

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, October 2, 2013, in the Council Chambers, 45 West 100 South, at 7:00 p.m.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **CONSENT AGENDA**
 - a. Minutes
 1. September 18, 2013 – Work Session
 2. September 18, 2013 – Council Meeting
 3. September 25, 2013 – Work Session
 - b. Bills
 1. \$1,050,713.24
5. **FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

Public Forum is held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement


 - a. Staff Awards
6. **FORMAL PUBLIC HEARING**
 - a. Public Hearing on the Santaquin City Culinary Water Impact Fee Facility Plan.
 - b. Public Hearing on the Santaquin City Culinary Water Impact Fee Analysis.
7. **UNFINISHED BUSINESS**
8. **BUSINESS LICENSES**
9. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. City Manager Reeves
 - b. Director Marker
10. **NEW BUSINESS**
 - a. Discussion and Possible Action with regard to signal pole design/participation along the intersection of Main Street and Highline Drive
 - b. Training – Annual Open Public Meetings Act
11. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
12. **PETITIONS AND COMMUNICATIONS**
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor DeGraffenried
 - b. Council Members
14. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
15. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
16. **CONVENE OF THE COMMUNITY DEVELOPMENT BOARD**
17. **ADJOURNMENT TO A REGULAR COUNCIL MEETING**
18. **ADJOURNMENT**

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Payson Chronicle, Payson, UT, 84651.

BY:


Susan B. Farnsworth, City Recorder

POSTED:

CITY CENTER
POST OFFICE
ZIONS BANK

® Amendment to the agenda

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
OCTOBER 2, 2013**

The meeting was called to order by Mayor James E. DeGraffenried at 7:01 pm. Council Members attending: Keith Broadhead, Matthew Carr, Kirk Hunsaker, James Linford, and Rick Steele.

Others present: City Manager Ben Reeves, Director Dennis Marker, Director Dennis Howard, Legal Counsel Brett Rich, Payson Chronicle Representative Denise Windley, Mandy Jeffs, Nick Miller, David Hathaway, Cindy Johnson, Trevor Woods, Andrea Urban, Steve Parsons, Karen Parsons, Robin Strebel, Connie Jensen, Penny Reeves, and other unidentified Individuals.

PLEDGE OF ALLEGIANCE

Director Marker led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mr. Parsons Offered an Invocation.

CONSENT AGENDA

Minutes

September 18, 2013 – Work Session

September 18, 2013 – Council Meeting

September 25, 2013 – Work Session

Bills

\$1,050,713.24

Council Member Broadhead was told the Flat Iron Construction would be presenting an additional change order as well as a final payment request. It was estimated the final payment owed to Flat Iron is under 1 million.

Council Member Linford moved to approve the Consent Agenda. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Ms. Urban addressed the Mayor and Council Members with regard to the "No Parking" along 300 West. She feels before the decision was made to post the "No Parking" signs the property owners should have been a contacted and additional options discussed.

At the 5 minute mark, Robyn Strebel and Karen Parsons yielded their 5 minutes to Ms. Urban. Ms. Urban filmed the "comings and goings" of cars and children along 300 West after school has been dismissed. Mayor DeGraffenried suggested having this discussion during October 9th Work Session.

Director Marker spoke on behalf of Ms. Jensen. The Jensen's had flooding on their property during the past rain storms. They are requesting the City deed a portion of the right-of-way at 200 E 100 N to them so they may be able to address flood mitigation. Mayor DeGraffenried indicated this issue has been discussed at an earlier date. Director Marker indicated the City may want to use some of the right-of-way for storm water drainage. City Manager Reeves indicated the City is working with Utah County with regard to storm water drainage. Council

Member Broadhead was told the Jensen's would need to construct some drainage system so the water would not drain into their home. Director Marker indicated there are some things the City could do to help mitigate the issue until the waste water drainage is addressed City wide.

Staff Awards

Mayor DeGraffenried read a letter submitted to him by the International City/County Management Association (see attachment "A" for a copy of the letter). Mayor DeGraffenried presented Mr. Reeves with the ICMA Achievement Award.

FORMAL PUBLIC HEARING

Public Hearing on the Santaquin City Culinary Water Impact Fee Facility Plan

Council Member Carr moved to enter into a Public Hearing with regard to the Santaquin City Culinary Water Impact Fee Facility Plan. Council Member Steele seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

Director Marker reviewed the proposed facility plan. He indicated by State Law the City is required to update their current plans every 5 years. The plan addressed any upgrades to the system as well as the expected projects for the next 10 years. He indicated the documents are located in his office and available for the public inspection during regular office hours.

Council Member Linford moved to close the Public Hearing. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

Public Hearing on the Santaquin City Culinary Water Impact Fee Analysis

Council Member Hunsaker moved to enter into a Public Hearing with regard to the Santaquin city Culinary Water Impact Fee Analysis. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

Director Marker reviewed the proposed impact fee analysis. It was reported the current fee assessed is \$2500.00 per connection. The proposed fee is a significant decrease to \$665.34 ERU. It is expected between the proposed Irrigation Fee and the Culinary Water Fee would be equal to the current fee assessed.

Council Member Carr moved to close the Public Hearing. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

UNFINISHED BUSINESS

Nothing

BUSINESS LICENSES

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Reeves

City Manager Reeves deferred to the end of the meeting.

Director Marker

Director Marker reported the Community Development Department issued 11 single family building permits during September. There haven't been this many permits issued since 2007.

NEW BUSINESS

Discussion and Possible Action with regard to signal pole design/participation along the intersection of Main Street and Highline Drive

UDOT is preparing to install the new traffic signal at the intersection of Main Street and Highland Drive. The Council discussed the desire to paint the poles black and use the City standard ornamental lighting. The cost for these changes would be around \$10,000. The Council opted to not pay for the upgrades, but does want the streetlight currently at the intersection removed. Removal of the light will need to be coordinated with city staff.

Council Member Steele moved to use the proposed UDOT design and remove the current light. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Hunsaker and Steele voted in favor of the motion. Council Member Linford voted against the motion.

Training – Annual Open Public Meetings Act

Legal Counsel Rich led the annual Open Public Meetings Act Training as required by State Law (see attachment "B" for a copy of the presentation). Council Member Broadhead was told a mass e-mail, which include all Council Members, to discuss issues is not recommended. Mayor DeGraffenried thanked Legal Counsel Rich for attending and presenting this training.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Nothing

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Nothing

Council Members

Council Member Broadhead questioned if there is any compaction requirements for Cedar Point Subdivision. Director Marker will do some investigation.

Council Member Linford reported the Library Board will be holding a fund raiser Dutch Oven Dinner on October 25th. The event will be held at the Santaquin Elementary School.

City Manager Reeves

He reported on the following items:

- He attended training at the Trust pertaining to Sewer Systems. The new State regulations will be implemented in the near future.
- The pay request submitted to the USDA for the Wastewater Treatment Facility was returned to us due to the "Government being shut down".

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)

Nothing

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

Nothing

CONVENE OF THE COMMUNITY DEVELOPMENT BOARD

Nothing

ADJOURNMENT TO A REGULAR COUNCIL MEETING

Nothing

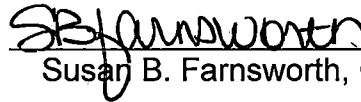
ADJOURNMENT

At 8:46 pm Council Member Linford moved to adjourn. Council Member Hunsaker moved to close the Public Hearing. Council Member seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted unanimously.

Approved on October 16, 2013.



James E. DeGraffenried, Mayor



Susan B. Farnsworth, City Recorder



Leaders at the Core of Better Communities

**Benjamin A. Reeves Credentialed by
International Local Government Management Organization**

WASHINGTON, D.C.—Benjamin A. Reeves, City Manager of Santaquin City, Utah, recently received the Credentialed Manager designation from ICMA, the International City/County Management Association. Mr. Reeves is 1 of over 1,300 local government management professionals currently credentialed through the ICMA Voluntary Credentialing Program. Furthermore, he is 1 of only 14 credentialed managers within the State of Utah which represents 13.4% all local government management professionals currently working in Utah.

ICMA's mission is to create excellence in local governance by promoting professional management worldwide and increasing the proficiency of appointed chief administrative officers, assistant administrators, and other employees who serve local governments and regional entities around the world. The organization's nearly 9,000 members in 27 countries also include educators, students, and other local government employees.

To receive the prestigious ICMA credential, a member must have significant experience as a senior management executive in local government; have earned a degree, preferably in public administration or a related field; and demonstrated a commitment to high standards of integrity and to lifelong learning and professional development.

Santaquin City Mayor James E. DeGraffenried said of Mr. Reeves *"I couldn't have been more pleased to have Ben join our city staff four years ago. He was 1 of 150 candidates that applied for the position; but he rose to the top and has served our community very well ever since. He is honest, dedicated and loyal. He has provided enhanced governmental transparency, stabilized our community's fiscal position and provided enhanced clarity to our city budget. Even through great adversity, Ben has demonstrated professionalism, integrity, and kindness. He is a good man (I can say that now that he is over 40 years in age) and I am proud to call him my friend."*

Mr. Reeves is qualified to be awarded the ICMA-CM by completing over 8 years of professional local government executive experience. Prior to his appointment in 2009 as City Manager of Santaquin City, Utah, he served as a Management Analyst with the U.S. Bureau of Land Management with the Southern Nevada Public Land Management Act (SNPLMA), via Power Services, which managed over 1,200 projects totaling over \$3.3B throughout the State of Nevada. During his time with the BLM he had the opportunity to author the Division's 5-Year Strategic Plan signed by the Nevada State Director of the U.S. Bureau of Land Management, and Regional Directors of the U.S. National Park Service, U.S. Fish and Wild Life Service and U.S. Forest Service. In addition, he authored a Secretarial Order signed by the U.S. Secretaries of the Interior and Agriculture and wrote a speech given by the U.S. Secretary of the Interior in

which \$141M in grant funding was awarded throughout the State of Nevada. In addition, Mr. Reeves began his career in local government as the City Manager of LaVerkin City, in Washington County, Utah from 2004-2008.

Prior to his employment in local government, Mr. Reeves worked for nearly ten years with Electronic Data Systems (EDS), a computer outsourcing firm, as a Project Manager and Systems Engineer in support of the Blue Cross Blue Shield of Massachusetts and Xerox Manufacturing clients. He also worked as an Office Manager/Bookkeeper for Snow, Nuffer, Engstrom, Drake, Wade & Smart Attorneys at Law in St. George, Utah while attending college in southern Utah.

Mr. Reeves is originally from Palmyra, New York and first came to Utah as a missionary for his church serving in the Utah Provo Mission where he spent a full year of his mission serving on college campuses. After completing his mission, he returned to Utah to pursue his education by earning an Associate's Degree in Business Administration from Dixie College, St. George, Utah and a Bachelor's Degree in Accounting from Southern Utah University, Cedar City, Utah. He eventually returned to the east and earned a Master's Degree in Organizational Behavior and Strategic Leadership – *magna cum laude* - from Roberts Wesleyan College in Rochester, NY. At Roberts Wesleyan College, he was named as the ninth recipient of the honored Christian Service Award for service rendered above and beyond to the institution and his fellow students.

Ben is very happily married to his sweetheart and best friend Penny and has been for the past five years. Together they have blended a wonderful family which totals eight children all together. Their two oldest children (Breck and Nicole) are married and are in college. Their son Kason is currently serving a mission for their church in the Billings, Montana area. At home they have five children, Casara and Amanda, a senior and junior at Payson High School; Nathan, a freshman at Payson Junior High, and Tyler and Katelyn who are in the 5th and 2nd grades at Santaquin Elementary. They have a busy home full of excitement and love. Together they actively participate in their community's civic and religious organizations and are very happy to call Santaquin City their home.

For more information regarding the ICMA Voluntary Credentialing Program, contact Jenese Jackson at ICMA, 777 North Capitol Street, N.E., #500, Washington, D.C. 20002-4201; jjackson@icma.org; 202-962-3556.

About ICMA

ICMA, the International City/County Management Association, advances professional local government worldwide. The organization's mission is to create excellence in local governance by developing and fostering professional management to build sustainable communities that improve people's lives. ICMA provides member support; publications; data and information; peer and results-oriented assistance; and training and professional development to 9,000 city, town, and county experts and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect millions of people in thousands of communities, from small villages and towns to large metropolitan areas.

UTAH OPEN & PUBLIC MEETINGS ACT

UTAH CODE ANN. §§52-4-101
et seq.

City Council meeting
10/2/13
Attachment "B"

Declaration of Public Policy

(§52-4-102)

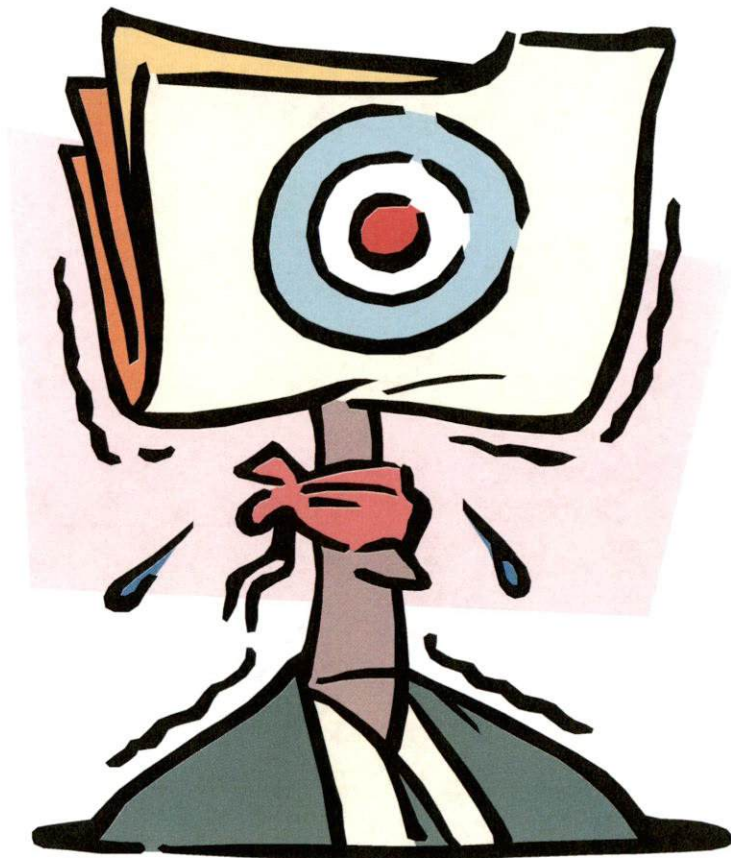
- (1) The Legislature finds and declares that the state, its agencies and political subdivisions exist to aid in the conduct of the peoples business.
- (2) It is the intent of the Legislature that the state, its agencies and its political subdivisions : (a) take their actions openly; and (b) conduct their deliberations openly.

UTAH OPEN & PUBLIC MEETINGS ACT

- WHAT DOES THE OPEN MEETINGS ACT DO?
 - “It requires government to take actions openly.”
 - “Ensures deliberations allow for an open public process.”

