 179,190.00	0.0%	\$ -
CD-02	\$ 758,025.00	0.0%	\$ -
CD-03	\$ 426,937.00	0.0%	\$ -
CD-04	\$ 493,278.08	0.8%	\$ 4,080.77
CD-08	\$ 196,920.00	5.3%	\$ 10,459.27
CD-05	\$ 249,842.50	6.7%	\$ 16,661.86
CD-06	\$ 281,503.50	0.0%	\$ -
CD-07	\$ 134,540.00	25.9%	\$ 34,798.22
CD-09	\$ 287,124.96	4.9%	\$ 14,128.26
Total	\$ 5,622,559.41	--	\$ 445,541.81

**SECTION 5
IMPACT FEE CALCULATION (11-36a-304.1(e))**

Using the information contained in the previous sections, impact fees can be calculated by dividing the proportional cost of facilities required to service 10-year growth by the amount of growth expected over the next 10-years. This is done for each of the major system components identified previously. Calculated impact fees for City are summarized in Table 5-1.

**Table 5-1
Impact Fee Calculation**

Storm Drain System Components	Total Cost of Component	% Serving 10-Year Growth	Cost Serving 10-Year Growth	10-Year Acres Served	Cost per Acre
Existing Facilities	\$3,584,598.38	4.8%	\$173,378.40	200	\$866.89
10-Year Projects	\$5,622,559.41	7.9%	\$445,541.81	200	\$2,227.71
Impact Fee Studies	\$99,030.00	60%	\$59,418.00	200	\$297.09
Subtotal	\$9,306,187.79	-	\$678,338.21	-	3,391.69
Impact Fee					\$3,391.69

The total impact fee per acre can be calculated by adding up the fee for each type of system component. The impact fee is separate from any additional charges levied by the City for hookup costs or for other reasonable permit and application fees. It is also independent of any additional required reimbursement for project level improvements as discussed previously.

BONDING INTEREST COSTS

North Salt Lake City does not have any bonds (either existing or planned in the future) that are eligible for reimbursement through impact fees. Correspondingly, no bonding costs are shown in the table.

IMPACT FEE STUDIES

Utah code allows for the cost of planning and engineering associated with impact fee calculations to be recovered as part of the impact fee. This study includes the actual costs of the master plan, IFFP and IFA as part of the reimbursable impact fee costs. Projected costs of future studies have not been included in this total. However, it is recommended that a comprehensive review of the impact fee study should be performed every three to five years.

CREDIT FOR USER CHARGES

Not all of the existing deficiencies identified in the plan can be paid for from existing cash reserves. As a result, the plan includes some bonding toward projects that have at least a portion of their costs that benefit existing users. In this situation, user fees will be used to pay for the bonds over their lifetime.

For projects where this is the case, future users will pay for their portion of capacity via impact

fees. They cannot also be expected to pay through user rates the portion of future bonds that will be used to build capacity or remedy deficiencies for existing users. This creates the need for a credit for future users. Calculation of this credit is summarized in Table 6. This table includes the following information:

- **Existing Paid Through User Fees** – This represents the total amount paid each year by the City toward the portion of past or future bonds used to cure existing deficiencies or increase the level of service for existing users. This results in an annual cost to existing users of \$340,732.80.
- **Cost Per Acre** – This column takes the total amount paid and divides it by the number of ERUs projected for each year. This represents the amount paid in each year by each ERU.
- **Present Value Cost per Acre** – This column takes into account the time value of money assuming a rate of return of 5 percent annually.
- **Total User Fee Credit** – At the bottom of the table, the present value costs for all future years are added together to develop the total user fee credit.

It will be noted that, because the user fee credit is the summation of user fees paid toward existing deficiencies in each year, a new user who joins the system in five or ten years will pay less in total user fees than someone who joins the system next year. Thus, the user fee credit will decrease over time. The appropriate user fee can be calculated by adding the present value cost for all years subsequent to a new user's connection to the system.

Table 6
Credit for User Fees Paid Toward Existing

Year	Developed Acres	Cost Per Acre	Present Value Cost Per Acre	Impact Fee
2022	3,791	\$89.88	\$89.88	\$2,228.43
2023	3,811	\$89.41	\$85.15	\$2,318.31
2024	3,831	\$88.94	\$80.67	\$2,403.46
2025	3,851	\$88.48	\$76.43	\$2,484.13
2026	3,871	\$88.02	\$72.42	\$2,560.57
2027	3,891	\$87.57	\$68.61	\$2,632.98
2028	3,911	\$87.12	\$65.01	\$2,701.60
2029	3,931	\$86.68	\$61.60	\$2,766.61
2030	3,951	\$86.24	\$58.37	\$2,828.21
2031	3,971	\$85.81	\$55.31	\$2,886.58
2032	3,991	\$85.38	\$52.41	\$2,941.89
2033	4,006	\$85.06	\$49.73	\$2,994.30
2034	4,020	\$84.76	\$47.20	\$3,044.03
2035	4,035	\$84.44	\$44.78	\$3,091.23
2036	4,049	\$84.15	\$42.50	\$3,136.01
2037	4,064	\$83.84	\$40.33	\$3,178.51
2038	4,078	\$83.55	\$38.28	\$3,218.84
2039	4,093	\$83.25	\$36.32	\$3,257.12
2040	4,107	\$82.96	\$34.47	\$3,293.44
2041	4,121	\$82.68	\$32.72	\$3,327.91
2042	4,135	\$82.40	\$31.06	\$3,360.63
Total		\$1,800.62	\$1,163.26	--

RECOMMENDED IMPACT FEE

The total calculated impact fee is summarized in Table 5-2. This is the legal maximum amount that may be charged as an impact fee. A lower amount may be adopted if desired, but a higher fee is not allowable under the requirements of Utah Code.

**Table 5-2
Recommended Per Acre Impact Fee**

Maximum Allowable Impact Fee (Per acre, by year)						
	2022	2023	2024	2025	2026	2027
All Properties						
Base Impact Fee (includes study costs)	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69
User Fee Credit	\$1,163.26	\$1,073.38	\$988.23	\$907.56	\$831.12	\$758.71
Total Overall Fee	\$2,228.43	\$2,318.31	\$2,403.46	\$2,484.13	\$2,560.57	\$2,632.98
Properties in Service Area #2 Reimbursement Area						
Additional Reimbursement Cost	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38
Total Overall Fee – Service Area #2	\$12,917.81	\$13,007.69	\$13,092.84	\$13,173.51	\$13,249.95	\$13,322.36

SECTION 6
ADDITIONAL CONSIDERATIONS (11-36a-304.2)

MANNER OF FINANCING (11-36a-304.2.(a)-(e))

As part of this Impact Fee Analysis, it is important to consider how each facility has been or will be paid for. Potential infrastructure funding includes a combination of different revenue sources.

User Charges

Because infrastructure must generally be built ahead of growth, there often arises situations in which projects must be funded ahead of expected impact fee revenues. In some cases, the solution to this issue will be bonding. In others, funds from existing user rate revenue will be loaned to the impact fee fund to complete initial construction of the project and will be reimbursed later as impact fees are received. Consideration of interfund loans should be considered in subsequent accounting of impact fee expenditures.

Special Assessments

Where special assessments exist, the impact fee calculation must take into account funds contributed. No special assessments exist for this analysis.

Bonds

As described in a previous section, the City does not have adequate cash reserves to pay for the existing portion of the deficiencies. A bond with an interest rate of 5% has been incorporated into the User Fee Credits. The City currently has no other eligible storm water bonds.

Impact Fee Fund Balance

The City does carry a current balance in its impact fee fund. In this analysis, the capacity associated with the development that paid these impact fees has been accounted for as part of existing system demand. As a result, it would be inappropriate to use any portion of the current balance towards projects benefiting future growth. It should be noted that the City does have an obligation under the law to spend or encumber these funds within a six year window of their collection. However, these expenditures will be independent of capacity associated with future growth and are correspondingly not shown as a source of financing for the impact fee eligible expenditures identified in this report.

General Taxes

If taxes are used to pay for infrastructure, they should be accounted for in the impact fee calculation. Specifically, any contribution made by property owners through taxes should be credited toward their available capacity in the system. In this case, no taxes are proposed for the construction of infrastructure.

Federal and State Grants and Donations

Impact fees cannot reimburse costs funded or expected to be funded through federal grants and other funds that the City has received for capital improvements without an obligation to repay. The City has no grants or donations for storm drain infrastructure that need to be included in this analysis. If grants become available for constructing facilities, impact fees will need to be recalculated and an appropriate credit given.

DEDICATION OF SYSTEM IMPROVEMENTS (11-36a-304.2(f))

Developer exactions may be considered in the inventory of current and future infrastructure. If a developer constructs facility or dedicates land, the value of the dedication is credited against that particular developer's impact fee liability.

If the recognized value of the credit is less than the development's impact fee liability, the developer will owe the balance of the liability to the City. If the recognized value of the improvements/land dedicated is more than the development's impact fee liability, the City must reimburse the difference to the developer.

It should be emphasized that the concept of impact fee credits pertains to system level improvements only. For project level improvement (i.e. projects not identified in the impact fee facility plan), developers will be responsible for the construction of the improvements without credit against the impact fee.

EXTRAORDINARY COSTS (11-36a-304.2(g))

The impact fee act indicates the analysis should include consideration of any extraordinary costs of servicing newly developed properties. In cases where one area of potential growth may cost significantly more to service than all other growth, a separate service area may be warranted. No areas with extraordinary costs have been identified as part of this analysis.

TIME-PRICE DIFFERENTIAL (11-36a-304.2.(h))

Utah code requires consideration of time-price differential in order to create fairness for amounts paid at different times. Per the requirements of the code, existing infrastructure value is based on actual historical costs.

NOTICING AND ADOPTION REQUIREMENTS (11-36A-504)

The Impact Fees Act requires that entities must publish a notice of intent to prepare or modify any IFA. Before the resulting impact fee can be adopted, the City must:

- Provide notice in accordance with Section 10-9a-205 of State Code. This includes reasonable notice of a public hearing published in a local newspaper at least 10 days before the actual hearing.
- A copy of the IFA and proposed impact fee enactment must be made available on the City's website or posted in each public library within the service area during the notice period for public review and inspection.
- Following the noticing period, a public hearing will be held, after which the IFA and impact fee enactment may be adopted, amended and adopted, or rejected.

SECTION 7
IMPACT FEE CERTIFICATION (11-36A-306.2)

This IFA has been prepared in accordance with Utah Code Title 11, Chapter 36a (the “Impact Fees Act”), which prescribes the laws pertaining to the imposition of impact fees in Utah. The accuracy of this report relies upon the planning, engineering, and other source data, which was provided by the City and their designees.

In accordance with Utah Code Annotated, 11-36a-306(2), Bowen Collins & Associates, makes the following certification:

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 of 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.