Who Is Subject To This Law?

- DO I HAVE TO FOLLOW THE LAW?
- YES, if you are:
 - An administrative, advisory, executive or legislative body of the state or its subdivisions and;
 - Were created by the Utah Constitution, statute, rule, ordinance or resolution
 - Consist of two or more persons
 - Spends, distributes or is supported by tax money
 - Has authority to make decisions about the public's business.



Examples

- DABC Commission
- State Records Committee
- Board of Pardons
- City or County Councils
- City or County Council Advisory Boards
 - Planning & zoning
 - Board of adjustments
 - Project committees
- Special Districts

Who Is Not Subject to Open Meetings law

- Political parties, groups and caucuses
- State Legislative conference, rules and sifting committees
- School community council, established under 53A-1a-108



§52-4-103(5)(a)

- WHAT IS A MEETING?
 - “Meeting” means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.

§52-4-103(5)(b)

- WHAT DOES “MEETING” NOT MEAN?
 - A chance meeting
 - A social meeting
 - Meeting of a public body with **both** legislative and executive responsibilities where:
 - No public funds are appropriated for expenditure
 - Meeting solely for discussion or to implement administrative/operational matters for which no formal action by the public body is required
 - Meeting solely for discussion or to implement administrative/operational matters that would not come before the body for discussion or action

What is a Quorum

- § 52-4-103(10)(a) “Quorum” means a simple majority of the membership of a public body, unless otherwise defined by applicable law
- § 52-4-103(10)(b) “Quorum” does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power

Attendance at Meetings

(§ 52-4-207)

- DO I HAVE TO ATTEND MEETINGS, OR CAN IT BE HELD WITHOUT PEOPLE IN THE SAME ROOM?
 - Can meet by phone or other electronic means which allows all participants to hear or observe communications
 - The public body must adopt by resolution rules or ordinance
 - Notice requirements still apply
 - Public must have a means to attend or participate



Electronic Meetings Specific Requirements

- § 52-4-207 (b) (i) through (v)
- The resolution, rule or ordinance may:
 - Prohibit/limit electronic meetings based on budget, public policy or logistical considerations
 - Require a quorum to be present at anchor location or require a vote to hold the electronic meeting and include members via electronic connection
 - Require members of the public to make a request for an electronic meeting up to three days in advance of the meeting
 - Restrict the number of connections based on equipment limitations
 - Establish any other procedure or limitation that does not conflict with OPMA
 - Charter School Boards now have their own requirements for electronic meetings § 52-4-209

§52-4-202 Notice Requirements

- ARE THERE ANY NOTICE REQUIREMENTS?
- Yes, notice requires all of the following:
 - Must be posted as a written notice at the place where the meeting will be held
 - Must be given to at least one local general circulation newspaper or local media correspondent
 - After 01OCT2008, by posting notice to the “Utah Public Notice Website” 63F-1-701
 - At least 24 hours prior to meeting post:
 - Agenda including all action items stated with reasonable specificity
 - Date
 - Time
 - Place
 - Note Certain municipal public bodies may be exempt from posting on the Notice Website based on their budget.

§52-4-202(2)(a) Notice Requirements

- In addition to the requirements under Subsection §52-4-202(1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once a year of its annual meeting schedule...

§52-4-201, -204 & -205

Closed Meetings

- CAN A MEETING BE CLOSED TO THE PUBLIC? IF SO WHEN?

- An open meeting can be closed for the following purposes:
 - A meeting is open to the public unless closed under § 52-4-204, -205 or -206
 - Discussing an individual's character, professional competence, or physical or mental health
 - Strategy sessions to discuss collective bargaining
 - Strategy sessions to discuss pending or reasonably imminent litigation



Closed Meetings (Cont.)

- An open meeting can be closed for the following purposes continued: Note § 52-4-205 Updated effective September, 2012.
 - Discussions regarding security personnel, devices or systems
 - Investigative proceedings regarding allegations of criminal misconduct
 - Strategy sessions to discuss the purchase, exchange, lease or sale of water rights or water shares if public discussion would disclose the appraisal/estimated value of the property under consideration; or would prevent the transaction from being completed under the best possible terms
 - Strategy sessions to discuss the purchase, exchange, lease or sale of real property
 - Public notice of the terms and public approval of sale required
 - Water rights shares under certain conditions

- Closed Meetings (Cont.)

- An independent Legislative Ethics Commission or Legislative Ethics Committee review of ethics complaints
- A county legislative body discussing commercial information.

Are There Any Meetings That Must Be Closed?

- **NO.** NOTE: A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under § 52-4-205.
- The decision to close a meeting to the public is always discretionary, not mandatory. The law does not require any meeting to be closed.
- **EXEPTIONS** The following must be closed:
 - A meeting of the Health and Human Services Committee to review a fatality review report
 - A meeting of the Child Welfare Legislative Oversight Panel to review a fatality review report

§52-4-204 Closing Meetings

- IS THERE A PROCESS TO CLOSE MEETINGS?
- YES, 52-4-204 (Effective September 12, 2012)
 - A Quorum must be present.
 - Two-thirds of the members present must vote to close the meeting.
 - The body must first hold an open public meeting with proper notice before entering into the closed meeting.
 - The body must publicly disclose: **Note: there are separate requirements in subsections (B), (C) & (D)**
 - The vote by name of each member for or against entering into the closed meeting
 - The reasons for holding the closed meeting
 - Location of the closed meeting

What Is Forbidden During A Closed Meeting?

- You may not:
 - Approve any ordinance, resolution, rule, regulation, contract or appointment
 - Interview a person to fill an elected position
 - Take final action
 - Final votes must be open and on the record



WHAT ABOUT EMERGENCIES?

§ 52-4-202

- The law allows for meetings for “emergency or urgent” matters if:
 - The best notice practicable is given
 - The minutes include a statement of the unforeseen circumstances that made the meeting necessary
 - A majority of the members of the governing body must approve the meeting



RECORDS OF OPEN MEETINGS

(§ 52-4-203)

- DO WE HAVE TO KEEP MINUTES AND/OR Recordings?
- YES TO BOTH!
- Even though there is a recording, the approved written minutes will be the official record.
- include both written minutes and recording of open meeting as public records.
- Public body shall establish and implement procedures for the public body's approval of the written minutes each meeting

•

What Are The Requirements For Keeping Minutes of Open Meetings?

- All minutes must include
 - Date/time
 - Place of meeting
 - Names of all members present or absent
- In addition minutes of open meetings must include
 - All matters proposed, discussed or decided
 - All names and substance of information from individuals giving testimony
 - Individual votes on each matter
 - Any additional information requested by a member

What are the Requirements For Keeping Minutes of Closed Meetings?

- Minutes of closed meetings must include
 - The names of all members present
 - The names of others present at the closed meeting, unless it infringes on the purpose of the closed meeting
 - The closed meeting must be recorded and shall be complete and unedited
 - *There are exceptions to this requirement see § 52-4-206(6)(a) and (b)
 - Detailed written minutes may be kept

Minutes and Recordings of Closed meeting (Continued)

- Minutes and/or recordings of closed meetings are protected records under GRAMA
 - *exceptions to the recording requirement § 52-4-206(6):
 - When a meeting is closed to discuss: character, professional competence, or to discuss the physical/mental health of an individual § 52-4-205(1)(a)
 - Deployment of security devices, systems or personnel § 52-4-205(1)(f)
 - Any reason prescribed in § 52-4-205(2).
- The individual in charge of the meeting signs the affidavit

§52-4-203(4) Minutes and Recordings of Open Meetings

- WHEN ARE THE MINUTES OF MEETINGS PUBLIC?
 - Written minutes and recordings of open meetings are public records pursuant to 63G-2-101 et seq. (GRAMA) and shall be released within a reasonable amount of time.

CONTINUATION §52-4-203(4)

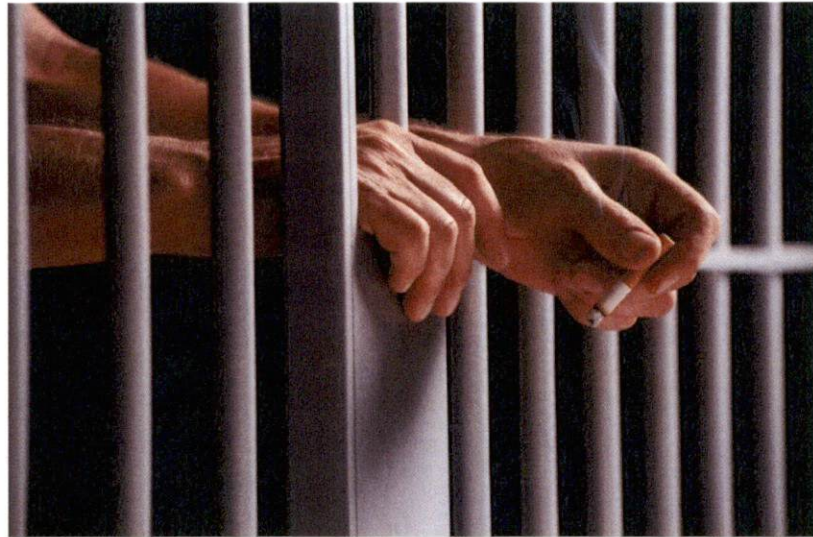
- Written minutes shall be available to the public before final approval when the minutes are only awaiting formal approval.
- The minutes released prior to final approval must be identified as “unapproved”.
- The recording of an open meeting must be made available within 3 business days.

Electronic Message Transmissions

- § 52-4-210 The Open Public Meetings Act does not restrict members of a public body from transmitting an electronic message to other members of the public body when the body is **not** in an open meeting.

WHAT HAPPENS IF SOMEONE VIOLATES OPMA?

- 52-4-302 52-4-305
- A court can void any action in violation of the law
 - Sometimes a violation can be “cured” by discussing and taking a public vote in a subsequent meeting
 - May have to pay court costs and attorneys fees
 - “In addition to any other penalty under this chapter, a member of a public body who intentionally violates or intentionally abets or advises a violation of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.” (6 mos. Jail and/or \$1,000.00 fine)



Common Violations Of OPMA

- Closing meetings without members of the body voting first in an open meeting to close the meeting
- Conducting a closed meeting for reasons other than those allowed by OPMA
- Taking official or final action in a closed meeting
- Failing to properly provide notice of a public meeting
- Failing to provide adequate notice of a public meeting

Action challenging a closed meeting

- § 52-4-304 The court/judge must
 - Review the recording/minutes in camera (in private) and then decide the legality of the closed meeting
 - If judge doesn't find a violation action dismissed with no disclosure
 - If judge finds a violation the judge will order disclosure of all or part of the record
- May also be actionable under GRAMA § 63G-2-202(7)

WHO CAN ENFORCE OPMA?

- The courts
- The Attorney General
- A County Attorney
- A private citizen who is an aggrieved party

UTAH OPEN & PUBLIC MEETINGS ACT

- HOW LONG DOES A PARTY HAVE TO PURSUE CORRECTIVE ACTION?
 - 90 Days
 - 30 Days if it involves, bonds, notes, or debt

UTAH OPEN & PUBLIC MEETINGS ACT

- QUESTIONS?

SANTAQUIN CITY

CULINARY WATER SYSTEM IMPACT FEE FACILITIES PLAN



September 2013

Prepared by:

J-U-B ENGINEERS, INC.
240 West Center Street, Suite 200
Orem, Utah 84057
(801) 226-0393
www.jub.com

SANTAQUIN CITY

CULINARY WATER SYSTEM IMPACT FEE FACILITIES PLAN

September 2013

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*Adopted by Santaquin City Council
on _____*

CULINARY WATER IMPACT FEE FACILITIES PLAN

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I. INTRODUCTION

A. Purpose

The purpose of the Culinary Water Impact Fee Facilities Plan (IFFP) is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act" relative to impact fee facilities plans. Appendix A contains the Impact Fee Act (Enacted by Chapter 47, 2011 General Session).

B. Background

The Culinary Water Master Plan and Capital Facilities Plan (MP & CFP) is a document that establishes long term plans for culinary water infrastructure for Santaquin City. It also performs the following functions pertinent to the Impact Fee Facilities Plan:

1. Identifies the level of service
2. Distinguishes between system improvements and project improvements
3. Identifies excess capacity available in system improvements for future growth and associated costs
4. Identifies system improvements that will be required in the future to accommodate future growth and associated costs
5. Evaluates available funding sources
6. Predicts a schedule of project construction based on projected growth rates and prioritizes projects

This IFFP document extracts information from the Culinary Water MP & CFP to provide the information that becomes the foundation for the Culinary Water Impact Fee Analysis (IFA).

Appendix B contains the Culinary Water MP & CFP by reference.

C. Scope

The Culinary Water IFFP takes results and documentation from the MP & CFP and supplements it to provide the basis needed to complete the Culinary Water Impact Fee Analysis. It is the intent that this document comply with the Utah Impact Fee Act as it currently exists.

II. LEVEL OF SERVICE

A. Level of Service from Culinary Water Master Plan and Capital Facilities Plan

The Culinary Water MP & CFP in Appendix B contains the culinary water system level of service established for Santaquin City.

B. Service Areas

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed. The impact fee related costs identified in this document will be assessed to a single service area encompassing the entire service area of the Santaquin culinary water system.

III. EXISTING AND FUTURE CULINARY WATER SYSTEM DEMANDS

The Culinary Water MP & CFP contains a detailed description of existing and future demands on the culinary water system. It illustrates the impact of future development on the system. See Appendix B for more information.

IV. EXISTING SYSTEM IMPROVEMENTS WITH RESERVE CAPACITY

Shown on the following pages are system facilities that have reserve capacity available to accommodate future growth, as well as the proportion of the facility capacity that is available for future growth. This existing capacity will gradually be consumed as development occurs.

A. Reserve Source Capacity

Table 1 shows the culinary water reserve source capacity.

The Center Street Well was disconnected from the culinary system in 2012 and connected into the City's pressure irrigation system in order to meet high demand periods on the pressure irrigation system. With a minimal amount of work, the Center Street Well could be reconnected to the culinary system, should the City find it necessary to use the well as a culinary source.

Currently 1.27 mgd of source capacity is being "loaned", from the culinary system, to the pressure irrigation system. This source capacity is not included in Table 1. At some point in the future, this capacity will be available to meet the needs of culinary water demand resulting from future growth. Even with current source capacity being used to support the pressure irrigation system, there remains excess source capacity of 2.26 mgd in the culinary system. Without the pressure irrigation system borrowing source capacity from the culinary system the existing reserve source capacity is 3.53 mgd. We consider this amount, 3.53 mgd, to be the reserve source capacity in the culinary water system.

Table 1. Reserve Culinary Water Source Capacity

Total Existing Source Demand (MGD)	2.50
Total Existing Source Capacity (MGD)	6.03
Total Existing Source Reserve Capacity (MGD)	3.53
Percent of Total Existing Source Capacity Available for Future Growth:	59%
Existing ERUs Served by Existing Sources	3,123
Total ERUs to be Served by Existing Sources when at Capacity	7,538
Number of Additional ERUs to be Served by Reserve Source Capacity	4,415
Estimated Years before Reserve will be Used:	17

B. Reserve Treatment Facility Capacity

Theoretically the culinary system treatment facilities could continue to treat ever increasing amounts of water that passes through these facilities. This would be accomplished by continuing to add additional amounts of chlorine as water flows increase. The limiting factor is more the size of the pipes and how much water can be conveyed without exceeding maximum design velocities in the pipelines at these facilities.

For this reason and because the original treatment facilities were constructed in conjunction with a deep well or had a relatively low original cost, this report does not address credit for reserve capacity in the treatment facilities even though there is enough reserve capacity to reach buildout for additional future water flows that will pass through these existing treatment facilities.

C. Reserve Storage Capacity

Under normal conditions, each culinary tank supplies one or more zones, with each tank operating independent of the other existing tanks as much as is practical. During an emergency situation; the Zone 12E Tank can supplement Zone 11E; the Zone 11E Tank can supplement Zone 10; and the Zone 11W Tank can also supplement Zone 10, all, as needed. Because of this possible supplementation, the totals for existing storage and required storage for these individual tanks are totaled to calculate a system-wide reserve capacity

We expect the pressure irrigation system to provide sufficient storage to meet its own needs before total tank capacity is exceeded by the sum of total storage demand on the culinary water system and that being supplied to the pressure

irrigation system. We consider the storage capacity being consumed by pressure irrigation needs right now to be available for future use for culinary water storage needs resulting from future growth. We therefore include the storage capacity currently being “loaned” to the pressure irrigation system to be reserve capacity in the culinary water storage tanks. Table 2 summarizes the reserve storage capacity.

Table 2. Existing Culinary Water Reserve Storage Capacity

Total Existing Storage Demand (MG)	1.86
Total Existing Storage Capacity (MG)	3.76
Total Existing Storage Reserve Capacity (MG)	1.90
Percent of Total Existing Storage Capacity Available for Future Growth:	51%
Existing ERUs Served by Existing Storage	3,123
Total ERUs to be Served by Existing Storage when at Capacity	6,769
Number of Additional ERUs to be Served by Reserve Storage Capacity	3,646
Estimated Years before Reserve will be Used:	14

D. Reserve Transmission/Distribution System Capacity

We have evaluated the capacity of all transmission and distribution system pipelines that are larger than 8” in diameter, which we consider pipes to be system improvements. We do not consider those 8” in diameter and smaller to be system improvements, since they are the minimum size to be installed as project improvements. The process of determining reserve capacity in the transmission/distribution system improvements is as follows:

1. Identify existing demand (flow in gallons per minute) in each existing pipe segment larger than 8" in diameter.
2. Identify buildout demand (flow in gallons per minute) in the same existing pipe segments. In most cases the pipe would still have the ability to carry more flow at buildout, but we are only counting that portion of capacity that will actually get consumed for reserve capacity calculations.
3. Calculate the weighted average existing flow and the weighted average buildout flow for all pipes of a given size (weighted based on the length of the segment).
4. Calculate the reserve capacity as the difference between the weighted average of existing flow and the weighted average of buildout flow.

Table 3 summarizes the results of these calculations for existing pipes with reserve capacities that qualify as system improvements:

Table 3. Existing Culinary Water Transmission/Distribution System Reserve Capacity

	Pipe Size			
	10"	12"	14"	16"
All Pipes with Reserve Capacity				
Length (ft)	31,206	25,250	1,258	20,379
Percent of Existing Pipe Capacity Available for Future Growth:	67%	62%	64%	50%
Pipes with Reserve Capacity in which Construction was City-Funded				
Length (ft)	15,007	21,408	1,258	16,229
Percent of Existing Pipe Capacity Available for Future Growth:	53%	62%	64%	49%

For the purposes of the Culinary Water MP & IFFP, buildout populations and demands are estimated to occur in the year 2060. The master plan identifies 3,123 existing ERUs at present and 13,865 ERUs at buildout. We therefore anticipate that 10,742 ERUs will be added between now and buildout. We also anticipate that these ERUs of future growth will consume the portions of existing transmission/distribution system pipe capacity indicated in Table 3 over the next 47 years.

See Appendix C for a detailed tabulation of each pipe segment considered to be a transmission/distribution system facility and the data for each pipe segment that result in the numbers in Table 3.

E. Summary of System Facilities with Reserve Capacity

Table 4 summarizes the reserve capacity of the culinary water system facilities, with historic costs and the historic source of funding for each existing facility with reserve capacity.

Table 4. Existing Culinary Water System Reserve Capacity

Existing Facility	Percent of Existing Facility Capacity Available for Future Growth	Anticipated ERUs to Consume Reserve Capacity	Years from Present when Reserve Capacity is Estimated to be Consumed by Growth	Historic Cost Eligible for Impact Fee Reimbursement ¹	Source of Historic Project Funding ¹
Sources					
Summit Ridge Well	59%	4,415	17	\$326,793	Santaquin City
Cemetery Well	59%	4,415	17	\$249,001	Santaquin City
Storage					
Zone 11E Tank (1.09 MG)	51%	3,646	14	\$205,459	Santaquin City
Zone 11W Tank (1.14 MG)	51%	3,646	14	\$273,690	Santaquin City
Zone 12E Tank (1.04 MG)	51%	3,646	14	\$257,947	Santaquin City
Transmission/Distribution					
10" Pipes	53%	10,712	47	\$280,914	Santaquin City
12" Pipes	62%	10,712	47	\$634,239	Santaquin City
14" Pipes	64%	10,712	47	\$45,573	Santaquin City
16" Pipes	49%	10,712	47	\$1,186,849	Santaquin City

¹In the case of the transmission and distribution pipes, the costs listed as Historic Costs Eligible for Impact Fee Reimbursement represent the portion of historic project costs incurred by Santaquin City associated with reserve pipe capacity that will be consumed as growth occurs.

F. Historic Costs

We used actual historic costs where available. Where they were not available we estimated the year of construction of the facility, we then estimated what it would cost to construct the facility in 2013 (using the same method used to estimate the cost of future system improvements), and calculated an approximate historic cost of construction based on the ratio of the Engineering News Record construction cost index between the year of construction and 2013. Appendix D contains the historic costs and cost estimates and the ENR construction cost index.

V. FUTURE PROJECTS TO ACCOMMODATE GROWTH

The Culinary Water MP & CFP identifies which projects will be needed to accommodate future growth and determines at what point they will be needed, based on the number of equivalent residential units (ERUs) served. Given the growth rate contained in the master plan, it also calculates what year (or range of years, for later projects) Santaquin expects the projects to be needed.

Projects expected to be needed in the next 10 years to accommodate growth are listed in Table 5. We have chosen the commonly accepted period of 10 years, which is supported by the following reasoning. Current legislation requires that impact fees collected must be spent within 6 years. Impact fees will be collected as calculated in an IFA based on this IFFP until the IFFP is updated, which should happen no less frequently than every 5 years. So impact fees based on this IFFP may be collected 4 years after its adoption. Those fees would need to be spent within 6 years thereafter, which would be 10 years from the date of IFFP adoption. Thus projects as far as 10 years into the future are included in this IFFP.

Table 5. Culinary Water Projects Needed to Accommodate Future Growth

CFP Project Number	Project Name	Estimated Cost to Accommodate Growth (Buildout)	Estimated Cost to Accommodate Growth (Next 10 Years)	Point at Which Project is Needed (ERUs)	Point at Which Project is Needed (Year)	Funding Source
	Additional PRVs	\$1,350,000	\$385,714	These costs are spread over the next 35 years as areas develop; the estimated annual cost is \$1,350,000/35, or \$38,571		Impact Fees
7	3 Additional PRVs between Zones 10 & 9N	\$225,000				
8	2 Additional PRVs between Zones 13E & 14E	\$150,000				
9	3 Additional PRVs between Zones 9N & 8N	\$225,000				
10	2 Additional PRVs between Zones 14E & 15E	\$150,000				
11	1 Additional PRV between Zones 11W & 10W	\$75,000				
12	3 Additional PRVs between Zones 10W & 9W	\$225,000				
13	4 Additional PRVs between Zones 8N & 7N	\$300,000				Impact Fees and Water Funds ¹
18	Construct 900 South & Pole Canyon Road Parallel 8" Water Line	\$195,480	\$51,028	3,123	2013	
19	Incremental Cost of Upsizing Beyond 8" Pipes	\$628,745	\$179,641	These costs are spread over the next 35 years as areas develop; the estimated annual cost is \$628,745/35, or \$17,964		Impact Fees
	Incremental Cost from 8" to 10" Pipes	\$225,238				
	Incremental Cost from 8" to 12" Pipes	\$153,537				
	Incremental Cost from 8" to 14" Pipes	\$55,830				
	Incremental Cost from 8" to 16" Pipes	\$194,141				
Total:		\$2,174,225	\$616,384			

¹ A very small portion (4%) of the capacity of this project is needed to satisfy an existing deficiency; the remainder (96%) is needed to meet the demands of future growth. Approximately 26% of the capacity is expected to be used by growth over the next 10 years.

VI. FUNDING FUTURE PROJECTS

A. Consideration of Funding Sources

Section 302 (2) of the Impact Fee Act requires the City to “generally consider all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements.” By doing so, the City ensures fair and equitable treatment among users and concludes whether impact fees are the most appropriate method to fund the growth.

The Culinary Water MP & CFP considered multiple revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements. It establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received.

B. Impact Fee Credit

The Impact Fee Act allows a “...credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities: are system improvements; or are dedicated to the public; and offset the need for an identified system improvement.” The improvements do not necessarily need to be made in the proposed development. This plan does not contemplate a credit owed, and any credits given in the future would be negotiated between the developer and the City on a case by case basis as they arise.

APPENDIX A - UTAH IMPACT FEE ACT

Utah Code

Title 11 Cities, Counties, and Local Taxing Units

Chapter 36a Impact Fees Act

- Section 101 Title.**
- Section 102 Definitions.**
- Section 201 Impact fees.**
- Section 202 Prohibitions on impact fees.**
- Section 203 Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.**
- Section 204 Other names for impact fees.**
- Section 205 Environmental mitigation impact fees.**
- Section 301 Impact fee facilities plan.**
- Section 302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.**
- Section 303 Impact fee analysis.**
- Section 304 Impact fee analysis requirements.**
- Section 305 Calculating impact fees.**
- Section 306 Certification of impact fee analysis.**
- Section 401 Impact fee enactment.**
- Section 402 Required provisions of impact fee enactment.**
- Section 403 Other provisions of impact fee enactment.**
- Section 501 Notice of intent to prepare an impact fee facilities plan.**
- Section 502 Notice to adopt or amend an impact fee facilities plan.**
- Section 503 Notice of preparation of an impact fee analysis.**
- Section 504 Notice of intent to adopt impact fee enactment -- Hearing -- Protections.**
- Section 601 Accounting of impact fees.**
- Section 602 Expenditure of impact fees.**
- Section 603 Refunds.**
- Section 701 Impact fee challenge.**
- Section 702 Time limitations.**
- Section 703 Procedures for challenging an impact fee.**
- Section 704 Mediation.**
- Section 705 Arbitration.**

11-36a-101. Title.

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

11-36a-102. Definitions.

As used in this chapter:

- (1) (a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
 - (ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.
- (b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.
- (2) "Charter school" includes:
 - (a) an operating charter school;
 - (b) an applicant for a charter school whose application has been approved by a chartering entity as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
 - (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- (3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (4) "Development approval" means:
 - (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
 - (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
 - (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
 - (i) to reserve or provide:
 - (A) a water right;
 - (B) a system capacity; or
 - (C) a distribution facility; or
 - (ii) to deliver for a development activity:
 - (A) culinary water; or
 - (B) irrigation water; or
 - (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
 - (i) to reserve or provide:
 - (A) sewer collection capacity; or
 - (B) treatment capacity; or
 - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
 - (a) a municipal ordinance, for a municipality;

- (b) a county ordinance, for a county; and
- (c) a governing board resolution, for a local district, special service district, or private entity.
- (6) "Encumber" means:
 - (a) a pledge to retire a debt; or
 - (b) an allocation to a current purchase order or contract.
- (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
- (8) (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
- (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
- (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (12) "Private entity" means an entity with private ownership that provides culinary water that is required to be used as a condition of development.
- (13) (a) "Project improvements" means site improvements and facilities that are:
 - (i) planned and designed to provide service for development resulting from a development activity;
 - (ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and
 - (iii) not identified or reimbursed as a system improvement.
- (b) "Project improvements" does not mean system improvements.
- (14) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (15) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:
 - (a) water rights and water supply, treatment, and distribution facilities;
 - (b) wastewater collection and treatment facilities;
 - (c) storm water, drainage, and flood control facilities;
 - (d) municipal power facilities;
 - (e) roadway facilities;
 - (f) parks, recreation facilities, open space, and trails;
 - (g) public safety facilities; or
 - (h) environmental mitigation as provided in Section 11-36a-205.
- (16) (a) "Public safety facility" means:
 - (i) a building constructed or leased to house police, fire, or other public safety entities; or
 - (ii) a fire suppression vehicle costing in excess of \$500,000.
- (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary

incarceration.

- (17) (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
- (b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
 - (i) are necessitated by the new development; and
 - (ii) are not funded by the state or federal government.
- (c) "Roadway facilities" does not mean federal or state roadways.
- (18) (a) "Service area" means a geographic area designated by a local political subdivision on the basis of sound planning or engineering principles in which a defined set of public facilities provides service within the area.
- (b) "Service area" may include the entire local political subdivision.
- (19) "Specified public agency" means:
 - (a) the state;
 - (b) a school district; or
 - (c) a charter school.
- (20) (a) "System improvements" means:
 - (i) existing public facilities that are:
 - (A) identified in the impact fee analysis under Section 11-36a-304; and
 - (B) designed to provide services to service areas within the community at large; and
 - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
- (b) "System improvements" does not mean project improvements.

11-36a-201. Impact fees.

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

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

- (1) A local political subdivision or private entity may not:
 - (a) impose an impact fee to:
 - (i) cure deficiencies in a public facility serving existing development;
 - (ii) raise the established level of service of a public facility serving existing development;
 - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
 - (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
 - (A) generally accepted cost accounting practices; and
 - (B) the methodological standards set forth by the federal Office of Management and

Budget for federal grant reimbursement;

- (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
 - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
- (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
 - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
 - (iii) on a school district or charter school unless:
 - (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
 - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements; or
 - (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
 - (A) the Utah National Guard;
 - (B) the Utah Highway Patrol; or
 - (C) a state institution of higher education that has its own police force.
- (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
- (A) the school is intended to replace another school, whether on the same or a different parcel;
 - (B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
 - (C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
- (ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
- (c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
- (i) the state's development causes an impact on the road facility; and
 - (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
- (3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

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

- (1) A private entity:
 - (a) shall comply with the requirements of this chapter before imposing an impact fee; and
 - (b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.
- (2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.
- (3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for local districts.
- (4) A private entity that assesses an impact fee under this chapter is subject to the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

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

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

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

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

- (1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;
- (2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and
- (3) the legislative body of the local political subdivision adopts an ordinance or resolution:
 - (a) declaring that an impact fee is required to finance the Habitat Conservation Plan;
 - (b) establishing periodic sunset dates for the impact fee; and
 - (c) requiring the legislative body to:
 - (i) review the impact fee on those sunset dates;
 - (ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and
 - (iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

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

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

- (2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
- (3) (a) A local political subdivision with a population, or serving a population, of less than 5,000 as of the last federal census need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
 - (i) the impact fees that the local political subdivision imposes are based upon a reasonable plan; and
 - (ii) each applicable notice required by this chapter is given.
- (b) Subsection (3)(a) does not apply to a private entity.