Kameron Ballentine

Dated: March 9, 2023



NORTH SALT LAKE ENGINEERING

10 East Center St.
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8739 Fax

LEN ARAVE
Mayor

PAUL OTTOSON
City Engineer

December 1, 2011

Ben Lowe
Compass Development Group
13525 South Venicia Way
Draper, UT 84020

Dear Ben,

On November 16, 2010, the City of North Salt Lake ("City") entered into a Storm Drainage Impact Fee Credit and Reimbursement Agreement ("Reimbursement Agreement") with Eaglewood Village, Inc. The Reimbursement Agreement states:

"Upon completion and acceptance by the City Engineer of any portion of the capital improvements, the Company shall submit to the City invoices and supporting documentation for the costs of the capital improvements."

"The City Engineer shall either approve or disapprove the invoices submitted by the Company in a timely manner. Upon acceptance and approval of the invoices, the City Engineer shall authorize the City to use Exhibit A, either as is or amended as may be necessary, as the basis for the impact fee credits and impact fee reimbursements."

On September 1, 2011, Eaglewood Village, Inc. Provided the City with invoices for \$1,843,468 related to storm drainage improvements. This letter is to inform EVI that the invoices have been reviewed and accepted and that, as more fully described in the Reimbursement Agreement and Letter, EVI is entitled to its share of the reimbursements and or credits associated with the approved storm drainage invoices as described above subject to the terms of the Reimbursement Agreement. It should be noted, as stated in the Reimbursement Agreement, that North Salt Lake City has previously remitted to EVI a sum of \$870,000 for the purpose of reimbursement for the subject storm drainage improvements. Reimbursements will be remitted to EVI as impact fees are collected by the City per the Reimbursement Agreement and Letter. No further verification or invoices are required to evidence that storm drainage improvements in the amount of \$1,843,468 have been completed by EVI and accepted by the City.

Please let me know if you have any questions. I look forward to continuing to work with you on this project in the coming months and years.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Ottoson".

Paul Ottoson, P.E.
City Engineer

Y: engineering eng projects 08-001 Eaglewoodvillage sdreimbursement

CITY OF NORTH SALT LAKE

DAVIS COUNTY, UTAH

STORM DRAINAGE IMPACT FEE
CREDIT AND REIMBURSEMENT AGREEMENT

Agreement related to certain storm drainage improvements constructed by Eaglewood Village, Inc. within
City of North Salt Lake Service Area #2

THIS IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (the "Agreement") is made and entered into this the 16th day of November, 2010, by and between the City of North Salt Lake a duly created and organized municipality of the State of Utah (the "City") and Eaglewood Village, Inc. (the "Company") whose address is 13525 South Venicia Way, Draper, Utah 84020 for the purposes of setting forth the conditions, requirements and provisions related to the availability of the Company to be credited or reimbursed for costs related to the construction and dedication of storm drainage improvements within the City of North Salt Lake Storm Drainage Service Area #2. The City and the Company are also referred to herein, collectively, as the "Parties".

WHEREAS, the City completed a capital facilities plan and impact fee analysis for the purpose of identifying the specific capital improvements needed to serve development within service areas within the municipal boundaries of the City;

WHEREAS, the City adopted Ordinance No. 07-16 in August 2007, whereby the City imposed storm water impact fees as a condition of development approval within the North Salt Lake Storm Drainage Service Area #2 ("Service Area #2");

WHEREAS, the City has specifically identified several storm drainage capital improvements in its capital facilities plan and impact fee analysis for Service Area #2, a portion of which have or will be constructed by the City or the Company and are identified in Exhibit A which is incorporated into this Agreement by this reference;

WHEREAS, the Company, as of the date of this Agreement, has or will construct a part or all of the capital improvements identified in Exhibit A for purposes of providing adequate infrastructure to serve the Eaglewood Village Development Project (the "Project");

WHEREAS, the City, as of the date of this Agreement, has contributed \$870,000.00 to the storm drainage improvements identified in Exhibit A for purposes of providing adequate infrastructure to serve the needs of Service Area #2;

WHEREAS, the capital improvements constructed by the Company and the City and listed in Exhibit A are also specific capital facilities that were included in the City's capital facilities plan and impact fee analysis related to Service Area #2 and were the basis for Ordinance No. 07-16;

WHEREAS, the Parties desire to set forth this Agreement to govern the collection, credit and reimbursement of storm drainage impact fees within Service Area #2

NOW THEREFORE, in consideration of these premises, the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which both Parties acknowledge, the City and Company agree as follows:

ARTICLE I
DEFINITIONS

A. Definitions

1. CAPITAL FACILITIES PLAN means a certain capital facilities plan prepared by Gilson Engineers, Inc. related to the City's storm water system and adopted by the City on August 21, 2007.
2. CAPITAL IMPROVEMENTS ELIGIBLE FOR CREDIT OR REIMBURSEMENT means the specific storm drainage improvements identified in Exhibit A.
3. CITY means the City of North Salt Lake, Davis County, Utah.
4. COMPANY means Eaglewood Village Inc. a corporation duly created and existing in the State of Utah.
5. EFFECTIVE DATE means the date of this Agreement as first referenced in the introductory paragraph of this Agreement.
6. IMPACT FEE ANALYSIS means the impact fee analysis adopted by the City in August 2007.
7. NOTICE means any formal notice or communication required or permitted to be given by one Party to another by this Agreement.
8. ORDINANCE NO. 07-16 means the City of North Salt Lake's Impact Fee Ordinance adopted the 21st day of August 2007, including any and all exhibits attached thereto.
9. SERVICE AREA #2 means a certain geographical area located within the municipal boundaries of the City and further identified in Exhibit B, a map of the City's storm drainage service area #2.
10. SERVICE UNIT means for purposes of storm water impact fees impervious surface area proportionally assignable to varying types of development uses and is the measurement used to determine the amount of the storm water impact fee.

B. Interpretation of Terms, and Incorporation of Exhibits.

Except where the context otherwise clearly requires, in this Agreement; words imparting the singular will include plural and vice versa;

1. All exhibits attached to this Agreement are incorporated by reference for all pertinent purposes as though fully copied and set forth at length; and
2. References to any document means that document as amended or as supplemented from time to time; and references to any party means that party, its successors and assigns.

ARTICLE II
COMPANY CONTRIBUTION AND CONSTRUCTION OF CAPITAL FACILITIES

A. Conveyance of Capital Facilities; Acceptance of City

1. Company has constructed and dedicated storm drainage system improvements as more fully described in Exhibit A.
2. The City Engineer shall review and accept any completed portion of the capital improvements constructed by the Company and shall verify the specific amounts and improvements identified in Exhibit A. The City further agrees that by virtue of the Company constructing any portion of the storm drainage capital improvements in Exhibit A and upon acceptance and review of the City Engineer, the Company shall be entitled to reimbursement and or credits related to storm drainage impact fees, as more fully described in Article III and Article IV below.

ARTICLE III
IMPACT FEE CREDITS

A. Application of Impact Fee Credits

1. If the Company or a related entity is the developer of certain property which is subject to the storm drainage impact fees within Service Area #2, the Company shall be entitled to impact fee credits in the amount equivalent to the proportionate amount of the storm water impact fee due at the time of building permit as expressed as a Service Unit.
2. The City and Company agree that the City may, from time to time, update, modify and revise the capital facilities plan and impact fee analysis within Service Area #2 for purposes of storm water impact fees and in order to adjust for actual costs incurred.
3. The City and Company agree that the amount of impact fee credits will be limited to the actual costs proportionally incurred by the Company.

B. Use of Impact Fee Credits

1. Impact fee credits are earned as development occurs within the Project. Unearned impact fee credits shall not be transferable and cannot be applied to other fees, converted to cash, or used on other developments within the City; however, impact fee credits shall be subject to any reimbursements received in Article IV herein and the overall benefit to the Company shall be limited to a total maximum of \$1,028,302 as set forth in Exhibit A, calculated as the value of both impact fee credits received in accordance to Article III and reimbursements received in accordance with Article IV. In no event shall the Company receive more than \$1,028,302 of impact fee credits and reimbursements, plus financing costs as more fully described in Article VI.
2. The Company may with the written consent of the City assign the Company's impact fee credits to an assignee or other related party but said assignment shall accrue to the maximum total credit or reimbursement amount identified in paragraph B (1) above.

ARTICLE IV
COMPANY'S IMPACT FEE REIMBURSEMENTS

A. Application of Impact Fee Reimbursements; Proportionality of Reimbursements

1. If the Company is not the developer of certain property which is subject to the storm drainage impact fees within Service Area #2, the Company shall be entitled to reimbursement from storm drainage impact fees collected within Service Area #2. The Company's storm drain reimbursement will be limited to the amount expended by the Company on storm drain improvements as described in Exhibit A.
2. The Company acknowledges that the City has participated in the construction of a portion of the storm drain improvements identified in the Capital Facilities Plan and Impact Fee Analysis and is therefore entitled to storm water impact fee reimbursements. The proportionate amount of City's contribution to the storm drain is also set forth in Exhibit A.
3. The Company shall be entitled to receive 54.2% of the storm water impact fees collected within Service Area #2. The storm water impact fee reimbursements for the Company are on parity with the storm water impact fee reimbursements of the City and shall be reimbursed to each party on a proportional basis.

B. Limits Regarding Impact Fee Reimbursements

1. The Company is entitled to a maximum reimbursement amount of \$1,028,302, which shall be computed by the combination of impact fee credits received in accordance to Article III herein and the impact fee reimbursements received in accordance to this section. In no event shall the Company receive more than \$1,028,302 of impact fee credits and impact fee reimbursements, plus financing costs as more fully described in Article VI.
2. The Company can use the impact fee reimbursements in any manner they determine reasonable and justified.

ARTICLE V
CITY'S IMPACT FEE REIMBURSEMENTS

A. City's Entitlement to Receive Impact Fee Reimbursements; Proportionality of Reimbursements

1. The City has contributed to the construction of certain storm drainage improvements identified in the Capital Facilities Plan and Impact Fee Analysis, a sub-set which is included in Exhibit A and is therefore entitled to reimbursement from the collection of storm water impact fees collected with Service Area #2.

2. The City shall be entitled to receive 45.8% of the storm water impact fees collected within Service Area #2. The impact fee reimbursements for the City are on parity with the impact fee reimbursements of the Company.

B. Limits Regarding Impact Fee Reimbursements

1. The City is entitled to a maximum reimbursement amount of \$ 870,000.00. In no event shall the City receive more than \$870,000.00 of impact fee reimbursements, plus financing costs as more fully described in Article VI.
2. The City can use the impact fee reimbursements in any manner they determine reasonable and justified.