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

- (1) An impact fee facilities plan shall identify:
 - (a) demands placed upon existing public facilities by new development activity; and
 - (b) the proposed means by which the local political subdivision will meet those demands.
- (2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements.
- (3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received.
- (4) (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
 - (i) through the planning process; or
 - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
- (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
- (c) (i) In accordance with Subsections 10-9a-305(4) and 17-27a-305(4), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
- (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

11-36a-303. Impact fee analysis.

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

Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

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

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
 - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;
 - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
 - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
 - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
 - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
 - (g) extraordinary costs, if any, in servicing the newly developed properties; and
 - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

11-36a-305. Calculating impact fees.

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

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

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

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

"I certify that the attached impact fee facilities plan:

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

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

"I certify that the attached impact fee analysis:

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

11-36a-401. Impact fee enactment.

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

- (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.
- (2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

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

- (1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment contains:
 - (a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
 - (b) (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or
 - (ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;
 - (c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
 - (i) respond to:
 - (A) unusual circumstances in specific cases; or
 - (B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
 - (ii) ensure that the impact fees are imposed fairly; and
 - (d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- (2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - (a) dedicates land for a system improvement;
 - (b) builds and dedicates some or all of a system improvement; or
 - (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - (a) are system improvements; or
 - (b) (i) are dedicated to the public; and
 - (ii) offset the need for an identified system improvement.

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

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

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

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

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

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

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

- (2) With respect to the public notice required under Subsection (1)(a):
 - (a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);
 - (b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and
 - (c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.
- (3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

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

- (1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.
- (2) For a private entity required to post notice on the Utah Public Notice Website under Subsection (1):
 - (a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and
 - (b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

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

- (1) Before adopting an impact fee enactment:
 - (a) a municipality legislative body shall:
 - (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use ordinance;
 - (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use ordinance; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use ordinance;
 - (b) a county legislative body shall:
 - (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use ordinance;
 - (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use ordinance; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use ordinance;
 - (c) a local district or special service district shall:
 - (i) comply with the notice and hearing requirements of Section 17B-1-111; and
 - (ii) receive the protections of Section 17B-1-111;
 - (d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:
 - (i) make a copy of the impact fee enactment available to the public; and
 - (ii) post notice of the local political subdivision's intent to enact or modify the impact fee,

specifying the type of impact fee being enacted or modified, on the Utah Public Notice Website created under Section 63F-1-701; and

- (e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.
- (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

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

A local political subdivision that collects an impact fee shall:

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

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

- (1) A local political subdivision may expend impact fees only for a system improvement:
 - (a) identified in the impact fee facilities plan; and
 - (b) for the specific public facility type for which the fee was collected.
- (2) (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber the impact fees for a permissible use within six years of their receipt.
 - (b) A local political subdivision may hold the fees for longer than six years if it identifies, in writing:
 - (i) an extraordinary and compelling reason why the fees should be held longer than six years; and
 - (ii) an absolute date by which the fees will be expended.

11-36a-603. Refunds.

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

- (1) the developer does not proceed with the development activity and has filed a written request for a refund;
- (2) the fee has not been spent or encumbered; and

- (3) no impact has resulted.

11-36a-701. Impact fee challenge.

- (1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.
 - (2) (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.
 - (b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.
 - (3) (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:
 - (i) if the impact fee enactment was adopted on or after July 1, 2000:
 - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
 - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
 - (ii) except as limited by Subsection (3)(c), the impact fee.
 - (b) (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
 - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
 - (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- (4) (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
 - (i) the substantially prevailing party on that cause of action:
 - (A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and
 - (B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and
 - (ii) in accordance with Section 13-43-206, a government entity shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:
 - (A) the impact fee was paid on or after the day on which the advisory opinion on the

impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and

- (B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the government entity within 30 days after the day on which the court issued the final ruling on the impact fee.
- (b) A government entity subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee.
- (c) Subsection (4) may not be construed to create a new cause of action under land use law.
- (d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

11-36a-702. Time limitations.

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
 - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;
 - (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or
 - (c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.
- (2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure

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

- (1) (a) A local political subdivision may establish, by ordinance or resolution, an administrative appeals procedure to consider and decide a challenge to an impact fee.
- (b) If the local political subdivision establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:
 - (a) if the local political subdivision has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
 - (b) a request for arbitration as provided in Section 11-36a-705; or
 - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision

before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).

- (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
- (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

11-36a-704. Mediation.

- (1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.
- (2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.
- (3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.
- (4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:
 - (a) cooperate with the specified public agency to select a mediator; and
 - (b) participate in the mediation process.

11-36a-705. Arbitration.

- (1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
- (2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
 - (a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
 - (b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
 - (i) each party shall select an arbitrator within 20 days after the date the request is filed; and
 - (ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.
- (3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:
 - (a) the single arbitrator is agreed on under Subsection (2)(a); or
 - (b) the two arbitrators are selected under Subsection (2)(b)(i).
- (4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.
- (5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (6) The parties may agree to:
 - (a) binding arbitration;
 - (b) formal, nonbinding arbitration; or
 - (c) informal, nonbinding arbitration.

- (7) If the parties agree in writing to binding arbitration:
 - (a) the arbitration shall be binding;
 - (b) the decision of the arbitration panel shall be final;
 - (c) neither party may appeal the decision of the arbitration panel; and
 - (d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (8) (a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
 - (b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.
- (9) (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.
 - (b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).
 - (c) The district court shall consider de novo each appeal filed under this Subsection (9).
 - (d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (10) (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
 - (b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.
- (11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session

**APPENDIX B – CULINARY WATER
MASTER PLAN AND CAPITAL FACILITIES PLAN**

The 2013 Santaquin City Culinary Water Master Plan and Capital Facilities Plan is incorporated herein by reference.

APPENDIX C – DETAILS OF PIPES WITH RESERVE CAPACITY

Table C-1. Existing Culinary Water Pipes Reserve Capacity Detail

Pipe Segment ID	Dia (in)	Segment Length (ft)	Existing Flow (GPM)	Buildout Flow (GMP)	% of Capacity Available for Growth	% of Cost Funded by City	Year Built	% of Cost Eligible for Impact Fee Reimbursement	Estimated Present Day Project Cost (\$)	Ratio of ENR CPI for Year Built to Current Year	Estimated Historic Project Cost Eligible for Impact Fee Reimbursement (\$)	Actual Known Historic Project Costs Eligible for Impact Fee Reimbursement (\$)
Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10	Col 11	Col 12	Col 13
											= Col 9 x 10 x 11	
P11547	10	863		545	100%	100%		100%	\$59,554			
P11747	10	1034		555	100%							
P12283	10	329	18	108	84%							
P47	10	1207	19	593	97%							
P253	10	163	19	620	97%							
P45	10	814	19	620	97%							
366	10	145	19	628	97%							
P121	10	939	19	628	97%							
P11677	10	225	21	644	97%	100%	1992	97%	\$15,518	0.5266	\$7,904	
P1439	10	2509	21	690	97%	100%	2002	97%	\$173,087	0.6906	\$115,877	
P11583	10	982	25	317	92%	-100%		-92%	\$67,751			
328	10	985	32	113	71%							
P11595	10	1058	39	750	95%	100%	2002	95%	\$73,030	0.6906	\$47,785	
P415	10	197	39	750	95%	100%	2002	95%	\$13,593	0.6906	\$8,894	
330	10	4317	72	334	79%							
P251	10	112	72	637	89%							
284	10	575	132	228	42%	100%		42%	\$39,696			
207	10	583	309	469	34%							
P12629	10	272	440	1433	69%							
279	10	195	459	807	43%	100%	1992	43%	\$13,427	0.5266	\$3,047	
P73	10	391	472	806	41%	100%	1992	41%	\$26,945	0.5266	\$5,879	
P12627	10	232	493	1583	69%							
280	10	47	493	1659	70%							
P87	10	1775	652	2179	70%							
198	10	512	657	937	30%	100%	1992	30%	\$35,335	0.5266	\$5,565	
199	10	48	657	944	30%	100%	1992	30%	\$3,305	0.5266	\$529	
218	10	424	678	1143	41%	100%	2002	41%	\$29,256	0.6906	\$8,217	
P117	10	1984	706	2199	68%							
282	10	592	755	1782	58%	100%	1992	58%	\$40,827	0.5266	\$12,397	
203	10	697	768	1209	36%	100%	1992	36%	\$48,065	0.5266	\$9,223	
204	10	281	789	1228	36%							
221	10	424	893	1366	35%	100%	2002	35%	\$29,263	0.6906	\$6,999	
283	10	590	1008	2692	63%	100%	1992	63%	\$40,717	0.5266	\$13,411	
P393	10	1502	1022	1074	5%	100%	1992	5%	\$103,631	0.5266	\$2,643	
196	10	974	1022	1664	39%	100%	1992	39%	\$67,213	0.5266	\$13,664	
P11445	10	162	1022	1664	39%	100%	1992	39%	\$11,164	0.5266	\$2,270	
P12615	10	996	1022	1664	39%	100%	1992	39%	\$68,703	0.5266	\$13,967	
P53	10	62	1022	1664	39%	100%	1992	39%	\$4,244	0.5266	\$863	
220	10	842	1279	1338	4%	100%	2002	4%	\$58,105	0.6906	\$1,782	
P11447	10	1171	1641	2273	28%	100%	1992	28%	\$80,806	0.5266	\$11,832	
Total for all existing 10 inch pipes											\$280,914	
Total Length:	31,206											
Weighted Average of all Pipes Listed:					67%							
Length of Impact Fee Eligible	15,007											
Weighted Average of Impact Fee Eligible Pipes:					53%							

Pipe ID	Segment Dia (in)	Segment Length (ft)	Existing Flow (GPM)	Buildout Flow (GMP)	% of Available Capacity	% of Growth for Available Capacity	% of Funded by City	Year Built	% of Cost Eligible for Reimbursement	Estimated Project Cost (\$)	Ratio of ENR CPI for Year Built to Current Year	Estimated Historic Project Cost Eligible for Reimbursement (\$)	Actual Known Impact Fee Costs Eligible for Reimbursement (\$)
Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10	Col 11	Col 12	Col 13	
B2291	12	627	289	100%	100%	100%	2002	100%	\$51,373	0.6906	\$35,479		
B2199	12	171	344	100%	100%	100%	2002	100%	\$13,981	0.6906	\$9,655		
P1443	12	1903	476	100%	100%	100%	2002	100%	\$156,079	0.6906	\$107,789		
P203	12	520	1	83%	83%	74%							
P205	12	581	4	14	74%								
P207	12	686	13	101	87%								
P1441	12	2262	21	1008	98%	100%	2002	98%	\$185,517	0.6906	\$125,436		
P11683	12	873	30	137	78%	100%	2002	78%	\$71,586	0.6906	\$38,733		
P11997	12	391	41	308	87%	100%	2002	87%	\$32,062	0.6906	\$19,181		
P209	12	292	52	114	55%								
P41	12	22	66	116	43%								
P12001	12	684	66	165	60%	100%	2002	60%	\$56,088	0.6906	\$23,199		
B1829	12	363	73	150	52%	100%	2002	52%	\$29,766	0.6906	\$10,587		
P359	12	31	210	424	51%	100%			\$3,149				
P321	12	38	219	433	49%	100%			\$3,149				
P11689	12	169	267	487	45%	100%	2002	45%	\$13,866	0.6906	\$4,335		
P11623	12	1189	313	939	67%	100%	1992	67%	\$97,514	0.5266	\$34,235		
P12799	12	38	393	704	44%	100%	2002	44%	\$3,149	0.6906	\$962		
P12801	12	37	393	704	44%	100%	2002	44%	\$3,050	0.6906	\$932		
P107	12	321	430	1158	63%								
P11861	12	689	432	1099	61%								
B2271	12	1354	476	765	38%	100%	2002	38%	\$111,061	0.6906	\$28,941		
P227	12	380	508	655	22%								
P11875	12	20	515	1488	65%	100%	2002	65%	\$1,607	0.6906	\$726		
P223	12	260	528	654	19%								
B2277	12	1372	641	808	21%	100%	2002	21%	\$112,488	0.6906	\$16,020		
P365	12	125	707	906	22%	100%	1992	22%	\$10,283	0.5266	\$1,188		
P11769	12	460	923	1102	16%	100%	2002	16%	\$37,728	0.6906	\$4,220		
197	12	643	984	1405	30%	100%	1992	30%	\$52,742	0.5266	\$8,321		
P11873	12	1178	1488	21%	100%	2002	21%	\$1,427	0.6906	\$206			
P315	12	60	1178	1488	21%								
P12729	12	647	1571	5118	69%	100%	2002	69%	\$53,087	0.6906	\$25,410		
P12385	12	769	1571	8769	82%	100%	2002	82%	\$63,050	0.6906	\$35,743		
B2299	12	728	1575	2999	47%	100%	2002	47%	\$59,680	0.6906	\$19,568		
B2301	12	409	1575	2999	47%	100%	2002	47%	\$33,530	0.6906	\$10,994		
P11729	12	597	1924	4940	61%	100%	2008	61%			\$40,769		
P11725	12	599	1988	4525	56%	100%	2008	56%			\$40,926		
P11723	12	425	2206	4345	49%	100%	2008	49%			\$29,015		
P61	12	42	2873	5683	49%	100%	1992	49%	\$3,460	0.5266	\$901		
256	12	1217	2873	5683	49%	100%	1992	49%	\$99,786	0.5266	\$25,987		
255	12	390	2873	5684	49%	100%	1992	49%	\$31,980	0.5266	\$8,329		
254	12	217	2873	5684	49%	100%	1992	49%	\$17,753	0.5266	\$4,623		
253	12	330	2873	5684	49%	100%	1992	49%	\$27,035	0.5266	\$7,041		
252	12	984	2873	5684	49%	100%	1992	49%	\$80,672	0.5266	\$21,009		
P381	12	32	2873	5684	49%	100%	1992	49%	\$2,616	0.5266	\$681		
P83	12	538	2874	5685	49%	100%	1992	49%	\$44,141	0.5266	\$11,494		
P424	12	243	2874	5685	49%	100%	1992	49%	\$19,885	0.5266	\$5,178		
P1833	12	430	2916	4645	37%	100%	2008	37%			\$29,350		
P51	12	76	3365	4008	16%	100%	1992	16%	\$6,216	0.5266	\$524		
Total for all existing 12 inch pipes													\$140,060
													\$494,179