**ARTICLE VI
FINANCING COSTS AND TIMING OF REIMBURSEMENTS**

The Company and City agree that the impact fee analysis and capital facilities plan for the storm water system within Service Area #2 includes a financing component in the justification of the impact fees. The Parties agree that the impact fee credits and impact fee reimbursements discussed in Article III, Article IV and Article V herein will include financing costs. The impact fee credits and reimbursements will include a financing component and will include 6% interest rate factor for purposes of reimbursements for the City and 6% interest rate factor for purposes of impact fee credits or reimbursements for the Company. Reimbursements for interest will only be paid to the City and the Company to the extent that impact fees are collected by the City.

The City shall provide Company with a quarterly reconciliation report showing: i) storm water impact fees collected within Service Area #2, ii) amount of reimbursement entitled to Company, iii) amount of reimbursement entitled to City, iv) amount of impact fee credits entitled to Company, and v) remaining balances for each party. Payment shall be made by the City to the Company on a quarterly basis in conjunction with providing the reconciliation. Impact Fee reimbursements from the City to the Company shall only be paid to the Company to the extent that impact fees are collected by the City.

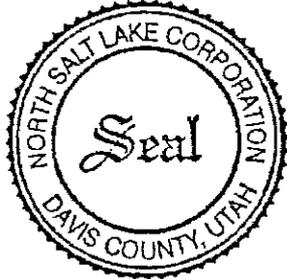
**ARTICLE VII
GENERAL PROVISIONS**

- A. Responsibilities of Company.** The Company shall construct the storm water capital improvements in accordance with all applicable City and State codes and regulations. Upon completion and acceptance by the City Engineer of any portion of the capital improvements, the Company shall submit to the City invoices and supporting documentation for the costs of the capital improvements.
- B. Responsibilities of the City.** The City Engineer shall either approve or disapprove the invoices submitted by the Company in a timely manner. Upon acceptance and approval of the invoices, the City Engineer shall authorize the City to use Exhibit A, either as is or amended as may be necessary, as the basis for impact fee credits and impact fee reimbursements.
- C. Warranty.** The Company agrees to provide a warranty in the City's favor for the repair and replacement of faulty work or materials for a period of one year following completion of the improvements and acceptance by the City.

- D.* Disputes. In the event of any dispute arising under this agreement, the injured party shall notify the injuring party of its contentions by submitting a claim therefore. The injured party shall continue performing its obligations incurred herein so long as the injuring party commences to cure such injuring action within ten (10) days of service of such Notice and completes the cure within forty-five (45) days after the notification, or such longer period as may be necessary or agreed upon by both Parties to this Agreement.
- E.* Term of the Agreement. This Agreement shall remain in full force and effect until December 31, 2026.
- F.* Notice. Any notice, demand, request, consent, approval, or communication either party desires or is required to give to the other party or person shall be in writing and either served personally or sent by pre-paid, first-class mail to the address set forth below. Notice shall be deemed communicated forty-eight (48) hours from the time of mailing if mailed as provided in this Section.
- To City: City of North Salt Lake
 20 South Highway 89
 PO Box
 North Salt Lake City, Utah 84054
 Attn: Community Development Director
- To Company: Eaglewood Village, Inc.
 13525 South Venicia Way
 Draper, Utah 84020
 Attn: Ben Lowe
- G.* Assignment of Agreement. Neither party may assign its obligations hereunder to any assignee without the knowledge and with written consent of the other party hereto which other party shall not unreasonably withhold consent. Assignment may be made only to an assignee willing, financially capable, and competent to carry out assignor's obligations.
- H.* Governing Law. This Agreement shall be governed by and interpreted with respect to the laws of the State of Utah.
- I.* Severability. If any covenant, agreement, or provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement shall be deemed severable and shall not be affected, and this Agreement shall remain valid.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first written above.



CITY OF NORTH SALT LAKE

Mayor Len Arave

ATTEST:

City Recorder

EAGLEWOOD VILLAGE INC.

By Its: Vice President

ATTEST:

By Its: Notary

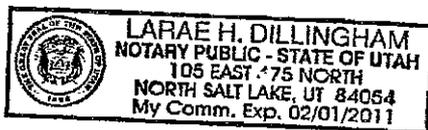


EXHIBIT A
STORM DRAINAGE SYSTEM CAPITAL IMPROVEMENTS

Exhibit A

Improvements	Total Storm Drain Expenditures
STORM DRAIN	
<u>Storm Drain Piping and Structures</u>	
Mobilization	\$7,500
36" RCP	\$160,682
30" RCP	\$12,000
36" Flared End Section w/ Grate	\$4,600
30" Flared End Section w/ Grate	\$1,950
Outlet Control Structure	\$9,975
Outlet Control Structure	\$9,875
72" Manhole	\$37,465
Combo Box	\$115,011
Type II Inlet for 30"x15" deep	\$3,116
Rip Rap	\$6,000
Bedding Gravel	\$47,090
Shoring/Trench Box	\$5,700
Manhole Collars	\$5,400
<u>Phase 2 Storm Drain</u>	<u>\$26,262</u>
Total Storm Drain Piping and Structures	\$457,576
<u>Detention Ponds</u>	
Earthwork*	\$538,351
Lower Pond Landscaping	\$28,000
Concrete Paths/Waterways	\$37,814
Total Detention Pond Work	\$604,165
<u>UDOT Highway 89 Storm Drain Work</u>	
Highway 89 Storm Drain	\$34,982
Frontage Road Storm Drain	\$173,382
<u>Gas Line Crossing</u>	<u>\$108,082</u>
Total Highway 89 Work	\$366,446
Flood Intake Structures	\$44,150
<u>Soft Costs</u>	
SWPPP	\$7,058
Engineering (Including Surveying and Staking)	\$81,480
City/UDOT Review Fees	\$40,366
Insurance	\$4,957
General Conditions (3.5%)	\$86,649
Contractor Fee and General Conditions (4%)	\$52,916
Legal Fees	\$27,647
<u>Overhead (5%)</u>	<u>\$88,671</u>
TOTAL	\$389,744
Contingency	\$36,221
TOTAL	\$1,898,302

City of North Salt Lake Contribution	\$870,000	45.8%
Eaglewood Village, Inc Contribution	\$1,028,302	54.2%

EXHIBIT B
MAP OF SERVICE AREA #2

DRAPER, UTAH OFFICE
154 E 14075 S
DRAPER, UTAH 84020
PHONE: 801.495.2224

BOISE, IDAHO OFFICE
776 E RIVERSIDE DRIVE
SUITE 250
EAGLE, IDAHO 83616
PHONE: 208.939.9561

ST. GEORGE, UTAH OFFICE
20 NORTH MAIN
SUITE 107
ST.GEORGE, UTAH 84770
PHONE: 435.656.3299

OGDEN, UTAH OFFICE
2036 LINCOLN AVENUE
SUITE 104
OGDEN, UTAH 84401
PHONE: 801.495.2224



BOWEN COLLINS
& ASSOCIATES

WWW.BOWENCOLLINS.COM



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sherrie Pace, Community Development Director
DATE: August 15, 2023
SUBJECT: Consideration of Preliminary Design Plan and Final Plat for Union Court Subdivision located at 25 and 95 East Union Avenue

RECOMMENDATION

The Planning Commission recommends to the City Council the approval of the Preliminary Design Plan and Final Plat for a two lot subdivision called Union Court located at 25 and 95 East Union Avenue with the following condition:

1. Correction of all redlines on the plat and construction drawings.

BACKGROUND

The two parcels at 25 and 95 East Union Avenue are zoned Manufacturing-Distribution (MD). Each parcel is separately owned. The owners of these parcels have applied for a subdivision that will allow Lot 2 to acquire the back 1.41 approximate acres of land from Lot 1. That portion of Lot 1 is presently used for on-site drainage for both Lots 1 and 2. If approved, the owners of Lot 2 plan to use the newly acquired land for parking/outdoor storage.

These properties were developed decades ago and are not compliant with today's stormwater retention and detention standards. Due to the known future land use, the applicant was required to submit civil drawings to address the drainage concerns as part of the subdivision application. These civil drawings must be approved by the City Engineer prior to the plat being recorded. Before construction commences, the applicant must first obtain site plan approval.

REVIEW

The plat was found to be compliant with City Code regarding lot size and frontage. It has several minor redlines relating to plat formatting, notes, and a NAD 83 datum adjustment. The property owners must put in place an agreement, easement, plat note, etc. which grants drainage sharing between the lots. The civil drawings require a few corrections including clarification on drainage calculations and retention basin volumes.

POSSIBLE MOTION

I move that the City Council approve the Preliminary Design Plan and Final Plat for a two lot subdivision called Union Court located at 25 and 95 East Union Avenue with the following condition:

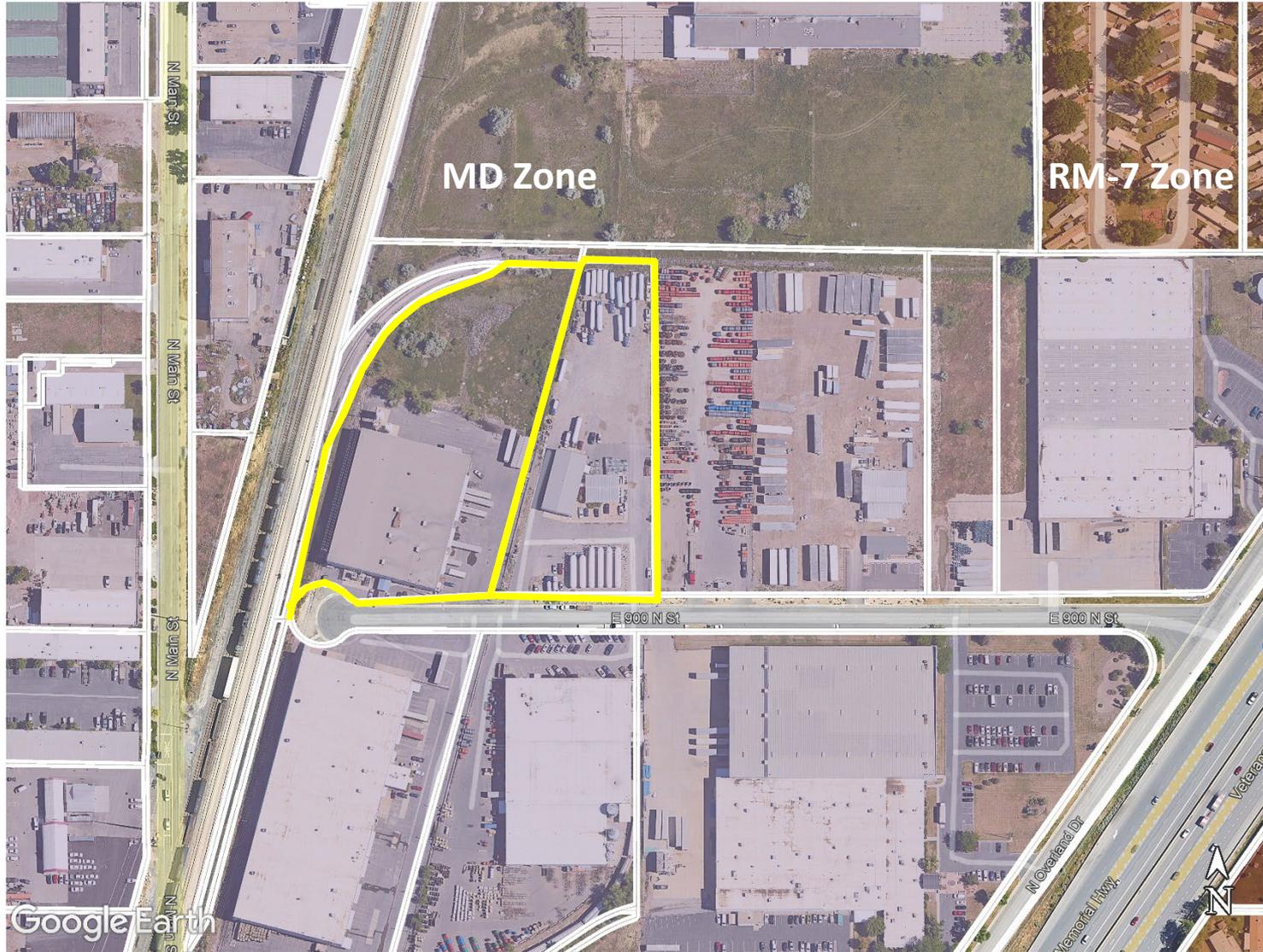
1. Correction of all redlines on the plat and construction drawings.