Pipe Segment ID	Dia (in)	Segment Length (ft)	Existing Flow (GPM)	Buildout Flow (GMP)	% of Capacity Available for Growth	% of Cost Funded by City	Year Built	% of Cost Eligible for Impact Fee Reimbursement	Estimated Present Day Project Cost (\$)	Ratio of ENR CPI for Year Built to Current Year	Estimated Historic Project Cost Eligible for Impact Fee Reimbursement (\$)	Actual Known Historic Project Costs Eligible for Impact Fee Reimbursement (\$)
Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10	Col 11	Col 12	Col 13
											= Col 9 x 10 x 11	
B1241	14	24		444	100%	100%	2002	100%	\$2,454	0.6906	\$1,695	
P13	14	1010	1607	5282	70%	100%	1992	70%	\$102,030	0.5266	\$37,380	
P11491	14	224	2942	4376	33%	100%	2008	33%	\$22,584	0.8780	\$6,499	
Total of all existing 14 inch pipes											\$45,573	
Total Length:	1,258											
Weighted Average of all Pipes Listed:					64%							
Length of Impact Fee Eligible	1,258											
Weighted Average of Impact Fee Eligible Pipes:					64%							
B2309	16	526		545	100%	100%	2002	100%	\$64,221	0.6906	\$44,351	
P11549	16	1687		545	100%	100%	2002	100%	\$205,790	0.6906	\$142,120	
P411	16	224		545	100%	100%	2002	100%	\$27,279	0.6906	\$18,839	
SR1	16	942		545	100%	100%	2002	100%	\$114,887	0.6906	\$79,342	
P201	16	1356	39	93	58%							
326	16	788	43	211	80%							
P12619	16	795	155	392	60%							
P11615	16	1211	359	557	36%							
P367	16	954	707	906	22%	100%	1992	22%	\$116,412	0.5266	\$13,446	
B2187	16	341	1226	2208	44%	100%	2002	44%	\$41,578	0.6906	\$12,767	
SR1439	16	294	1401	2494	44%	100%	2002	44%	\$35,844	0.6906	\$10,850	
P11607	16	2660	1571	5118	69%	100%	2002	69%	\$324,532	0.6906	\$155,339	
P12727	16	426	1571	5118	69%	100%	2002	69%	\$51,923	0.6906	\$24,853	
B2193	16	433	1575	2987	47%	100%	2002	47%	\$52,826	0.6906	\$17,244	
P11681	16	3974	2452	2814	13%	100%	2008	13%				\$440,979
P12737	16	707	2452	3513	30%	100%	2008	30%				\$78,433
P397	16	64	2873	5684	49%	100%	1992	49%	\$7,747	0.5266	\$2,018	
P11493	16	1993	2942	3912	25%	100%	2008	25%				\$221,150
P11609	16	566	2942	5433	46%	100%	2008	46%				\$62,775
P11727	16	309	2942	5433	46%	100%	2008	46%				\$34,289
P12445	16	131	2942	5767	49%	100%	2008	49%				\$14,526
Total of all existing 16 inch pipes:											\$334,698	\$852,151
Total Length:	20,379											
Weighted Average of all Pipes Listed:					50%							
Length of Impact Fee Eligible	16,229											
Weighted Average of Impact Fee Eligible Pipes:					49%							

APPENDIX D – HISTORIC COSTS

Table D-1. Historic Costs of Projects Eligible for Impact Fee Collection

Source Projects				
Summit Ridge Well				
Year of Construction	2002	Percent funded by City:		100%
Construction Cost Index Factor	1.448	Percent to be Used by Growth:		59%
Item Description	Quantity	Unit	Unit Price	Amount
Drill New Well	1	each	\$450,000.00	\$450,000.00
Pump and Motor	1	each	\$175,000.00	\$175,000.00
Building	1	each	\$144,000.00	\$144,000.00
Pipe Works	1	each	\$60,000.00	\$60,000.00
Electrical	1	each	\$150,000.00	\$150,000.00
Telemetry/Control/Monitoring	1	each	\$70,000.00	\$70,000.00
Preliminary Evaluation Report and Drinking Water Source Protection Plan	1	each	\$55,000.00	\$55,000.00
Other Fees: Engineering, Legal, Administrative, Finance 25%				\$276,000.00
Total				\$1,380,000.00
Total Historic Cost:				\$558,073.40
Cost Eligible for Impact Fee Collection:				\$326,792.54
Cemetery Well				
Year of Construction	1992	Percent funded by City:		100%
Construction Cost Index Factor	1.899	Percent to be Used by Growth:		59%
Item Description	Quantity	Unit	Unit Price	Amount
Drill New Well	1	each	\$450,000.00	\$450,000.00
Pump and Motor	1	each	\$125,000.00	\$125,000.00
Building	1	each	\$120,000.00	\$120,000.00
Pipe Works	1	each	\$60,000.00	\$60,000.00
Electrical	1	each	\$125,000.00	\$125,000.00
Telemetry/Control/Monitoring	1	each	\$50,000.00	\$50,000.00
Preliminary Evaluation Report and Drinking Water Source Protection Plan	1	each	\$55,000.00	\$55,000.00
Construction Administration 15%				\$147,750.00
Other Fees: Engineering, Legal, Administrative, Finance 25%				\$246,250.00
Total				\$1,379,000.00
Total Historic Cost:				\$425,226.29
Cost Eligible for Impact Fee Collection:				\$249,000.89

Storage Projects				
Zone 11E Tank (1.09 MG)				
Year of Construction	1992	Percent funded by City:		100%
Construction Cost Index Factor	1.899	Percent to be Used by Growth:		51%
Item Description	Quantity	Unit	Unit Price	Amount
Earthwork (Cut)	7,047	C.Y.	\$10.00	\$70,474.58
Earthwork (Fill)	5,286	C.Y.	\$10.00	\$52,855.93
1.09 Million Gallon Tank	1	each	\$929,055.78	\$929,055.78
Pipe Works	1	each	\$65,000.00	\$65,000.00
Valve Vault	1	each	\$65,000.00	\$65,000.00
Telemetry/Control/Monitoring	1	each	\$40,000.00	\$40,000.00
Other Fees: Engineering, Legal, Administrative, Finance 25%				\$305,596.57
Total				\$1,527,982.86
Total Historic Cost:				\$406,592.42
Cost Eligible for Impact Fee Collection:				\$205,458.93
Zone 11W Tank (1.14 MG)				
Year of Construction	2002	Percent funded by City:		100%
Construction Cost Index Factor	1.448	Percent to be Used by Growth:		51%
Item Description	Quantity	Unit	Unit Price	Amount
Earthwork (Cut)	7,329	C.Y.	\$10.00	\$73,293.28
Earthwork (Fill)	3,665	C.Y.	\$10.00	\$36,646.64
1.14 Million Gallon Tank	1	each	\$971,673.01	\$971,673.01
Pipe Works	1	each	\$55,000.00	\$55,000.00
Valve Vault	1	each	\$65,000.00	\$65,000.00
Telemetry/Control/Monitoring	1	each	\$40,000.00	\$40,000.00
Other Fees: Engineering, Legal, Administrative, Finance 25%				\$310,403.24
Total				\$1,552,016.18
Total Historic Cost:				\$541,618.43
Cost Eligible for Impact Fee Collection:				\$273,690.17
Zone 12E Tank (1.04 MG)				
Year of Construction	2002	Percent funded by City:		100%
Construction Cost Index Factor	1.448	Percent to be Used by Growth:		51%
Item Description	Quantity	Unit	Unit Price	Amount
Earthwork (Cut)	6,500	C.Y.	\$10.00	\$65,002.97
Earthwork (Fill)	4,875	C.Y.	\$10.00	\$48,752.23
1.04 Million Gallon Tank	1	each	\$886,438.54	\$886,438.54
Pipe Works	1	each	\$65,000.00	\$65,000.00
Valve Vault	1	each	\$65,000.00	\$65,000.00
Telemetry/Control/Monitoring	1	each	\$40,000.00	\$40,000.00
Other Fees: Engineering, Legal, Administrative, Finance 25%				\$292,548.43
Total				\$1,462,742.17
Total Historic Cost:				\$510,463.83
Cost Eligible for Impact Fee Collection:				\$257,947.15

The following tables show the Engineering News Record Construction Cost Index, which is an index based on labor, steel, concrete and lumber in 20 major cities in the United States.

Table D-3. Engineering News Record Construction Cost Index History

ENR'S CONSTRUCTION COST INDEX HISTORY (1908-2013)													
YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG.
2013	9437	9453	9456	9484	9516								
2012	9176	9198	9268	9273	9290	9291	9324	9351	9341	9376	9398	9412	9308
2011	8938	8998	9011	9027	9035	9053	9080	9088	9116	9147	9173	9172	9070
2010	8660	8672	8671	8677	8761	8805	8844	8837	8836	8921	8951	8952	8799
2009	8549	8533	8534	8528	8574	8578	8566	8564	8586	8596	8592	8641	8570
2008	8090	8094	8109	8112	8141	8185	8293	8362	8557	8623	8602	8551	8310
2007	7880	7880	7856	7865	7942	7939	7959	8007	8050	8045	8092	8089	7966
2006	7660	7689	7692	7695	7691	7700	7721	7722	7763	7883	7911	7888	7751
2005	7297	7298	7309	7355	7398	7415	7422	7479	7540	7563	7630	7647	7446
2004	6825	6862	6957	7017	7065	7109	7126	7188	7298	7314	7312	7308	7115
2003	6581	6640	6627	6635	6642	6694	6695	6733	6741	6771	6794	6782	6694
2002	6462	6462	6502	6480	6512	6532	6605	6592	6589	6579	6578	6563	6538
2001	6281	6272	6279	6286	6288	6318	6404	6389	6391	6397	6410	6390	6343
2000	6130	6160	6202	6201	6233	6238	6225	6233	6224	6259	6266	6283	6221
1999	6000	5992	5986	6008	6006	6039	6076	6091	6128	6134	6127	6127	6059
1998	5852	5874	5875	5883	5881	5895	5921	5929	5963	5986	5995	5991	5920
1997	5765	5769	5759	5799	5837	5860	5863	5854	5851	5848	5838	5858	5826
1996	5523	5532	5537	5550	5572	5597	5617	5652	5683	5719	5740	5744	5620
1995	5443	5444	5435	5432	5433	5432	5484	5506	5491	5511	5519	5524	5471
1994	5336	5371	5381	5405	5405	5408	5409	5424	5437	5437	5439	5439	5408
1993	5071	5070	5106	5167	5262	5260	5252	5230	5255	5264	5278	5310	5210
1992	4888	4884	4927	4946	4965	4973	4992	5032	5042	5052	5058	5059	4985
1991	4777	4773	4772	4766	4801	4818	4854	4892	4891	4892	4896	4889	4835
1990	4680	4685	4691	4693	4707	4732	4734	4752	4774	4771	4787	4777	4732

Table D-3. Engineering News Record Construction Cost Index Annual Average

ANNUAL AVERAGE							
YEAR	AVG	YEAR	AVG	YEAR	AVG	YEAR	AVG
1989	4615	1988	4519	1987	4406	1986	4295
1985	4195	1984	4146	1983	4066	1982	3825
1981	3535	1980	3237	1979	3003	1978	2776
1977	2576	1976	2401	1975	2212	1974	2020
1973	1895	1972	1753	1971	1581	1970	1381
1969	1269	1968	1155	1967	1074	1966	1019
1965	971	1964	936	1963	901	1962	872
1961	847	1960	824	1959	797	1958	759
1957	724	1956	692	1955	660	1954	628
1953	600	1952	569	1951	543	1950	510
1949	477	1948	461	1947	413	1946	346
1945	308	1944	299	1943	290	1942	276
1941	258	1940	242	1939	236	1938	236
1937	235	1936	206	1935	196	1934	198
1933	170	1932	157	1931	181	1930	203
1929	207	1928	207	1927	206	1926	208
1925	207	1924	215	1923	214	1922	174
1921	202	1920	251	1919	198	1918	189
1917	181	1916	130	1915	93	1914	89
1913	100	1912	91	1911	93	1910	96
1909	91	1908	97				

APPENDIX E - IMPACT FEE FACILITIES PLAN CERTIFICATION

As required by Section 11-36a-306 of the Impact Fee Act, J-U-B Engineers, Inc. provides the following statement:

I certify that the attached Impact Fee Facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed in the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within 6 years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to the 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 reimbursements; and
3. complies with each and every relevant respect with the Impact Fees Act.

J-U-B Engineers, Inc.

Mark L. Christensen, P.E., Project Manager

Santaquin City

Culinary Water Impact Fee

Analysis Update

Presented by:

Matt Millis

Zions Bank Public Finance

September 18, 2013



City Council Meeting
10/21/13 Public Hearing

- ZBPF is completing an update to the current culinary water impact fee analysis
- Update is needed to comply with new laws and update costs and capacities
- Only costs related to water system improvements with capacity for growth; No O&M expense, no maintenance, deficiencies
- The proposed resolution, analysis, and IFFP will be noticed starting Friday Sept 20th and are to be presented this evening to be considered for adoption by the Council on October 2nd

Impact Fee Summary

- An Impact Fee: one time charge to new development to fund new or expanded public facilities necessitated by new growth
- New Impact Fee Act, effective May, 2011, requires an Impact Fee Facilities Plan and existing assets to be valued at historic cost
- Must have a written Impact Fee Analysis that defines:
 - Analysis of existing facilities and capacity to serve new growth (buy-in)
 - Quantify the of Level of Service (average and peak demands)
 - Identify and justify future projects (based on demand)
 - Determine how future facilities will be funded
 - Ensure a fair and equitable fee that ensures that the cost borne by existing users is comparable to the cost to be borne in the future.
- Impact fees cannot fund repair and replacement that benefits existing users

Impact Fee Basics

- Consider the unused capacity of the current culinary water source, storage, and distribution lines plus future engineering, impact fee and planning costs
- Unused capacity in the source and storage facilities is adequate to serve new development for more than ten years
- Distribution improvements are required for more growth to connect;
- Included cost of distribution improvements to be constructed over the next ten years
- Also included the cost of master plan updates every five years and IFA and IFFP updates every three years

Updated Culinary Water Fee

Culinary Water	Total Capacity	Existing Capacity	% Impact Fee Qualifying	Impact Fee Qualifying Cost	ERUs to be Served	Cost per ERU
Source Impact Fee						
IFFP Projects	7,538	3,123	59%	-	4,415	-
Outstanding Debt: N/A	7,538	3,123	59%	-	4,415	-
Buy In - Existing Assets	7,538	3,123	59%	337,226.22	4,415	76.39
Subtotal				\$ 337,226		\$ 76.39
Storage Impact Fee						
IFFP Projects	6,769	3,123	54%	-	3,646	-
Outstanding Debt: N/A	6,769	3,123	54%	-	3,646	-
Buy In - Existing Assets	6,769	3,123	54%	397,023	3,646	108.89
Subtotal				\$ 397,023		\$ 108.89
Distribution Impact Fee						
IFFP Projects	3,061	-	100%	743,152	3,061	243
Outstanding Debt: N/A	3,061	-	100%	-	3,061	-
Buy In - Existing Assets	10,712	-	100%	2,147,575	10,712	200
Subtotal				\$ 2,890,727		\$ 443.30
Professional Services						
Impact Fee/ IFA Update	36,622	3,123	91%	30,186	3,061	9.86
Master Plan Update	36,623	3,123	91%	82,325	3,061	26.90
Subtotal				\$ 112,511		\$ 36.76
Impact Fee Fund Balance Credit						
Impact Fee Fund Balance Credit						
Total Impact Fee Per ERU				3,737,488		\$ 665.34

- City currently charges \$2,500 for both culinary and secondary water
- Secondary water will updated within the next two weeks
- Not anticipating a drop below \$2,500 once the secondary water fee is complete

Updated Culinary Water Fee

- Notice of public hearing published with copies of the analysis, IFFP, and ordinance will be placed in the local library and City Hall on Friday Sept 20th for ten days in accordance with noticing procedures
- Impact Fee Ordinance will be ready for Council adoption with the maximum fees
 - Council can adopt a lower amount than what is presented
 - Council can table the discussion and adopt at a later date
- The new impact fee cannot be collected until **90** days after adopting the ordinance

Impact Fee Adoption

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EXECUTIVE SUMMARY

The City of Santaquin, Utah (the "City") recently commissioned J-U-B Engineers ("J-U-B") to prepare the Santaquin City Culinary Water System Impact Fee Facilities Plan (IFFP) dated September 2013. The City has also retained Zions Bank Public Finance (Zions) to calculate the City's culinary water impact fees in accordance with the IFFP and Utah State Law. An impact fee is a one-time charge to new development to reimburse the City for the cost of developing new culinary water system capacity that will allow development to occur.

The culinary water impact fee will be assessed to a single, city-wide service area ("service area"). Santaquin City has a 3.76 million gallon storage capacity. Water comes from two culinary wells and springs producing 6.03 million gallons per day (MGD). During the summer months, approximately 50% of the water comes from springs and 50% from wells. During the winter months, 90% or more comes from the springs. The City has many miles of culinary water distribution lines ranging in size from 8" to 16".

The City has expended approximately \$3,460,465 to construct culinary water source, storage, and distribution facilities and will need to build another \$745,279(FV) in distribution system improvements to allow new growth to connect to a safe and reliable culinary water system. There are currently no bonds outstanding related to the culinary water system nor are bonds anticipated to be issued for culinary water within the next ten years. Changes to these assumptions may require an update to the culinary water impact fee analysis. The total impact fee qualifying cost of the project is estimated to be \$4,711,392.

On average, approximately 83.27% of the existing infrastructure cost (\$4,508,064) is related to growth and 99.7% of the distribution project costs to be constructed in the next ten years will be allocated to growth.

This system will provide culinary water for indoor uses while the City's secondary water system will provide water for outdoor irrigation. The City's culinary water system currently serves 3,123 Equivalent Residential Units ("ERUs") have connected to the system and are receiving services on demand. The culinary water facilities have adequate capacity to serve many more years of growth that will be assessed an impact fee to reimburse the City for the cost of constructing the system. The estimated demand for buildout, estimated to occur in 2060, is 13,835 ERUs.

Recommended Water Impact Fees per ERU

Figure ES.1 shows the maximum legal culinary water impact fee that the City can assess per ERU. Figure ES.2 provides a calculation of the impact fee for a non-standard user that may not fit the schedule found in ES.1. It is at the Council's discretion if the non-standard calculation will be used. Otherwise the fees shown in ES.1 will be charged.

FIGURE ES.1: MAXIMUM IMPACT FEE SCHEDULE

Units of Measure	Equivalency	Water Impact Fee
3/4" Meter	1.00	\$ 665
1" Meter	1.67	1,111
1.5" Meter	3.33	2,216
2" Meter	5.33	3,546
3" Meter	10.67	7,099
4" Meter	16.67	11,091
6" Meter	33.33	22,176
8" Meter	53.33	35,483

FIGURE ES.2: CALCULATION OF NON-STANDARD CULINARY WATER IMPACT FEE

Non-Standard Users Impact Fee Formula
Step 1: Average Day Demand divided by 400 gallons = Equivalent ERUs
Step 2: Multiply Equivalent ERUs by Impact Fee per ERU of \$665

The recommended impact fee structure presented in this analysis has been prepared to satisfy the Impact Fees Act, Utah Code Ann. § 11-36-101 et. Seq. (the "Act"), and represents the maximum culinary water impact fees that the City may assess within the Service Area. The City will be required to use other revenue sources to fund projects identified in the IFFP that constitute repair and replacement, cure any existing deficiencies, or maintain the existing level of service for current users.

CHAPTER 1:

OVERVIEW OF THE CULINARY WATER IMPACT FEES

What is an Impact Fee?

An impact fee is a one-time fee, not a tax, charged to new development to recover the City's cost of constructing water facilities with capacity that new growth will utilize. The fee is assessed at the time of building permit issuance as a condition of development approval. The calculation of the impact fee must strictly follow the Impact Fees Act to ensure that the fee is equitable, fair, and legally defensible.

This analysis shows that there is a fair comparison, or rational nexus, between the impact fee charged to new development and the impact on the capacity of the system that the new development will utilize. Impact fees are charged to different types of development and the water impact fee is scaled according to different levels of demand.

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 to overbuild the water facilities to provide latent capacity that is available to serve future development. The general impact fee methodology divides the capacity in existing and future capital projects between the number of existing users and the number of future users that unused capacity can still serve. Capacity is measured in terms of Equivalent Residential Units, or ERUs, which represent the demand that a typical single-family residence would place on the system.

What Costs Can or Cannot be Included in the Impact Fee?

The impact fees proposed in this analysis are calculated based upon:

- New capital infrastructure for water source, storage, and distribution;
- Professional and planning expenses related to the construction of the facility; and
- Historic costs of existing improvements that will serve new development.

The costs that cannot be included in the impact fee are as follows:

- Projects that cure existing deficiencies for existing users;
- Projects that increase the level of service above that which is currently provided;
- Operations and maintenance costs;
- Costs of facilities funded by grants or other funds that the City does not have to repay; and
- Costs of reconstruction of facilities that do not have capacity to serve new growth.

How Are the Impact Fees Calculated?

A fair impact fee is calculated by dividing the cost of existing and future facilities by the number of new ERUs that will benefit from the unused capacity. This cost per ERU is then applied to a set of graduated meter multipliers used for both residential and non-residential users that increase the impact fee as the size of water meter increases.

Description of the Service Area

The City's Culinary Water System is comprised of a combination of wells, storage and distribution facilities that will provide indoor culinary water for homes and businesses located therein. The culinary water system service area is the same as the incorporated City boundaries. A map of this service area is included in the appendices.

There is sufficient existing source and storage capacity to accommodate new growth in the near future. Some distribution capacity exists but new distribution improvements will need to be constructed within the next ten years. These distribution projects will be funded with the use of impact fees.

What is an Equivalent Residential Unit?

The unit of measurement used for water improvements is the future water demand by ERUs. An ERU is equivalent to 0.45 acre feet (146,000 gal) of annual demand which meets the requirements for indoor water usage only.

Project Costs and Financing

The proposed impact fees are comprised of the costs of future water capital projects that benefit additional development within the Service Area, and professional expenses pertaining to the regular update of the IFFP and impact fee analysis. The City does not currently have bonds outstanding related to the culinary water system and does not anticipate more debt for culinary water projects within the next ten years.

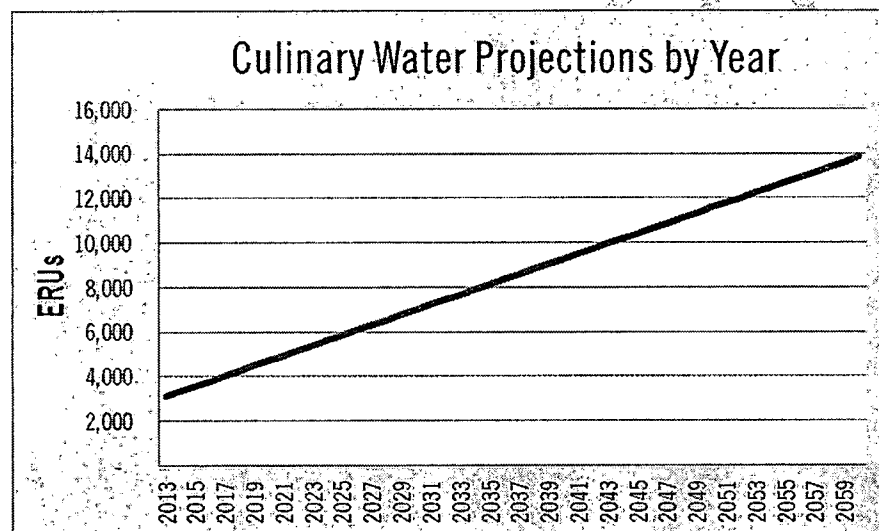
CHAPTER 2

IMPACT FROM GROWTH UPON THE CITY'S FACILITIES AND LEVEL OF SERVICE

Future Water Demand within the Service Area

Water demands within the City will grow as development activity rebounds and homes and businesses are built. Currently there are 3,123 ERUs and the buildout count of ERUs for the service area is estimated to be 13,835.

FIGURE 2.1: PROJECTED GROWTH IN ERUS



Level of Service Analysis

The level of service standard is established in the IFFP and in Figure 1.2 and reflects City policies. As this is a new system and the initial 59 ERUs are served at this level this is a defensible level of service that will be perpetuated into the future. The City has the right to increase this established level of service in the future by constructing facilities that will provide greater capacity per ERU but those new facilities with additional capacity cannot be funded with impact fees.

Figure 3.2 details the calculation of the storage requirement per ERU. The State Division of Drinking Water requires a minimum sizing of 400 gallons per day for indoor demands. In addition to this there must be adequate fire flow capacity to deliver 2,000 gallons per minute for two hours (240,000 gallons) and a 100,000 gallon emergency buffer.

FIGURE 2.2: LEVEL OF SERVICE

	ERU Demand	Distribution (Gpm)	Storage (Gal)	Source (Gpm)	Supply (Gpm)
Current ERUs	3,123				
Average Day Demand*					
State Design Standards (Gal)					
Actual Average Day Demand (Gal)	764,510				1,254,650
Average Day per ERU (Gal)	245				402
Average Day per ERU (gpm)	0.17				0.28
Annual Demand per ERU (AF)	0.27				0.45
Peak Day Demand**					
State Design Standards (Gal)					
Actual Peak Day Demand (Gal)	9,488,160			800	
Peak Day per ERU (Gal)	3,038		3,038	3,038	
Peak Day (gpm)	2.11		2.11	2.11	
Adjusted Storage with Fire Flow and Emergency			-		
Peak Instantaneous Demand					
State Design Standards (Gal)		800			
Peak Instantaneous Demand (Gal)	11,385,792				
Peak Instantaneous Demand per ERU (gal)	3,646	3,646			
Peak Instantaneous Demand per ERU (gpm)	2.53	2.53			

*Impact fee calculation is based on DDW standards of 0.45 Af

** Peak Day Demand is a balance of DDW standards of 800 gallons per day before fireflow and actual demands. The adjusted amount is 720 gpd plus fireflow to reach 873 gpd as a total storage requirement per ERU

Calculation of Storage Requirement per ERU

According to the culinary water level of service included in the IFFP prepared by J-U-B Engineers, storage is calculated based upon 400 GPD per ERU as well as 120 GPD for emergency storage and 1.2 MG of city-wide fire flow. Based upon the number of ERUs served at any given moment, the number of gallons per ERU ranges from 521 and 595 GPD per ERU for storage.

CHAPTER 3

FUTURE AND HISTORIC CAPITAL PROJECTS COSTS

The Impact Fees Act allows for the inclusion of various cost components in the calculation of the impact fees. These cost components are the construction costs of growth-driven improvements and appropriate professional services inflated from current dollars to construction year costs. Impact fees can only fund system improvements which are defined as facilities or lines that contribute to the entire system's capacity rather than just to a small, localized area. The City currently has no outstanding bonds relating to the culinary water system and does not anticipate future bonds so the impact fee analysis does not need to consider debt service in the impact fee calculation.

Project Capacities Available for Growth

The costs of future capital projects are defined in the corresponding Impact Fees Facilities Plan prepared J-U-B and are summarized in Figure 3.4.

Source

The engineers at J-U-B have projected that wells and springs combined will provide 6.03 MGD of capacity. The level of service shown in Figure 2.2 above is 800 gallons per day per ERU on peak day which will allow the sources to serve 7,538 ERUs. Considering the 3,123 ERUs currently served there is 59% of the capacity available to serve new growth.

FIGURE 3.1: CAPACITIES AND UTILIZATION OF SOURCE

Capacities and Utilization of Source Improvements	
Source Capacity (Gal)	6,030,000
Gal Per ERU	800
ERUs Served	7,538
Current ERUs	3,123
Unused ERUs	4,415
% to Growth	59%

Storage

The storage capacity in the culinary water system is 3.76 MG which will allow 6,769 ERUs to be served by the City. Currently the City has 3,123 ERUs; therefore, there is latent storage capacity available to serve future growth. 54% of the available capacity is available to serve future demands.

FIGURE 3.2: CAPACITIES AND UTILIZATION OF STORAGE

Capacities and Utilization of Storage Improvements	
Storage Capacity	3,760,000
Gallons Per ERU	-
ERUs Served	6,769
Current ERUs	3,123
Unused ERUs	3,646
% to Growth	54%

Distribution

There is unused capacity in the existing distribution system but this capacity must be coupled with future projects in order be useful. Therefore to calculate the distribution fee the cost of the existing system were blended with the 10 year distribution projects to strip out the capacity it will serve to buildout that is beyond the 10 year planning horizon.

FIGURE 3.3: CAPACITIES AND UTILIZATION OF DISTRIBUTION

The only future projects required for the culinary water system are distribution line upgrades and pressure reducing valves (PRVs). The source and storage all have sufficient capacity to handle future growth for the next 10 years.