Attachments:

- 1) Aerial/Zoning Map
- 2) Plat



Preliminary Design Plan & Final Plat Union Court Subdivision Aerial/Zoning





NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Brian J. Horrocks
Mayor
Jonathan Rueckert
Public Works Director

TO: Honorable Mayor and City Council
FROM: Jonathan Rueckert, Public Works Director
DATE: August 15, 2023
SUBJECT: Sensus Flexnet Base Station Infrastructure

STAFF RECOMMENDATION

Staff recommends the purchase of Sensus Flexnet Base Station Infrastructure for Fixed-Based water meter reading from Mountainland Supply Company for \$203,800.

BACKGROUND

Currently the water department is utilizing an AMR (Automated Meter Reading) system to collect monthly readings throughout the city. This system was first implemented in 2004 and utilizes a radio transceiver (VXU) unit that is carried around in a vehicle. Almost 20 years later, this original transceiver for meter endpoint interrogations is still in use. In 2014 an additional vehicle transceiver unit was purchased to enable interrogation of updated meter radios. Each month these transceivers work in concert to collect all of the readings.

AMI or Advanced Metering Infrastructure brand-named Flexnet by Sensus incorporates fixed transceiver collection points (towers) to collect data from meter radios on hourly intervals. This eliminates the need for personnel to connect reading equipment into vehicles and travel around to collect readings. Other benefits include a web based customer portal where end users can access and manage their own water usage data at their convenience. Customers can see in almost real time their current usage in addition to configuring use alerts that can be received via text or email. These hourly readings will help create a more granular use pattern and staff can also utilize this data to help when troubleshooting water leaks and high usage work tasks for customers.

Data from a propagation analysis study indicated two base station towers are necessary to provide reading coverage for the city. This proposal includes one time equipment and software purchases, in addition to some installation and start up costs. Annual overhead costs sold as SaaS (Software as a Service) for data management and customer portal access will bill in blocks dependent on the quantity of meters reading into the system. These costs are subject to nominal percent annual price increases. Estimations for this service can be seen in the table.



NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Brian J. Horrocks
Mayor
Jonathan Rueckert
Public Works Director

TO: Honorable Mayor and City Council
FROM: Jonathan Rueckert, Public Works Director
DATE: August 15, 2023
SUBJECT: Sensus Flexnet Base Station Infrastructure

Annual FlexNet SaaS Costs		
Year 1	2800 Services	\$30,251.50
Year 2	Up to 3900 Services	\$34,995.85
Year 3	Up to 5100 Services	\$41,329.12
Year 4+	Up to 7500 Services	\$53,758.37

STAFF RECOMMENDATION (Continued)

Updated radios that have been installed since 2014 are compatible with this system. Currently about 2,800 of the approximate 7,200 meter endpoints in the system use these radios. To date, 700 radios are on backorder with order with fulfillment estimates in the next 60 days. With these backordered radios combined with meters in stock on the shelf at the public works building, additional radios and meters will need to be purchased over the next subsequent years for all meter endpoints to be implemented into the FlexNet system. Substantial completion is likely to occur by 2025 with the remaining 15% of connections coming online by 2026. Additional funds needed for meter and radio purchases is estimated around \$970,000.

BUDGET

Budget for Advanced Metering Infrastructure has been included in the Water Department Fiscal Year Budget 51-3908-48500

POSSIBLE MOTION

I move that the City Council approve the purchase of Sensus Flexnet Base Station Infrastructure for Fixed-Based water meter reading from Mountainland Supply Company for \$203,800.



NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Brian J. Horrocks
Mayor
Jonathan Rueckert
Public Works Director

TO: Honorable Mayor and City Council
FROM: Jonathan Rueckert, Public Works Director
DATE: August 15, 2023
SUBJECT: Toro HDX Workman Purchase

STAFF RECOMMENDATION

Staff recommends the purchase of a new Toro HDX 4WD Diesel Workman from Turf Equipment & Irrigation Inc. for a price to not exceed \$45,000.

BACKGROUND

This new HDX Workman utility vehicle will replace a 2002 Toro Workman 3300D originally purchased for use at the golf course. The fleet department has indicated this vehicle has gone beyond the expectant life cycle noting that many of the repair parts have been discontinued by the manufacture. Some notable repairs fleet has done on this vehicle include, replacing head gaskets on the motor and rebuilding the steering components using parts from a 1982 Jeep. Transmission failure could be imminent as the vehicle constantly gets stuck in gear and needs to be transported or limped back to the shop.

These vehicle types are capable of hauling heavy loads across open areas of turf without causing damage and prove to be invaluable assets for this type of work. Turf Equipment has indicated the backorder time to receive this vehicle could be up to 18 months subjecting the current price of \$42,036 to change at time of delivery. Staff proposes the council approve a price not to exceed \$45,000 for this purchase.

BUDGET

Budget for this vehicle will come from the parks equipment fund 10-5315-44603

POSSIBLE MOTION

I move that the City Council approve the purchase of a new Toro Workman HDX 4WD Diesel under Utah State Contract MA2188 from Turf Equipment & Irrigation Inc. for a price to not exceed \$45,000.



NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Brian J. Horrocks
Mayor
Jonathan Rueckert
Public Works Director

TO: Honorable Mayor and City Council
FROM: Jonathan Rueckert, Public Works Director
DATE: August 15, 2023
SUBJECT: Trench Roller Purchase

STAFF RECOMMENDATION

Staff recommends the purchase of a 2023 Husqvarna Model LP9505 trench compaction roller from Wheeler Machinery for the price of \$34,875.

BACKGROUND

Compaction of trenches after waterline installation is vital to the final structure of the roadway and longevity of pavement. Water construction personnel have been renting a remote operated trench compaction roller to compact trenches after waterline installation. Rental for this machine is over \$2,500 a month and long term use of this equipment makes purchasing a more affordable option. In addition to waterline trenches, this compaction roller can be used to compact any sizeable excavation to meet density standards. Useful life expectancy for this machine is greater than seven years.

BUDGET

Budget for this compaction roller will come from the Water Department equipment GL and be included in a future budget adjustment.

POSSIBLE MOTION

I move that the City Council purchase a 2023 Husqvarna Model LP9505 trench compaction roller from Wheeler Machinery under State of Utah Cooperative Contract MA3383 for the price of \$34,875.



NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Brian J. Horrocks
Mayor
Jonathan Rueckert
Public Works Director

TO: Honorable Mayor and City Council
FROM: Jonathan Rueckert, Public Works Director
DATE: August 15, 2023
SUBJECT: Valve Turner Purchase

STAFF RECOMMENDATION

Staff recommends the purchase of a Wachs skid mounted valve turning machine from Intermountain Sales Inc. a sole source provider for \$87,697.98

BACKGROUND

This equipment is used for preventative maintenance to clean out water valve boxes via 3" vacuum suction hose and uses a computer controlled hydraulic motor to actuate valves open and closed. The American Water Works Association and valve manufactures all recommend that valves be actuated fully open and fully closed at least once on an annual basis. Operators collect and record data from the machine and can make determinations on the overall health of the valves being operated. Other benefits our crews have noticed since we started the valve exercising program are, valves are easier to operate, the valve boxes are usually clean and free of dirt and debris. These benefits make routine and emergency shut downs quick and more isolated to the work area.

This machine will replace a Wachs trailer mounted vac originally purchased in 2007. This equipment has been robust but most concerning is the rapid detrition of the vacuum hopper tank. Repairs to this tank will soon not be possible.

BUDGET

Budget for Skid Mounted Valve Turner will come from Water Fund GL 51-3908-48500

POSSIBLE MOTION

I move that the City Council purchase a Wachs skid mounted valve turning machine from Intermountain Sales Inc. for \$87,697.98



CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

Brian J. Horrocks
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Tyler Abegglen, Eaglewood General Manager
DATE: August 15, 2023
SUBJECT: Eaglewood Golf Course Equipment Budgeted Purchases

RECOMMENDATION

Staff recommends the approval of Fiscal Year '24 Equipment purchases in the amount of \$235,612.12.

BACKGROUND

Over the past 6 years the Turf Center operations have extended out many if not all the useful life of the operational equipment. This recommendation for new equipment includes replacements of three pieces of equipment and one new purchase.

Ventrac – (Replacement) Snow Blower Replacement and additional attachments (\$78,681.52)
-Replaces current John Deere tractor - will become a backup snow blower and range tractor.

Toro Procore Aerator – (Replacement) Greens and Tees Aerator (\$35,746.89)
-Older model was surplus in 2016 due to non-operation.

Workman HDX Spray Rig – (Replacement) Product sprayer for course (\$75,870.96)
-Replaces older model that will be surplus.

Air2G2 Machine – (New Purchase) Deep Tine Compaction Aerator (\$45,315.75)
-New purchase - We are currently renting one for a daily use for \$6,000.

The City authorized the expenditure of \$335,000 in its Fiscal Year 2023-2024 Budget which will be the source of these expenditures.

PROPOSED MOTION

I move that the City Council approve the purchase of the golf course equipment as presented in the amount of \$235,612.12.