FIGURE 3.4: CAPITAL PROJECT COSTS TO BE FUNDED THROUGH IMPACT FEES

Project Name	% Impact Fee Qualifying	Year to be Constructed	2013 Ten Year Construction Cost	2013 % Impact Fee Qualifying	Construction Cost	Impact Fee Qualifying Cost	Non Impact Fee Qualifying
Source							
	0%						
Source Totals			\$ -	\$ -	\$ -	\$ -	\$ -
Storage							
	0%						
Storage Totals			\$ -	\$ -	\$ -	\$ -	\$ -
Supply							
	0%						
Supply Totals			\$ -	\$ -	\$ -	\$ -	\$ -
Distribution							
1 Additional PRV	100%	2014	\$ 77,143	\$ 77,143	\$ 83,759	\$ 83,759	\$ -
1 Additional PRV	100%	2,016	77,143	77,143	90,942	90,942	-
1 Additional PRV	100%	2,018	77,143	77,143	98,742	98,742	-
1 Additional PRV	100%	2,020	77,143	77,143	107,210	107,210	-
1 Additional PRV	100%	2,022	77,143	77,143	116,405	116,405	-
Construct 900 South & Pole Canyon Rd Parallel 8" Line	96%	2,013	51,028	48,987	53,171	51,044	2,127
Incremental Cost from 8" to 10" Pipes	100%	2,014	64,354	64,354	69,873	69,873	-
Incremental Cost from 8" to 12" Pipes	100%	2,014	43,868	43,868	47,630	47,630	-
Incremental Cost from 8" to 14" Pipes	100%	2,014	15,951	15,951	17,319	17,319	-
Incremental Cost from 8" to 16" Pipes	100%	2,014	55,469	55,469	60,226	60,226	-
Distribution Totals			\$ 616,384	\$ 614,343	\$ 745,279	\$ 743,152	\$ 2,127
Professional Services							
Annual Master Plan Review 2013	100%	2013	10,000	10,000	10,420	10,420	-
Professional Services Totals			\$ 10,000	\$ 10,000	\$ 10,420	\$ 10,420	\$ -
Six Year Culinary Water	100%		\$ 626,384	\$ 624,343	\$ 755,699	\$ 753,572	\$ 2,127

*Based on 20 years average cost of inflation using ENR and net of interest earnings

Historic Capital Project Costs

Figure 3.5 classifies the historic capital projects that have been expended to date in the construction of the existing well, storage reservoir, and distribution lines. These costs do not consider standard O&M expenses.

FIGURE 3.5: PROJECT COSTS INCURRED TO DATE (1/31/2013)

Impact Fee Analysis Updates

As development occurs and capital project planning is periodically revised, the future lists of capital projects and their costs may be different than the information utilized in this analysis. For this reason, it is assumed that the City will perform updates to the analysis every three years. The cost of preparing this analysis, the master plan and the future costs of updating both documents has been included in the impact fee calculations. The 2013 cost for updating the master plan was

\$60,000 and will be updated in five years at a cost of \$30,000. The 2013 cost of the impact fee analysis was \$11,000 with \$11,000 updates planned every 3 years throughout the 10 year planning horizon of this analysis.

Bond Debt Service and Grant Funds

The City of Santaquin does not currently have any bonds outstanding or future bonds contemplated for the culinary water system. The City does have a number of outstanding bonds but they all relate to other funds such as the sewer fund and pressurized irrigation fund. Therefore, the culinary water impact fee analysis does not consider any bonds.

WORKING DRAFT

CHAPTER 4

PROPORTIONATE SHARE ANALYSIS

The Impact Fees Act requires that the impact fee analysis estimates the proportionate share of the costs for existing capacity that will be recouped as shown in Figures 3.1 to 3.3. The impact fee must be based on the historic costs and reasonable future costs of the system. This chapter will show in Figure 4.1 that the proposed impact fee for system improvements is reasonably related to the impact on the water system from new development activity.

The proportionate share analysis is a consideration of the manner of funding existing public facilities. Historically the City has funded existing infrastructure through several different funding sources including the following:

- Property Tax Revenues
- User Rates
- Division of Drinking Water Grant
- Bond Proceeds
- Impact fee revenues will be used in the future once the fee is adopted and impact fee revenues are collected.

In the future the City will primarily rely upon property tax revenues and user rate revenues to fund the operations and maintenance of the system. Some rate revenues will be used to pay the debt service of the bonds in years when impact fee revenues are insufficient to cover the annual payment to principal and interest. However if rate revenues are used to pay what should be funded through impact fees due to a shortfall in impact fee revenues then the general fund will be repaid with impact fees for what the impact fee fund needed to borrow. Additional grants are not anticipated but if they are received the future impact fees will be further discounted according to the size of grant and what it will be intended to fund.

Developer Credits

If a project included in the Impact Fee Facilities Plan (or a project that will offset the demand for a system improvement that is listed in the IFFP) is constructed by a developer then that developer is entitled to a credit against impact fees owed. (Utah Impact Fees Act, 11-36a-304(2)(f)). There are currently no situations in this analysis or projects that would entitle a developer to a credit.

Time-Price Differential

Utah Code 11-36a-301(2)(h) allows for the inclusion of a time-price differential in order to create fairness for amounts paid at different times. To address the time-price differential, this analysis includes an inflationary component to account for construction inflation for future projects. Projects constructed after the year 2013 will be calculated at a future value with a 2.43% inflation rate. All users who pay an impact fee today or within the next six to ten years will benefit from projects to be constructed and included in the fee.

FIGURE 4.1: WATER IMPACT FEE CALCULATION

Culinary Water	System Cost	% to Component	Total Cost to Component	Total Capacity	Existing Capacity	% Impact Fee Qualifying	Impact Fee Qualifying Cost	ERUs to be Served	Cost per ERU
Source Impact Fee									
IFFP Projects	-	0%	-	7,538	3,123	59%	-	4,415	-
Outstanding Debt: N/A	-	0%	-	7,538	3,123	59%	-	4,415	-
Buy In - Existing Assets	4,205,744	14%	575,794	7,538	3,123	59%	337,226.22	4,415	76.39
Subtotal	\$ 4,205,744		575,794				\$ 337,226		\$ 76.39
Storage Impact Fee									
IFFP Projects	-	0%	-	6,769	3,123	54%	-	3,646	-
Outstanding Debt: N/A	-	0%	-	6,769	3,123	54%	-	3,646	-
Buy In - Existing Assets	4,205,744	18%	737,096	6,769	3,123	54%	397,023	3,646	108.89
Subtotal	\$ 4,205,744		737,096				\$ 397,023		\$ 108.89
Distribution Impact Fee									
IFFP Projects	745,279	100%	743,152	3,061	-	100%	743,152	3,061	243
Outstanding Debt: N/A	-	0%	-	3,061	-	100%	-	3,061	-
Buy In - Existing Assets	2,147,575	100%	2,147,575	10,712	-	100%	2,147,575	10,712	200
Subtotal	\$ 2,892,854		2,890,727				\$ 2,890,727		\$ 443.30
Professional Services									
Impact Fee/ IFA Update	33,000	100%	33,000	36,622	3,123	91%	30,186	3,061	9.86
Master Plan Update	90,000	100%	90,000	36,623	3,123	91%	82,325	3,061	26.90
Subtotal	\$ 123,000		123,000				\$ 112,511		\$ 36.76
Impact Fee Fund Balance Credit									
Impact Fee Fund Balance Credit									
Total Impact Fee Per ERU	2,892,854		4,326,617				3,737,488		\$ 665.34

Maximum Legal Water Impact Fees per ERU

As shown in Figure 4.1, the maximum legal impact fee per ERU is calculated to be \$665.34. This fee is the combination of individual fees for the components of water source, storage, distribution and professional fees. Each fee for individual components is based upon the historic and future costs divided by the total and available capacities. This results in a very precise impact fee per ERU and complies with the Impact Fees Act.

Determination of Residential and Non-Residential Impact Fees

An ERU is equivalent to 0.45 acre feet of water which is the approximate indoor water demand of a single family home over the course of a year. The impact fees to be paid by different residential and non-residential users are assessed according to meter size as shown in Figure 4.2-A ¾" meter, which is standard for a typical residential home which uses a flow of less than 13 Gpm, is equated to 1 ERU. ¾" services using more than 13 gpm and larger meters will be assessed an impact fee based on equivalent capacity as shown in Figure 4.2

FIGURE 4.2: MAXIMUM IMPACT FEE SCHEDULE

Units of Measure	Equivalency	Water Impact Fee
¾" Meter	1.00	\$ 665
1" Meter	1.67	1,111
1.5" Meter	3.33	2,216
2" Meter	5.33	3,546
3" Meter	10.67	7,099
4" Meter	16.67	11,091
6" Meter	33.33	22,176
8" Meter	53.33	35,483

Non-Standard Demand Adjustments

The City reserves the right under the Impact Fees Act (Utah Code 11-36-402(1)(c,d)) to assess an adjusted fee to respond to unusual circumstances and to ensure that the impact fees are assessed fairly. The impact fee ordinance must include a provision that permits adjustment of the fee for a particular development based upon studies and data submitted by the developer that indicate a more realistic and accurate impact upon the City's infrastructure.

The impact fee formula shown below in Figure 4.3 for a non-standard user is based upon the anticipated annual water demand of that particular user.

FIGURE 4.3: CALCULATION OF NON-STANDARD IMPACT FEE

Non-Standard Users Impact Fee Formula
Step 1: Average Day Demand divided by 400 gallons = Equivalent ERUs
Step 2: Multiply Equivalent ERUs by Impact Fee per ERU of \$665

**APPENDICES: CERTIFICATION, SERVICE AREA MAP,
IMPACT FEE CALCULATIONS**

WORKING DRAFT

In accordance with Utah Code Annotated, 11-36a-306(2), Zions Bank Public Finance, makes the following certification:

I certify that the attached impact fee analysis:

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;
3. offset costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act.

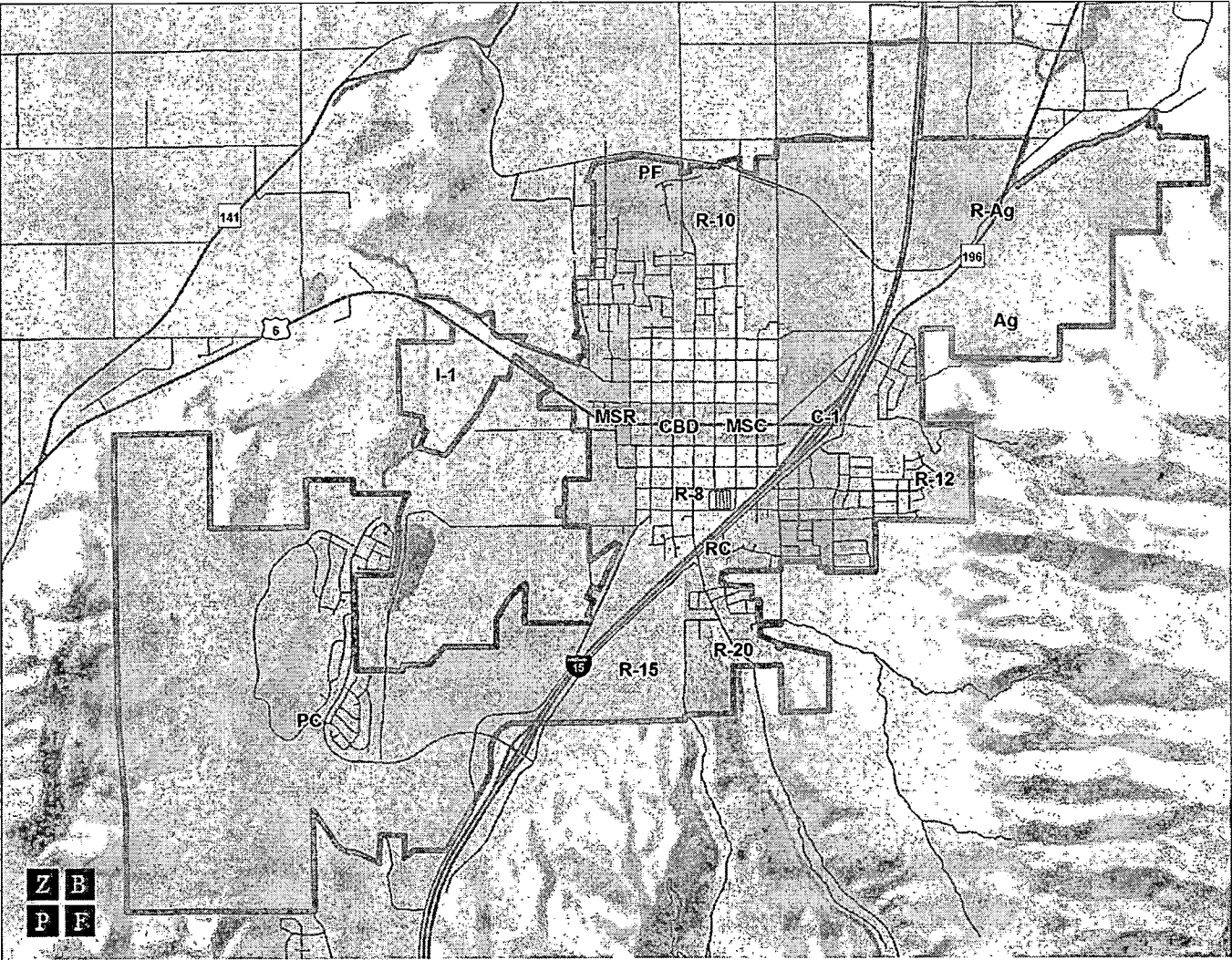
Zions Bank Public Finance makes this certification with the following caveats:

1. All of the recommendations for implementations of the Impact Fee Facilities Plan (IFFP) made in the IFFP or in the impact fee analysis are followed in their entirety by City staff and Council in accordance to the specific policies established for the Service Area.
2. If all or a portion of the IFFP or impact fee analysis are modified or amended, this certification is no longer valid.
3. All information provided to Zions Bank Public Finance, its contractors or suppliers is assumed to be correct, complete and accurate. This includes information provided by the City of Santaquin and outside sources. Copies of letters requesting data are included as appendices to the IFFP and the impact fee analysis.