1 CITY OF NORTH SALT LAKE
2 CITY COUNCIL MEETING-WORK SESSION
3 ANCHOR LOCATION: CITY HALL
4 10 EAST CENTER STREET, NORTH SALT LAKE
5 AUGUST 1, 2023

6
7 **DRAFT**
8

9 Mayor Horrocks welcomed those present at 6:09 p.m.

10
11 PRESENT: Mayor Brian Horrocks
12 Councilmember Lisa Watts Baskin
13 Councilmember Natalie Gordon
14 Councilmember Ted Knowlton
15 Councilmember Stan Porter via Zoom
16 Councilmember Alisa Van Langeveld
17

18 STAFF PRESENT: Ken Leetham, City Manager; Craig Black, Police Chief; Jon Rueckert,
19 Public Works Director; Karyn Baxter, City Engineer; Todd Godfrey, City Attorney; Sherrie Pace,
20 Community Development Director; Heidi Voordeckers, Finance Director; Wendy Page, City
21 Recorder.
22

23 OTHERS PRESENT: Collin Larson, Dee Lalliss, Suzette Jackson, Tammy Clayton, Leslie Clark,
24 Ryan Holbrook, Gentry Holbrook, residents; Via Zoom: Peter, Jared Bouldin.
25

26 1. REVIEW OF STATE CODE REVISIONS RELATED TO PUBLIC NOTICE AND
27 SUBDIVISIONS
28

29 Sherrie Pace reported on changes made by the Legislature related to public notice. She said these
30 changes included categorizing public notices as either class A or class B notices and removing
31 the requirement for newspaper advertising. She explained class A notices were to be posted at
32 City Hall, on the City's website, and on the Public Notice website. She continued class B notices
33 were to be posted at City Hall, on the City's website, on the Public Notice website, and a direct
34 mailed notice to affected entities and property owners as applicable per State Code.
35

36 Ms. Pace said there were numerous other changes that would require review by staff and the
37 Planning Commission which would come before the City Council at a later date. She spoke on
38 the following amendments included in Ordinance 2023-09: Title 1, Section 1-5-7 Posting
39 Ordinance Summaries removed the newspaper advertising requirement, 1-6-2 Elective and
40 Statutory Office Salaries would require a public hearing as a class A notice with seven day
41 notice, 1-11-5 Competitive Bids would remove the newspaper requirement and required a seven
42 day notice, changes for Section 1-14-2 would include deleting the definition for reasonable
43 notice for disposal of significant real property as it was defined in Section 1-14-3. She explained

44 that significant real property was over one acre in size and valued over \$250,000. She continued
45 in Title 1, Section 1-14-3 Disposal of Significant Real Property would require a class A hearing
46 with a 14 day notice.

47
48 Ms. Pace reviewed the proposed amendments to Title 7, Section 7-5a-6 Natural Resources
49 Extraction Permit which required a public hearing class A notice with a ten day notice and
50 Section 7-5a-7 Revocation of Permit which required a public hearing class A notice with a ten
51 day notice.

52
53 **Councilmember Gordon arrived at 6:09 p.m.**

54
55 Sherrie Pace explained as she began the noticing requirement changes she realized there would
56 be some additional changes necessary for Title 10 related to subdivision regulations. She
57 reported that State Code had been revised for subdivision review steps and reviewed the current
58 process which included concept plan (with review by Commission then Council), then
59 preliminary plan (with review by Commission then Council), and then final plat (with review by
60 Commission then Council). She explained this had been changed per State Code to remove
61 concept plan review by the Commission and Council. She stated a developer could request
62 concept plan review by staff for a single family, duplex, or townhome developments. She
63 mentioned the City could require concept plan review for other developments and subdivisions
64 for industrial or commercial. She added this review must be completed within 15 business days
65 of request, staff must provide copies of all applicable regulations, a complete list of standards,
66 preliminary and final checklists, and feedback on the concept.

67
68 Ms. Pace noted preliminary plan would be reviewed by the “Administrative Land Use Authority”
69 (ALUA) to be designated by each city. She stated the ALUA could be the Planning Commission
70 or City staff but not City Council. She acknowledged the ALUA may receive public comment
71 and hold no more than one public hearing on the preliminary plan.

72
73 Ms. Pace indicated final plats could only be reviewed by staff and not the City Council. She
74 explained the only time a subdivision plat would be reviewed by the City Council would be for a
75 plat amendment vacating a public utility or street. She stated final plat requirements included that
76 it may permit concurrent with processing of the preliminary plan and may not require Planning
77 Commission or City Council approval.

78
79 Sherrie Pace informed the Council that additional changes were needed to Title 10 and Title 13
80 and that some of those changes were currently being reviewed by the City Attorney. She
81 estimated that these revisions may take several months to complete.

82
83 Councilmember Knowlton said it made sense to codify what was wanted and asked if there were
84 some shortcomings that needed to be addressed in the subdivision ordinance. Sherrie Pace

85 replied that she would be addressing these things including everything needed for subdivision
86 review in the ordinance.

87
88 Councilmember Van Langeveld asked if the revised subdivision code would be brought back to
89 the City Council for review. Sherrie Pace responded that the Planning Commission would review
90 the proposed code, hold a public hearing, and provide a recommendation to the City Council.
91 She added then the City Council would review and adopt the changes to the City's Code.

92
93 Councilmember Van Langeveld said even though the City Council would no longer review or
94 vote on subdivisions she asked to receive updates. Sherrie Pace replied that staff could provide
95 those updates to the City Council.

96
97 Mayor Horrocks asked about the process once the subdivision plan had been established. Sherrie
98 Pace said it would require a public hearing and recommendation from the Planning Commission
99 to the City Council for amendment. She explained that any issues with the ordinance could be
100 reviewed by the Planning Commission and then sent to the Council for adoption. She noted an
101 applicant could request a code amendment as well.

102
103 Councilmember Porter said this would not affect a PUD type development. Sherrie Pace said it
104 would not affect the rezoning aspect of a Planned District. She stated the developer would
105 request a zone change and the City Council would see the concept plan for the P District and
106 negotiate the terms for it during the rezoning process.

107
108 2. DISCUSSION AND CONSIDERATION OF PARKING MATTERS AND POSSIBLE
109 BIKE LANE ON A SEGMENT OF 900 NORTH STREET
110

111 Chief Black reported on the 900 North parking problem and consideration of red curb striping on
112 the north side of the street. He asked if it would make sense to designate no parking on the north
113 side of 900 North and create a bike lane. He explained this would eliminate 50-60 parking spots
114 on 900 North. He indicated if this was not the desire of the Council staff would still designate
115 and stripe clear view as requested along the west side of 900 North. He noted there was currently
116 red curbing along the north side of 900 North between Fox Hollow Drive and Cutler Drive.

117
118 Chief Black explained the proposed bike lane would not be part of the active transportation plan
119 as it did not connect to a trail, etc. but would be a no parking buffer zone. He said most of the
120 parking on the south side was mainly visitor, boat, and trailer parking.

121
122 Ken Leetham clarified there were two options including red curbing the clear vision areas and
123 allowing some parking while the second option was to have no parking on the north side of the
124 road which would allow a more comfortable experience for bikers, walkers, etc.

125

126 Councilmember Van Langeveld said she received many comments on this area and said the red
127 striping should go on the west side of the roundabout and liked the idea of designating the road
128 as a bike lane. She explained all of this side of 900 North was along the side of residential homes
129 which was why it was used as long term parking for recreational vehicles.

130
131 Councilmember Baskin asked if it was inconsistent to have a red curb for no parking and then
132 have a bike lane or have designations for both. Ken Leetham said that bike lanes could exist with
133 restricted parking. He suggested this was a good location to try no parking and a bike lane to see
134 how it worked.

135
136 Chief Black recommended that the curbs be painted red and have signage designating no
137 parking. He said enforcement for parking would be in effect very quickly.

138
139 Councilmember Knowlton was in favor of trying out the red curb/no parking and said sometimes
140 restrictions were placed seasonally, time of day, etc.

141
142 Councilmember Baskin spoke on one issue that people may park in the bike lane and said there
143 must be a red curb and a bike lane designation.

144
145 **Councilmember Porter moved that the Council direct staff and the police department to**
146 **mark the north side of 900 North with the red curb and add a bike lane with signage**
147 **between Cutler Drive and Skipton Drive or the full length of the street. Councilmember**
148 **Van Langeveld seconded the motion. The motion was approved by Councilmembers**
149 **Baskin, Gordon, Knowlton, Porter, and Van Langeveld.**

150
151 3. APPROVAL OF CITY COUNCIL MINUTES

152
153 The City Council minutes of July 18, 2023 were reviewed and approved.

154
155 Mayor Horrocks requested the sentence on line 541 be amended from “*Mayor Horrocks said*
156 *there was an open house on August 2nd”* to “*Mayor Horrocks said there will be an open house on*
157 *August 2nd”* since the meeting had not yet occurred.

158
159 **Councilmember Baskin moved to approve the minutes of July 18, 2023 as amended.**
160 **Councilmember Porter seconded the motion. The motion was approved by**
161 **Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.**

162
163 4. ACTION ITEMS

164
165 The action items list was reviewed. Completed items were removed from the list.

166

167 Councilmember Van Langeveld asked about Fox Hollow Park trail and the timeline for this
168 project. Karyn Baxter replied that the bid award was on the agenda tonight. She said there was a
169 question about the ability to restore sod, so the new plan was to wait until school had begun to
170 start the project. She noted the proposed project would take less than 30 days.

171

172 5. COUNCIL REPORTS

173

174 Councilmember Knowlton reported on the Parks, Trails, Arts, and Recreation (PTAR) Advisory
175 Board meeting. He said the focus of the Board was large and they had discussed creating
176 subcommittees. Staff had suggested that bylaws be created to guide the Board.

177

178 Councilmember Knowlton mentioned a budget update for PTAR. He reported one of the electric
179 car chargers was broken at City Hall.

180

181 Mayor Horrocks commented that Representative Melissa Ballard had received a comment on the
182 lack of public art. He said this should be considered during the Hatch Park renovation.

183 Councilmember Baskin suggested a public survey related to public art to find out what was
184 desired.

185

186 Councilmember Van Langeveld said having previously served on the Parks and Arts Board that
187 the scope could be overwhelming. She expressed being in favor of the subcommittees and
188 separating the responsibilities. She felt the biggest barrier for public art was funding which
189 meant staff could look for grants or a consideration in next year's budget.

190

191 Councilmember Porter spoke on several residents who were interested in setting up an art
192 community in the area and had ideas about public art including at the City Hall amphitheater.

193

194 Councilmember Baskin reported that the monthly Senior Lunch Bunch was well attended by
195 over 50 residents. She said there would be a tree summit in August to discuss encouraging more
196 tree planting especially on private property.

197

198 Councilmember Knowlton asked about a timeframe for the development of a program for tree
199 plantings. Ken Leetham replied that staff would provide an update by the end of the year.

200

201 Councilmember Van Langeveld reported the Night Out Against Crime event would be held
202 Thursday August 3rd and included an immunization clinic setup by the Health and Wellness
203 Committee. She mentioned the Asian American and Pacific Islander Cultural Heritage and food
204 truck night event on August 28th.

205

206 6. MAYOR'S REPORT

207

208 Mayor Horrocks reported on a ribbon cutting for the Lamb of God Center and said the address
209 was in a residential neighborhood. Sherrie Pace replied that staff met with the operator and
210 reviewed the City ordinances and statutes. She said it was a group living facility for unwed
211 mothers and staff found it was inside the parameters of a protected use for a group living facility
212 which meant there was not a permit to issue.

213

214 7. ADJOURN

215

216 Mayor Horrocks adjourned the meeting at 6:53 p.m. to begin the regular session.

217

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
AUGUST 1, 2023

DRAFT

Mayor Horrocks welcomed those present at 7:07 p.m. Stan Porter offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Brian Horrocks
Councilmember Lisa Watts Baskin
Councilmember Natalie Gordon
Councilmember Ted Knowlton
Councilmember Stan Porter via Zoom
Councilmember Alisa Van Langeveld

STAFF PRESENT: Ken Leetham, City Manager; Craig Black, Police Chief; Jon Rueckert, Public Works Director; Karyn Baxter, City Engineer; Todd Godfrey, City Attorney; Sherrie Pace, Community Development Director; Heidi Voordeckers, Finance Director; Wendy Page, City Recorder.

OTHERS PRESENT: Collin Larson, Dee Lalliss, Suzette Jackson, Tammy Clayton, Leslie Clark, Ryan Holbrook, Gentry Holbrook, Matthew Damsky, Wilford Wong, Deepak Vennapu, Cher McLelland, Mi-Young Jeong, Rebecca Brown, Athena Adair, Lacey Duke, Peter Wirthlin, Heather Brown, Aly Pearson, Bruno Barron, residents; Via Zoom: Jared Bouldin.

1. CITIZEN COMMENT

Lacey Duke, resident, thanked the Council for approving the red curb and no parking on 900 North. She asked that the City consider painting the curb red around the corner near the stop sign.

Peter Wirthlin, resident, asked the Council to consider a 20 mile per hour speed limit as well as supplies for crossing guards (salt), near the school zones. He spoke on the speeding issues on 3600 South near Adelaide Elementary School.

Councilmember Gordon asked if there were sidewalks on both sides of 3600 South. Peter Wirthlin replied that there were sidewalks on the school side but there was not room on the other side of the street for a sidewalk.

260 Matthew Damsky, resident of The Views Subdivision, said his neighborhood was a PUD with
261 streets that were not plowed by the City. He said the HOA had trouble finding sufficient snow
262 plow services. Mr. Damsky asked about enforcement of stop sign and speeding violations on
263 private roads. Chief Black replied that the police could only enforce DUI, hit and run, and
264 reckless driving on private roads.

265
266 Athena Adair, resident, was in favor of the red curb and bike lane in Foxboro. Her concern was
267 that this would push the street parking onto other streets and close to stop signs. She mentioned
268 boats and RV parking and asked about additional enforcement for those vehicles.

269
270 2. CONSIDERATION OF A REQUEST FROM RESIDENTS IN THE VIEWS
271 SUBDIVISION FOR THE CITY OF NORTH SALT LAKE TO TAKE OWNERSHIP
272 AND MAINTENANCE RESPONSIBILITY OF CERTAIN SUBDIVISION
273 IMPROVEMENTS

274
275 Ken Leetham reported that staff and several elected officials had met with residents from The
276 Views Subdivision who were requesting that the City to take over maintenance and ownership of
277 certain improvements, including street maintenance, snow removal, storm drain and open space
278 maintenance. He said the best solution was the formation of an HOA to engage services, collect
279 fees, etc. for the subdivision. Mr. Leetham spoke with the developer who intended to turn over
280 control of the HOA to the property owners.

281
282 Rebecca Brown commented that she lived in The Views at Eaglewood and spoke on the snow
283 plowing issues. She said the current HOA did not include residents which meant they had no
284 representation. Ms. Brown spoke on potential options including requesting that the City take
285 over the private roads and provide snow plow services. She said the City Attorney clarified that
286 the subdivision could potentially be part of a special service district but that this would be more
287 costly than to establish an HOA. Rebecca Brown said after reviewing the development
288 agreement for Eaglewood Village it stated that the developer would retain ownership of all roads.
289 She explained that other issues, in addition to snow removal, was emergency service access, road
290 repaving costs, trailhead maintenance, and police enforcement for basic traffic violations.

291
292 Rebecca Brown requested the City Council vote to allow the subdivision to be managed by the
293 City with public roads.

294
295 Councilmember Porter commented the State required certain things of an HOA including setting
296 aside funds for road maintenance, a budget, etc. He asked if the developer was in control of the
297 subdivision if these same requirements were applicable. Todd Godfrey replied that this issue was
298 common and said it would be better for the residents to take over the HOA rather than the City.

299
300 Rebecca Brown said she was in favor of the City taking over management rather than the
301 creation of an HOA.

302

303 Mayor Horrocks asked if the residents were paying an HOA fee. Rebecca Brown responded that
304 they paid \$40 for snow removal.

305

306 Matthew Damsky commented that the \$40 also went towards paying for landscaping and
307 maintenance along the hiking trails.

308

309 Mayor Horrocks asked about Google Fiber installation in the neighborhood. Councilmember
310 Porter said in his development that Google Fiber just had to be approved by their HOA.

311

312 Rebecca Brown mentioned that it had been seven years and asked when a developer had to
313 relinquish control and allow the property owners to form an HOA.

314

315 Councilmember Gordon commented that when the developer was in charge they did not have to
316 provide budget reports or notify residents of meetings per State Code. She explained property
317 owners signed a contract to be part of the HOA when they purchased their homes and that the
318 developer put in private roads that did not meet City standards.

319

320 Councilmember Van Langeveld asked if the City was working with this developer on any other
321 projects in the City. She asked that the Council be notified if they came in with any future
322 projects. Ken Leetham replied that the developer was Chad Bessinger with J. Fisher Company.

323

324 Chris Brown commented that he was disappointed that the City would not take any
325 responsibility. He said the City allowed the developer to take control with zero assurance they
326 would release control and to build narrow and unsafe roads.

327

328 Councilmember Gordon said that those homeowners entered into a legal contract with the
329 developer when they purchased their homes. She explained that while this situation was not fair
330 it was not the City's responsibility and the homeowners needed to follow through with the
331 developer. Chris Brown replied that when he signed the documents it only stated that the home
332 was in an HOA.

333

334 Councilmember Porter commented that from what he could remember about this development, it
335 was meant to be more high density which made sense to have an HOA. He said the City allowed
336 them to continue the development with an HOA and private roads.

337

338 Councilmember Knowlton said a development like this had different rules and standards in
339 exchange for it becoming a private entity. He spoke on the special district and asked for more
340 information on the problems with private roads. Ken Leetham replied that the roads were not
341 constructed to City standards and this meant that the City's snow removal equipment may not
342 work in that subdivision. He pointed out another issue would be the large storm drain that only
343 served this subdivision. He said the City allowed the developer to build their own improvements

344 in exchange for a specific development entitlement. Mr. Leetham said it was alarming that
345 emergency services could not access an area in the City. He said overall this was not the City's
346 responsibility, but he had confidence that with the right management group the HOA could
347 function correctly.

348
349 Ken Leetham explained that forming a special service district was problematic in that 100% of
350 the property owners must agree. He said there were 93 individual property owners in this
351 subdivision. Councilmember Knowlton commented that the special service district would just be
352 trading one set of problems for another. He suggested the City could use the power of persuasion
353 to get the developer to have a conversation with these homeowners.

354
355 Chris Brown apologized and said his emotions were high. He hoped that the City would be
356 willing to help in some capacity until a resolution with the developer was made.

357
358 Councilmember Van Langeveld asked about the topic of safety and if the City could cite the
359 developer for unplowed roads that created a hazard. Todd Godfrey replied that he did not know
360 of an instance when an HOA was found liable for a nuisance condition based on their roads. He
361 continued from a civil liability standard they would be responsible for the conditions of their
362 streets and this could be a basis for civil liability.

363
364 Mayor Horrocks spoke on Phases 13, 14, and 15 of the Eaglewood Cove development that were
365 going in on the hill and the struggle in determining how these streets would be plowed. He
366 mentioned the City asked the developer to create community with private roads and he suspected
367 that someday those property owners in that development would come to the City to protest their
368 snow removal fees.

369
370 Ken Leetham said he was very sympathetic to these property owners but this was not a failure
371 yet. He felt an HOA board with homeowners could be successful and should be tried before other
372 options. Mr. Leetham was willing to work with the developer and residents now and after an
373 HOA is established.

374
375 Mayor Horrocks asked why a developer would want to continue managing the subdivision and
376 not relinquishing control to the homeowners/HOA. Ken Leetham replied there was shared
377 maintenance responsibilities for the hillside between the Views and Eaglewood Village. He said
378 the developer was trying to come up with a formal agreement between the two HOAs for the
379 maintenance responsibility. He stated staff was willing to look further into the issue and help find
380 a resolution.

381
382 Councilmember Van Langeveld suggested the City send a letter to the developer that stated
383 residents had come to the City and reported dereliction in their duty. She continued the letter
384 could include a formal request that the developer fulfil the obligation made with residents who
385 live in the City.

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Councilmember Gordon was in favor of the letter to the developer.

Rebecca Brown asked what else could be done.

Councilmember Porter said the State Code should be reviewed to see if homeowners were protected from this type of thing. He said if there was nothing to protect residents then a law should be written to stop developers from doing this.

Rebecca Brown spoke on civil liability and said there was video of car accidents due to improper snow removal. Councilmember Van Langeveld said this was a judicial issue and the residents should document everything and consider hiring an attorney to hold the developer liable.

Mayor Horrocks mentioned that real estate laws were there to protect the consumer. He said it was possible that the real estate agents who did not disclose the fine print may be liable as well.

Ken Leetham said he would write a letter to the developer discussing these issues.

3. CONSIDERATION OF AN ENGAGEMENT SERVICES LETTER WITH CHILD RICHARDS CPAS AND ADVISORS FOR FY2023 EXTERNAL AUDIT SERVICES IN AN AMOUNT NOT TO EXCEED \$35,000

Heidi Voordeckers reported this was the approval of the annual engagement letter with Child Richards Associates for the external audit. She explained the annual audit period was a full six months that started July 1st at a cost of \$35,000. She stated in accordance with the Uniform Fiscal Procedures Act for Cities, an external audit of the City's financial activities and statements was required to be conducted by an independent firm at the conclusion of each fiscal year. She added as the City received over \$750,000 in federal funding in the fiscal year, the audit must also include Single Audit procedures for the use of those funds.

Councilmember Baskin asked if the City had previously used Child Richards. Heidi Voordeckers replied that the City had used Child Richards since 2009. She said it was best practice to switch audit firms and suggested going out to bid next year.

Mayor Horrocks commented that many of the Davis County boards used Child Richards.