Dated: 9/17/2013

ZIONS BANK PUBLIC FINANCE

Service Area Map



Appendix A: ERU Projections for Culinary Water

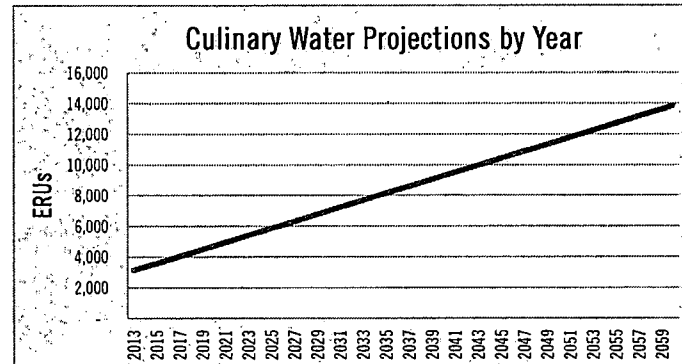
CURRENT AND FUTURE ERUs FOR THE CULINARY WATER SERVICE AREA

TABLE A.1: CURRENT AND FUTURE CULINARY WATER ERUs

Year	Population	ERUs	ERU Rate of Growth	GPM Ave Day	GPM Peak Day	GPM Peak Inst
2013	10,999	3,123		871	6,589	7,907
2014	11,910	3,351	7.30%	935	7,070	8,484
2015	12,896	3,579	6.80%	998	7,551	9,061
2016	13,963	3,807	6.37%	1,062	8,032	9,638
2017	15,120	4,035	5.99%	1,126	8,512	10,215
2018	16,371	4,263	5.65%	1,189	8,993	10,792
2019	17,727	4,490	5.35%	1,253	9,474	11,369
2020	19,195	4,718	5.08%	1,316	9,955	11,946
2021	19,907	4,946	4.83%	1,380	10,436	12,523
2022	20,645	5,174	4.61%	1,444	10,917	13,100
2023	21,411	5,402	4.40%	1,507	11,398	13,677
2024	22,206	5,630	4.22%	1,571	11,878	14,254
2025	23,030	5,858	4.05%	1,634	12,359	14,831
2026	23,884	6,086	3.89%	1,698	12,840	15,408
2027	24,770	6,314	3.74%	1,761	13,321	15,985
2028	25,689	6,542	3.61%	1,825	13,802	16,562
2029	26,642	6,770	3.48%	1,889	14,283	17,139
2030	27,631	6,998	3.37%	1,952	14,764	17,716
2031	28,473	7,225	3.26%	2,016	15,245	18,293
2032	29,342	7,453	3.15%	2,079	15,725	18,870
2033	30,237	7,681	3.06%	2,143	16,206	19,447
2034	31,159	7,909	2.97%	2,207	16,687	20,025
2035	32,109	8,137	2.88%	2,270	17,168	20,602
2036	33,089	8,365	2.80%	2,334	17,649	21,179
2037	34,098	8,593	2.72%	2,397	18,130	21,756
2038	35,138	8,821	2.65%	2,461	18,611	22,333
2039	36,209	9,049	2.58%	2,525	19,091	22,910
2040	37,314	9,277	2.52%	2,588	19,572	23,487
2041	38,027	9,505	2.46%	2,652	20,053	24,064
2042	38,753	9,733	2.40%	2,715	20,534	24,641
2043	39,493	9,960	2.34%	2,779	21,015	25,218
2044	40,247	10,188	2.29%	2,842	21,496	25,795
2045	41,016	10,416	2.24%	2,906	21,977	26,372
2046	41,799	10,644	2.19%	2,970	22,457	26,949
2047	42,598	10,872	2.14%	3,033	22,938	27,526
2048	43,411	11,100	2.10%	3,097	23,419	28,103
2049	44,241	11,328	2.05%	3,160	23,900	28,680
2050	45,086	11,556	2.01%	3,224	24,381	29,257
2051	45,811	11,784	1.97%	3,288	24,862	29,834
2052	46,549	12,012	1.93%	3,351	25,343	30,411
2053	47,298	12,240	1.90%	3,415	25,823	30,988
2054	48,060	12,468	1.86%	3,478	26,304	31,565
2055	48,834	12,695	1.83%	3,542	26,785	32,142
2056	49,620	12,923	1.80%	3,605	27,266	32,719
2057	50,419	13,151	1.76%	3,669	27,747	33,296
2058	51,231	13,379	1.73%	3,733	28,228	33,873
2059	52,055	13,607	1.70%	3,796	28,709	34,450
2060	52,893	13,835	1.67%	3,860	29,190	35,027

TABLE A.2: CULINARY WATER ERUs

Culinary Water ERUs	
Current ERUs (J-U-B Count)	3,123
Buildout ERUs	13,835
Undeveloped ERUs	10,712
% Undeveloped	77%



Appendix B: Culinary Water Level of Service (LOS) Analysis

Average Day, Peak Day, and Peak Instantaneous Demand Definitions

A	B	C	D	E	F
TABLE B.1: WATER LOS PER ERU					
	ERU Demand	Distribution (Gpm)	Storage (Gal)	Source (Gpm)	Supply (Gpm)
Current ERUs	3,123				
Average Day Demand*					
State Design Standards (Gal)					
Actual Average Day Demand (Gal)	764,510				1,254,650
Average Day per ERU (Gal)	245				402
Average Day per ERU (gpm)	0.17				0.28
Annual Demand per ERU (AF)	0.27				0.45
Peak Day Demand**					
State Design Standards (Gal)					
Actual Peak Day Demand (Gal)	9,488,160			800	
Peak Day per ERU (Gal)	3,038		3,038	3,038	
Peak Day (gpm)	2.11		2.11	2.11	
Adjusted Storage with Fire Flow and Emergency					
Peak Instantaneous Demand					
State Design Standards (Gal)		800			
Peak Instantaneous Demand (Gal)	11,385,792				
Peak Instantaneous Demand per ERU (gal)	3,646	3,646			
Peak Instantaneous Demand per ERU (gpm)	2.53	2.53			

*Impact fee calculation is based on DDW standards of 0.45 Af

** Peak Day Demand is a balance of DDW standards of 800 gallons per day before fireflow and actual demands. The adjusted amount is 720 gpd plus fireflow to reach 873 gpd as a total storage requirement per ERU

TABLE B.2: WATER SYSTEM FLOW, STORAGE, AND SUPPLY REQUIREMENTS

Year	ERUs	Culinary Flow Required (Gpm)	Storage Required (Gal)	Water Rights Required (Af)
2007	12,433	6,217	5,453,200	5,595
2008	12,594	6,297	5,517,599	5,667
2009	12,757	6,379	5,582,821	5,741
2010	12,922	6,461	5,648,883	5,815
2015	14,235	7,117	6,173,968	6,406
2020	15,776	7,888	6,790,492	7,099
2025	17,700	8,850	7,559,853	7,965
2030	20,047	10,024	8,498,986	9,021
2035	22,869	11,434	9,627,421	10,291
2040	26,220	13,110	10,967,805	11,799
Buildout 2060	36,622	18,311	15,128,780	16,480

TABLE B.3: WATER SYSTEM LOS PER ERU BY COMPONENT

Year	Flow per ERU (Gpm)	Storage per ERU (Gallon)	Acre Feet Required per ERU
	Source	Storage	Supply
2007	0.500	439	0.450
2008	0.500	438	0.450
2009	0.500	438	0.450
2010	0.500	437	0.450
2015	0.500	434	0.450
2020	0.500	430	0.450
2025	0.500	427	0.450
2030	0.500	424	0.450
2035	0.500	421	0.450
2040	0.500	418	0.450
Buildout 2060	0.500	413	0.450

Appendix C: Culinary Water Ten Year Capital Projects

	A	B	C	D	E	F	G	H	
1		Inflation Rate*		4.20%					
2	TABLE C.1: WATER CAPITAL PROJECTS								
3	Project Name	% Impact Fee Qualifying	Year to be Constructed	2013 Ten Year Construction Cost	2013 % Impact Fee Qualifying	Construction Cost	Impact Fee Qualifying Cost	Non Impact Fee Qualifying	
4	Source								
5		0%							
6		0%							
7		0%							
8	Source Totals			\$ -	\$ -	\$ -	\$ -	\$ -	
9	Storage								
10		0%							
11		0%							
12		0%							
13	Storage Totals			\$ -	\$ -	\$ -	\$ -	\$ -	
14	Supply								
15		0%							
16		0%							
17		0%							
18	Supply Totals			\$ -	\$ -	\$ -	\$ -	\$ -	
19	Distribution								
20	1 Additional PRV	100%	2014	\$ 77,143	\$ 77,143	\$ 83,759	\$ 83,759	\$ -	
21	1 Additional PRV	100%	2,016	77,143	77,143	90,942	90,942	-	
22	1 Additional PRV	100%	2,018	77,143	77,143	98,742	98,742	-	
23	1 Additional PRV	100%	2,020	77,143	77,143	107,210	107,210	-	
24	1 Additional PRV	100%	2,022	77,143	77,143	116,405	116,405	-	
25									
26	Construct 900 South & Pole Canyon Rd Parallel 8" Line	96%	2,013	51,028	48,987	53,171	51,044	2,127	
27	Incremental Cost from 8" to 10" Pipes	100%	2,014	64,354	64,354	69,873	69,873	-	
28	Incremental Cost from 8" to 12" Pipes	100%	2,014	43,868	43,868	47,630	47,630	-	
29	Incremental Cost from 8" to 14" Pipes	100%	2,014	15,951	15,951	17,319	17,319	-	
30	Incremental Cost from 8" to 16" Pipes	100%	2,014	55,469	55,469	60,226	60,226	-	
31	Distribution Totals			\$ 616,384	\$ 614,343	\$ 745,279	\$ 743,152	\$ 2,127	
32	Professional Services								
33	Annual Master Plan Review 2013	100%	2013	10,000	10,000	10,420	10,420	-	
34	Professional Services Totals			\$ 10,000	\$ 10,000	\$ 10,420	\$ 10,420	\$ -	
35	Six Year Culinary Water	100%		\$ 626,384	\$ 624,343	\$ 755,699	\$ 753,572	\$ 2,127	

*Based on 20 years average cost of inflation using ENR and net of interest earnings

TABLE C.2: CULINARY WATER

By Component	2013 Ten Year Construction Cost	2012 Impact Fee Qualifying	Construction Cost	Construction Year IF Qualifying
Source	\$ -	\$ -	\$ -	\$ -
Storage	-	-	-	-
Supply	-	-	-	-
Distribution	616,384	614,343	745,279	743,152
Professional	10,000	10,000	10,420	10,420
Total	\$ 626,384	\$ 624,343	\$ 755,699	\$ 753,572

Appendix D: Existing Culinary Water Assets

SOURCE INFORMATION				
Sources	Total Capacity (MGD)	Total Capacity (ERUs)	Historic Construction Cost	Proportionate Share
Existing Assets:				
Springs	1,300,000	1,625	\$ -	\$ -
Cemetery Well	950,000	1,188	249,001	145,832.82
Summit Ridge Well	3,780,000	4,725	326,793	191,393
Future Capital Projects:				
Total Capacity	6,030,000	7,538	\$ 575,794	\$ 337,226

*Adaption from JRB Impact Fee Facilities Plan 2013

TABLE D.2: SOURCE CAPACITIES AND UTILIZATION

Capacities and Utilization of Source Improvements	
Source Capacity (Gal)	6,030,000
Gal Per ERU	800
ERUs Served	7,538
Current ERUs	3,123
Unused ERUs	4,415
% to Growth	59%

TABLE D.3: STORAGE TANKS

Storage Facilities	Total Capacity (Gal)	Historic Costs	To Growth
Existing Assets:			
East Side - 1.04 Mg, 12E	1,040,000	\$ 257,947	\$ 138,939
Main Zone East Side	490,000	-	-
Summit Ridge - 1.14Mg, 11W	1,140,000	273,690	147,418
Upper Zone - 1.09Mg, 11E	1,090,000	205,459	110,667
Future Capital Projects:			
Total Capacity	3,760,000	\$ 737,096	\$ 397,023

TABLE D.4: STORAGE CAPACITIES AND UTILIZATION

Capacities and Utilization of Storage Improvements	
Storage Capacity	3,760,000
Gallons Per ERU	-
ERUs Served	6,769
Current ERUs	3,123
Unused ERUs	3,646
% to Growth	54%

TABLE D.5: DISTRIBUTION FEE

Asset	Total Capacity (ERU)	% to Growth	Historic/ Future Cost	Cost to Growth	Future ERUs	Cost per Future ERU
Reserved Capacity in Existing Distribution Lines	10,712	100.00%	\$ 2,147,575	\$ 2,147,575	10,712	\$ 200.48
Future Distribution Lines Projects for Growth	3,061	99.71%	745,279	743,152	3,061	242.81
			\$ 2,892,854	\$ 2,890,727		\$ 443.30

Appendix E: Culinary Water Proportionate Share

TABLE E.1: WATER IMPACT FEE CALCULATION

	A	B	C	D	E	F	G	H	I	J	
	Culinary Water	System Cost	% to Component	Total Cost to Component	Total Capacity	Existing Capacity	% Impact Fee Qualifying	Impact Fee Qualifying Cost	ERUs to be Served	Cost per ERU	
1	Source Impact Fee										1
2	IFFP Projects	-	0%	-	7,538	3,123	59%	-	4,415	-	2
3	Outstanding Debt: N/A	-	0%	-	7,538	3,123	59%	-	4,415	-	3
4	Buy In - Existing Assets	4,205,744	14%	575,794	7,538	3,123	59%	337,226.22	4,415	76.39	4
5											5
6	Subtotal	\$ 4,205,744		575,794				\$ 337,226		\$ 76.39	6
7	Storage Impact Fee										7
8	IFFP Projects	-	0%	-	6,769	3,123	54%	-	3,646	-	8
9	Outstanding Debt: N/A	-	0%	-	6,769	3,123	54%	-	3,646	-	9
10	Buy In - Existing Assets	4,205,744	18%	737,096	6,769	3,123	54%	397,023	3,646	108.89	10
11											11
12	Subtotal	\$ 4,205,744		737,096				\$ 397,023		\$ 108.89	12
13	Distribution Impact Fee										13
14	IFFP Projects	745,279	100%	743,152	3,061	-	100%	743,152	3,061	243	14
15	Outstanding Debt: N/A	-	0%	-	3,061	-	100%	-	3,061	-	15
16	Buy In - Existing Assets	2,147,575	100%	2,147,575	10,712	-	100%	2,147,575	10,712	200	16
17											17
18	Subtotal	\$ 2,892,854		2,890,727				\$ 2,890,727		\$ 443.30	18
19	Professional Services										19
20	Impact Fee/ IFA Update	33,000	100%	33,000	36,622	3,123	91%	30,186	3,061	9.86	20
21	Master Plan Update	90,000	100%	90,000	36,623	3,123	91%	82,325	3,061	26.90	21
22											22
23	Subtotal	\$ 123,000		123,000				\$ 112,511		\$ 36.76	23
24	Impact Fee Fund Balance Credit										24
25	Impact Fee Fund Balance Credit										25
26	Total Impact Fee Per ERU	2,892,854		4,326,617				3,737,488		\$ 665.34	26

*The base fees per ERU are not a final fee, the maximum legal fee schedule by meter size is found in Appendix F

A

B

C

D

E

F

G

H

I

J

28



Appendix F: Maximum Culinary Water Impact Fees

	A	B	C	D	E	
1	TABLE F.1: Culinary Water Impact Fee					1
2	Units of Measure		Water Impact Fee			2
3	Per Equivalent Residential Unit		\$ 665			3
4						4
5	TABLE F.2: IMPACT FEE BY CONNECTION SIZE					5
6	Units of Measure		Equivalency	Water Impact Fee		6
7	3/4" Meter		1.00	\$ 665		7
8	1" Meter		1.67	1,111		8
9	1.5" Meter		3.33	2,216		9
10	2" Meter		5.33	3,546		10
11	3" Meter		10.67	7,099		11
12	4" Meter		16.67	11,091		12
13	6" Meter		33.33	22,176		13
14	8" Meter		53.33	35,483		14
15						15
16						16
17						17
18	TABLE F.3: NON-STANDARD IMPACT FEE CALCULATION					18
19	Non-Standard Users Impact Fee Formula					19
20	Step 1: Average Day Demand divided by 400 gallons = Equivalent ERUs					20
21	Step 2: Multiply Equivalent ERUs by Impact Fee per ERU of \$665					21
22						22
	A	B	C	D	E	