Councilmember Porter moved the City Council approve the engagement of the firm Child Richards to conduct the City's fiscal year 2023 external audit in an amount not to exceed \$35,000. Councilmember Knowlton seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

427 4. CONSIDERATION OF RESOLUTION 2023-36R: A RESOLUTION ENDORSING
428 AND SUPPORTING AN APPLICATION TO THE FEDERAL EMERGENCY
429 MANAGEMENT AGENCY FOR THE BUILDING RESILIENT INFRASTRUCTURE
430 AND COMMUNITIES GRANT (BRIC) FOR THE RECONSTRUCTION OF THE
431 HONEY WELL PUMP HOUSE BUILDING AND AUTHORIZING MATCHING
432 FUNDS
433

434 Sherrie Pace reported the City submitted the same grant application for this project in 2022, but
435 would not hear back about awards for that grant cycle until after applications were due for this
436 upcoming grant cycle. She noted the Benefit Cost Analysis that was performed for the original
437 grant application was valid for two years, so City staff was proposing to submit the same
438 application again for this grant cycle in the event that the City was not awarded funds from the
439 first application. She stated City staff had consulted with the State, who administers the program
440 for FEMA, and have identified the reconstruction of the Honey Well Pump Station to be a good
441 project for this grant. She explained subsidence had been observed on the western side of Davis
442 County due to the falling aquifer levels and the Honey Well pump station was dramatically
443 impacted by the subsidence. Ms. Pace indicated repairs were needed to reconstruct the building
444 on 70 foot deep driven piles to stabilize against future subsidence. She mentioned the total
445 project cost was \$1,345,000 with the grant request of \$941,500 (70%) and the City match of
446 \$403,500 (30%).
447

448 **Councilmember Porter moved that the City Council approve Resolution 2023-36R**
449 **authorizing the submittal of a FEMA BRIC grant application seeking funds for the**
450 **reconstruction of the Honey Well Pump House, and authorizing matching funds.**
451 **Councilmember Van Langeveld seconded the motion.**
452

453 Councilmember Baskin wondered if the City was required to set aside the 30% or \$403,500 in
454 matching funds. Ken Leetham replied that the City had these funds available.
455

456 Councilmember Baskin asked about the language in the Resolution which stated “whatever other
457 funds needed to cover the cost of ineligible activities” and what those would be. Sherrie Pace
458 replied this was costs not associated with the cost estimate.
459

460 Karyn Baxter responded there could be work necessary but not directly associated such as a
461 water line tie in or replacement of a drive approach. She said these were typical and sometimes
462 those items had to be specifically excluded. Ken Leetham said part of this was due to the BRIC
463 program which would only pay for certain things and the City was committing to pay for items
464 that were needed for the project that would not qualify for federal funding. Staff did not think
465 there would be additional costs.
466

467 Councilmember Baskin asked what the threshold was for the City Manager to approve. Ken
468 Leetham replied that it was \$25,000.

469 Councilmember Baskin suggested that this language be added to the motion as \$403,500 and
470 whatever other funds not to exceed \$25,000 without City Council approval.

471
472 **Councilmember Porter amended his motion to include the adjustment not to exceed**
473 **\$25,000 for ineligible activities without City Council approval. Councilmember Van**
474 **Langeveld seconded the motion. The motion was approved by Councilmembers Baskin,**
475 **Gordon, Knowlton, Porter, and Van Langeveld.**

476
477 5. CONSIDERATION OF ORDINANCE 2023-09: AN ORDINANCE AMENDING THE
478 NORTH SALT LAKE CITY CODE, TITLES 1 AND 7 RELATED TO PUBLIC
479 NOTICING

480
481 Sherrie Pace reported these revisions to Title 1 and 7 were discussed during the work session.
482 She said there were two typographical errors on Page 2 in the exhibit in the section related to
483 competitive bidding requirements that would be fixed and also Councilmember Baskin had
484 recommended the insertion language pertaining to the minimum of seven days.

485
486 Councilmember Van Langeveld asked if residents could sign up on the City website to receive
487 noticing. Sherrie Pace replied that residents could sign up for notifications via email or text to
488 receive City Council and Planning Commission agendas. She noted they could also sign up for
489 notification or search certain key words in those agendas on the State's public notice website.

490
491 Councilmember Baskin spoke on the legislative bill which was a mishmash of amendments. She
492 asked that a future amendment include the definitions for class A and class B notices in the
493 definition section of the City Code.

494
495 **Councilmember Baskin moved that the City Council approve Ordinance 2023-09,**
496 **an ordinance amending the North Salt Lake City Code, Titles 1 & 7 related to public notice**
497 **regulations as enacted by Senate Bill 43 with the amendments noted by Sherrie Pace.**
498 **Councilmember Van Langeveld seconded the motion. The motion was approved by**
499 **Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.**

500
501 6. CONSIDERATION OF BID AWARD FOR ASPHALT TRAILS IN CITY PARKS
502 PROJECT TO ACME CONSTRUCTION INC. IN THE AMOUNT OF \$242,222.36

503
504 Karyn Baxter reported that this project included a new asphalt trail in three City parks including
505 Legacy Park, Fox Hollow Park, and Mathis Park. She showed the new Legacy Park trail section
506 on a map which would be an asphalt path that connected to concrete that borders the play area.
507 She noted the trail area would be just under 0.4 miles. She mentioned Fox Hollow Park would
508 have a new trail along the north fence line. Ms. Baxter indicated this path would form a loop
509 around the perimeter of the park that was 0.25 miles and provide a path to the school that would
510 avoid the drop off and pick up traffic of the elementary school.

511 Karyn Baxter stated Mathis Park would have a new trail loop to connect to the existing Parkway
512 Trail along US Highway 89. She noted this trail was planned to accommodate the future
513 improvements planned for this park, and was included in this bid package for reduced
514 construction costs. She indicated staff received three bids with Acme as the low bid at
515 \$242,222.36. She mentioned staff budgeted \$590,000 for these projects and recommended
516 awarding the project to Acme.

517
518 Mayor Horrocks suggested signage at both entrances of the Legacy Park Trail. Karyn Baxter
519 replied affirmatively. She spoke on other items planned for future improvements such as conduit
520 for upcoming trail lighting.

521
522 Councilmember Van Langeveld said this project represented at least six years of her own
523 engagement with this concept. She said this was a benefit to these parks and suggested as the
524 project neared completion perhaps coordination could be done with the tree planting program
525 holding a tree ceremony of some kind near the trail.

526
527 **Councilmember Van Langeveld moved to award the Asphalt Trails in City Parks project to**
528 **Acme Construction, Inc., for the price of \$242,222.36. Councilmember Knowlton seconded**
529 **the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton,**
530 **Porter, and Van Langeveld.**

531
532 7. CONSIDERATION OF EQUIPMENT PURCHASE FOR SCHOOL ZONE AND
533 CROSSING SIGNS AT AREAS LOCATED NEAR ADELAIDE ELEMENTARY
534 SCHOOL IN THE AMOUNT OF \$39,969

535
536 Karyn Baxter reported that this was request to purchase signage to add a school zone and other
537 safety signs at Adelaide Elementary. She indicated currently Adelaide Elementary did not have a
538 school zone but did have school crossings. She noted the difference would be the lighted legal
539 reduction in speed. She stated 800 West had a school crossing, 3600 South had a stop sign, and
540 the proposal was to add school zone signage on 800 West in both directions. Ms. Baxter
541 commented on the benefit to the signage was flashing lights and radar detection that provided
542 drivers with current speeds. She said these signs allowed the police department to download
543 speed data and traffic counts from the signs.

544
545 Ms. Baxter said in addition, there were several crosswalks that had significant safety concerns.
546 Staff recommended that rectangular rapid flashing beacons (RRFBs) be installed to provide
547 increased safety for pedestrians. She continued these locations were 45 West Center Street as
548 well as Eagleridge Drive at the southern intersection with Eaglewood Loop. She noted the cost
549 for the school zone crossing signs were \$13,230 for the Adelaide Elementary school zone,
550 \$12,238 for Center Street at Hatch Park, \$8,219 for Eagleridge Drive at Eaglewood Loop, and
551 optional advance warning RRFB at \$6,282 for a total cost of \$39,969.

552

553 Councilmember Gordon commented this was a benefit to the City.

554

555 Councilmember Van Langeveld asked about other areas in the City that should be considered for
556 something similar. Karyn Baxter replied that many of these were due to complaints from
557 residents or per public safety staff in areas such as school zones.

558

559 Councilmember Gordon asked if the Safety Committee could review 800 West to see if the speed
560 limit should be 20 mph. She also spoke on a budget for school crossing guards to purchase
561 supplies.

562

563 Councilmember Van Langeveld suggested crosswalks near Lee's Marketplace and the apartments
564 to the west and also in front of Legacy Park.

565

566 Councilmember Baskin requested a consideration for advanced warning or speed signs for the
567 crosswalk near Deer Hollow Park on Eaglewood Drive.

568

569 **Councilmember Gordon moved that the City Council authorize the purchase of new school**
570 **zone and pedestrian crossing safety signs for the amount of \$39,969 from Gades Sales Co.**
571 **Councilmember Van Langeveld seconded the motion. The motion was approved by**
572 **Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.**

573

574 8. CITY ATTORNEY'S REPORT

575

576 Todd Godfrey had nothing to report.

577

578 9. CITY MANAGER'S REPORT

579

580 Ken Leetham reported that there was an open house for the Fire District and their proposed tax
581 increase on August 2nd and the public hearing was August 7th. He then spoke on a request to
582 provide service projects for September 11th. He mentioned staff had a short list of projects and on
583 Saturday September 9th there were several groups ready to perform service with support by City
584 staff.

585

586 Ken Leetham said September 16th was the tenth anniversary of the Get To The River Festival. He
587 also mentioned that staff had been invited to tour Millcreek Commons on Aug 24th.

588

589 Mayor Horrocks spoke on complaints related to a lingerie photo shoot at Tunnel Springs Park.
590 He then mentioned the Constitution Day event and asked if the City wanted to advertise this
591 event.

592

593 Councilmembers Gordon and Van Langeveld had concerns about promoting this event for
594 several reasons including internal disorganization and the co-mingling of religious freedom with
595 patriotism.

596
597 Councilmember Porter said it appeared they were a non partisan organization and did not see any
598 issue.

599
600 Councilmember Knowlton stated he did not feel strongly either way.

601
602 Councilmember Van Langeveld asked if the City would include events by other organizations if
603 asked. Ken Leetham replied that the City's website was analogous to a public bulletin board in a
604 City Park. If the City provides that bulletin board, then anyone would be able to post whatever
605 content they wished unless it was obscene or unlawful. He spoke on the incident in St George
606 with the denial of drag show and said there was not currently a policy but recommended that it
607 might be time to create one that articulated what was allowed.

608
609 Councilmember Van Langeveld said there were different levels and the newsletter was different
610 from social media. She suggested allowing some things on social media or flyers at City Hall
611 versus in the newsletter.

612
613 Councilmember Gordon said that the constitution was partisan to the nonprofit and felt the City
614 did not want to look like they supported the nonprofits interpretation of the Constitution.

615
616 Councilmember Baskin noted her concern with content based restriction on speech. She felt that
617 until there was a standardized policy that was not based on content that the event should be in the
618 City newsletter. She said this was another sign of free speech and that there was no harm in the
619 event.

620
621 Councilmember Van Langeveld mentioned the St. George issue related to allowing an event and
622 then later rescinding that decision. She proposed no advertising until a policy was in place.
623 Councilmember Baskin voiced her vote that the event be put in the newsletter.

624
625 Councilmember Van Langeveld asked if a disclaimer could be added that the information was
626 being shared but not endorsed by all the members of the City Council.

627
628 The City Council had a discussion on what should be allowed or supported by the City, what
629 should be part of the proposed policy, and event advertising.

630
631 Councilmember Van Langeveld said most of the newsletter and social media posts were City run
632 events.

633

634 Ken Leetham commented that the City needed a policy that helped to educate the public that the
635 City's website was for public education and not public endorsement, generally speaking. He said
636 that a disclaimer could be added or the City could only publicize City events. Mr. Leetham
637 explained that the City's attorney would help to create a policy to ensure free speech and equal
638 protection.

639

640 10. ADJOURN

641

642 Mayor Horrocks adjourned the meeting at 9:04 p.m.

643

644 *The foregoing was approved by the City Council of the City of North Salt Lake on Tuesday*
645 *August 15, 2023 by unanimous vote of all members present.*

646

647

648

649

650 _____
Brian J. Horrocks, Mayor

_____ *Wendy Page, City Recorder*

Action Items for August 15, 2023

Item	Staff	Description
New		
1	Jon	(8-1-23) Broken electric car charger at City Hall.
2	Ken/David/Heidi	(8-1-23) Considerations for public art in the City including Hatch Park, potential for a public survey on what would be desired, research on grants, consideration in next year's budget, help from residents, etc.
3	Ken	(8-1-23) Staff to write a letter to the developer of The Views Subdivision.
4	Safety Committee	(8-1-23) Safety Committee to review speed limit on 800 West to see if 20 mph was warranted and consideration of crosswalks at Lee's near the apartments and in front of Legacy Park, and advanced warning or speed signs for the crosswalk near Deer Hollow Park on Eaglewood Drive.
Current		
1	Sherrie	(7/18/23) Work session to discuss Town Center options (options for land use and urban design regulations). <i>Work session will be scheduled for September. (7/25/2023)</i>
2	Heidi	(7/18/23) Staff to research whether Woods Cross offers assistance (waived utility fees) to disabled veterans and what a similar City program might look like. <i>Memo prepared for CC packet (8/8/2023).</i>
3	Ken/Wendy	(7/18/23) Staff/Mayor to setup a joint meeting with Bountiful's City Council. Staff to prepare a potential agenda including joint bike lane program.
4	Ken	(7/18/23) Potential for discussion on revisiting the sign ordinance to allow signage on public property and date restrictions for campaign signs.
5	Sherrie/Karyn	(7/18/23) Discussion on sidewalk widths and possible revisions needed. <i>Work session will be scheduled upon completion of analysis. (7/25/2023)</i>
6	Ken	(6/20/23) Repairs at Eaglewood Village pond. Staff will work on receiving bids/proposals from contractors to complete the work. <i>Staff will reach out to additional contractors in this project during the month of August, 2023. (7/12/23)</i>
7	Ken	(6-20-23) Potential City Council discussion on cyber security presentation by Assurity. <i>A work meeting for this item will be held in September or October as schedules allow. (7/12/23)</i>
8	Ken/CM Baskin	(6-20-23) Tree planting program work session discussion (8-1-23). Development of City's tree planting program. Staff to provide a report by the end of the year. <i>A representative of Holladay City will schedule a date when they can present their program to the City Council. (7/12/23)</i>
9	Todd	(6-20-23) City Attorney to discuss first amendment, equal protection, and use of public facilities (time, place, manner restrictions). <i>This item will be scheduled for January, 2024 after the new City Council is in place. (7/12/23)</i>
10	Ken	(5/30/23) Schedule a joint meeting with the mayors/council from Bountiful and Woods Cross. <i>Working with Mayors and staff to coordinate a joint meeting. (6/15/23)</i>
11	Karyn	(5/30/23) Follow-up on undermining of residential fencing on Parkway Drive. <i>Staff has formally notified the developer that the retaining wall must be restored immediately, with a completion deadline of August 12 (60 days after the proposed construction plan was approved). Construction will be completed by then, at which time the fences, sprinklers, and landscaping will be restored. (7/13/23)</i>
12	Sherrie/Linda	(5/16/23) Landscaping/xeriscape presentation shared on the City's website (new conservation page). <i>Currently being drafted. Links to the water efficient landscape ordinance, street trees, land use permit application, and flip your strip are currently found on the Comm. Development page: https://www.nslcity.org/100/Community-Development (6/14/2023)</i>

13	Wendy/Karyn	(5/16/23) Potentially hold a ribbon cutting/food truck night to celebrate the new Legacy Park Trail. <i>Construction will likely begin in September, with anticipated completion in October. Staff will monitor the progress and can coordinate a ribbon cutting event as completion approaches. (7/13/23)</i>
14	Sherrie	(3-7-23) See if there is an interest from Bountiful City in working with NSL jointly on extending the bike lane pilot program on Orchard Drive to Boulton Elementary and the Rec Center on 200 West. (3-21-23) <i>Staff investigated a grant for this pilot program, but the minimum grant award is \$100K. and the estimated cost of a pilot program on Orchard Dr. is only \$30K. Bountiful is not currently prepared to participate, but may be prepared and possibly willing to partner for the next grant cycle. (7/12/2023)</i>
15	DRC	(3-7-23) Staff to make recommendations for implementing bike lane pilot program on Orchard Drive, Eagleridge Drive, and potential for 1100 North as well (5-2-23). <i>See above.</i>
16	Ken	(3-7-23) Staff to identify any items that would qualify for the Community Funding Projects that Congressman Stewart advised Mayor Horrocks about. <i>Staff met with Stewart representatives and has had an additional training meeting on this program. We will work to prepare the City for the 2024 Grant cycle. (3/16/23)</i>
17	Ken/Wendy	(3-7-23) Staff to prepare a policy related to City Hall rental/use. <i>Staff is reviewing city hall use policies and will propose a written policy statement in a future Council meeting. (3/16/23)</i>
18	Heidi	(2-14-23) Resident requested a newsletter or similar outreach showing a chart or report for city revenues and expenses with incoming funds from sales tax, property tax, etc. <i>Staff will prepare a budget summary for the August newsletter, and also present a budget overview to the Senior Lunch Bunch (tentatively scheduled for the October meeting). (6/15/23)</i>
19	Ken	(1-21-23) Include in the Hatch Park Design Project an inventory of existing trees and a detailed plan to keep existing trees as much as possible, particularly on the west side of the park and any areas where large mature trees exist.
20	Safety Committee	(9/6/22) Inventory of public safety weaknesses around the City's elementary schools. Identification of problem areas and recommendations for resolving pedestrian and other active transportation issues. (2-7-23) Seek WFRC funding for safety plan surrounding local elementary schools. <i>Safety Committee met on this on November 1. A meeting with interested CC members was scheduled. Safety Committee met with Councilmember VanLangeveld on this item on December 15, 2022. (12/28/22) Sherrie is checking with WFRC to see if there is funding assistance available for completion of safety plans around NSL elementary schools. (2/16/23)</i>
21	Sherrie & PW/Parks Dept.	<i>Combined Action Items:</i> (Various Dates) Park strips &: City owned property Review city code for park strip landscape requirements, propose alternatives for vegetation requirements (trees) & evaluate city owned park strips and properties for recommendation on conversion to water wise landscape & review compliance notifications and processes. (3-21-23) Look into increasing tree plantings on City owned land. <i>Work Session scheduled for May 16. (5/11/23)</i>
22	Ken	(5-17-22) Staff to review alternatives for uses of City-owned properties at City Hall parcels and Hatch Park; develop process for making decisions. <i>Project report back should be in Spring, 2023. City staff will also be attending training on "Your Land, Your Plan" on January 9 to learn of the benefits of that program (12/28/22)</i>
23	Ken	(1-4-22) Options for emergency preparedness training for staff including windstorms, landslides, etc. <i>Staff is exploring solutions with Davis County (4/12/22)</i>
24	Ken	(2-16-21) Staff to prepare policy (or review current policy) related to tree removal particularly when related to sidewalk damage. <i>Staff is working on a follow-up report to the City Council.</i>

25	Tyler	Long range monitoring item: (1-3-23) Staff to present an analysis on the 20% resident discount at the Eaglewood Event Center versus 10% or 15% discount, events on weekdays versus weekends, and day versus night rentals. <i>Golf Department will report back on analysis in 2024. (1/10/2023)</i>
26	David, Ken	Long range monitoring item: (3-1-22) Review the park reservation cleaning deposit next year to see if it was effective in relation to damage/cleaning-Staff to provide a study by the end of 2022. <i>Public Works has built a work order system for tracking, reviewing and documenting damages and associated costs made to pavilions and will report back to council at the end of the 2023 season because there was not enough data at the end of 2022. (3/21/23)</i>
27	Sherrie	Long range monitoring item: (8/3/22) Inventory and evaluation of safe and unsafe locations for bikes, scooters, pedestrians within one year or August 1, 2023. <i>Ali is reviewing the active transportation plan and will monitor scooter conflicts and make recommendations on safety improvements. (8/3/2022)</i>



CITY OF NORTH SALT LAKE FINANCE DEPARTMENT

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

Brian J. Horrocks
Mayor

Heidi Voordeckers
Finance Director

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Heidi Voordeckers, Finance Director
DATE: 8/15/2023
SUBJECT: Action Item Response to Current Action Item #2

BACKGROUND

At the July 18, 2023 City Council meeting, staff was requested to obtain information regarding the Disabled Veteran Utility Waiver program at Woods Cross City.

SUMMARY

Staff followed up on this request and received the following information from the City Treasurer of Woods Cross City:

In February of 2019, a resolution was passed authorizing a utility billing fee waiver for Disabled Veterans with 100% Disability. To qualify for the program, the applicant must bring a letter from the Department of Veterans affairs stating the following:

- a. The person has one or more service related disabilities
- b. The combined service-connected evaluation is 100%
- c. The person is considered to be totally and permanently disabled due to his/her service-connected disabilities
- d. The date when the person became totally and permanently disabled due to his/her service-connected disabilities
- e. The person is in receipt of special monthly compensation due to the type and severity of his/her service-connected disabilities.

Per information provided by the City Treasurer, Woods Cross City currently has six homes participating in the program.

ACTION

There is no action required of the Council related to this memorandum.