

# River Heights City

---

**\*\* REVISED \*\***

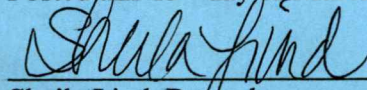
## COUNCIL MEETING AGENDA

**Tuesday, March 14, 2017**

Notice is hereby given that the River Heights City Council will hold its regular council meeting beginning at 6:30 p.m. in the River Heights City Office Building at 520 S 500 E.

- 6:30 p.m. Opening Remarks (Brackner) and Pledge of Allegiance (Clausen)
- 6:35 p.m. Adoption of Previous Minutes and Agenda  
Pay Bills  
Finance Director Report  
Purchase Requisitions  
Public Works Report  
Administrative Report  
Public Comment
- 6:50 p.m. Impact Fee Report
- 7:20 p.m. Discuss Park Pavilion Policy
- 7:35 p.m. Awarding of the Bid for the 600 East, 4<sup>th</sup> to 6<sup>th</sup> South, Street Improvement Project
- 7:40 p.m. Adoption of Code Changes
- 8:00 p.m. Mayor and Council Reports
- 8:15 p.m. Closed Session (to discuss a strategy for the purchase, exchange, lease, or sale of real property)
- 8:30 p.m. Adjourn

Posted this 13<sup>th</sup> day of March 2017

  
\_\_\_\_\_  
Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.



# River Heights City

---

## Council Meeting

March 14, 2017

1  
2  
3  
4  
5  
6  
7  
8 Present: Mayor James Brackner  
9 Council members: Doug Clausen  
10 Robert "K" Scott  
11 Geoff Smith  
12 Dixie Wilson  
13  
14 Recorder Sheila Lind  
15 Public Works Director Clayton Nelson  
16 Treasurer Wendy Wilker  
17  
18 Excused Councilmember Blake Wright  
19 Finance Director Clifford Grover  
20  
21 Others Present: Gayle Brackner, Craig Rasmussen, Eric Dursteler, Scout  
22 Troop 11 of the River Heights 1<sup>st</sup> Ward, Jacob Olson  
23

24 The following motions were made during the meeting:  
25

### 26 Motion #1

27 Councilmember Clausen moved to "adopt the minutes of the regular council meeting and the  
28 closed meeting of February 28, 2017 and the evening's agenda." Councilmember Scott seconded the  
29 motion, which passed with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright was  
30 absent.  
31

### 32 Motion #2

33 Councilmember Clausen moved to "pay the bills as listed." Councilmember Scott seconded the  
34 motion, which passed with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright was  
35 absent.  
36

### 37 Motion #3

38 Councilmember Wilson moved to "charge a \$50 deposit and to change the rental fees to \$25 for  
39 residents and \$50 for non-residents." Councilmember Clausen seconded the motion, which carried  
40 with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright was absent.  
41

### 42 Motion #4

43 Councilmember Clausen moved to "approve the Rupp Trucking bid for the 600 East Street  
44 Improvement Project in the amount of \$195,434.00, with the addition of a 5% upward amount for  
45 unforeseen changes. All changes will go before the Council at the meeting following the change."

46 Councilmember Scott seconded the motion, which carried with Clausen, Scott, Smith and Wilson in  
47 favor. No one opposed. Wright was absent.

48  
49 Motion #5

50 Councilmember Clausen moved to “adopt An Ordinance Adopting Changes to the River  
51 Heights City Code, March 14, 2017.” Councilmember Scott seconded the motion, which carried with  
52 Clausen, Scott, Smith, and Wilson in favor. No one opposed. Wright was absent.

53  
54 Motion #6

55 Councilmember Wilson moved to “close the open meeting to discuss strategy for the purchase,  
56 exchange, lease, or sale of real property.” Councilmember Clausen seconded the motion, which  
57 carried with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright was absent.

58  
59  
60 Proceedings of the Meeting:

61  
62 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in  
63 the River Heights City Building on Tuesday, March 14, 2017. Mayor Brackner opened the meeting  
64 with a few quotes. Councilmember Clausen led the group in the Pledge of Allegiance.

65 Adoption of Previous Minutes and Agenda: Minutes of the February 28, 2017 Council  
66 Meeting, were reviewed. Mayor Brackner informed that he plans to hold a closed session at the end of  
67 the evening’s meeting to update the Council on the property acquisition discussed at the last closed  
68 meeting.

69 **Councilmember Clausen moved to “adopt the minutes of the regular council meeting  
70 and the closed meeting of February 28, 2017 and the evening’s agenda.” Councilmember Scott  
71 seconded the motion, which passed with Clausen, Scott, Smith and Wilson in favor. No one  
72 opposed. Wright was absent.**

73 Pay Bills: The bills were presented and discussed.

74 **Councilmember Clausen moved to “pay the bills as listed.” Councilmember Scott  
75 seconded the motion, which passed with Clausen, Scott, Smith and Wilson in favor. No one  
76 opposed. Wright was absent.**

77 Finance Director Report: FD Grover was absent, however, the Council reviewed the report he  
78 prepared.

79 Purchase Requisition: There were none.

80 Public Works Report and Discussion: PWD Nelson reported on the following:

- 81 • He hasn’t heard if the new pick-up is ready. He will follow up on it tomorrow.
- 82 • They have been preparing the park restrooms to open tomorrow.
- 83 • He discussed the tennis courts. The material used to repair the surface last year has bubbled.  
84 He guesses it will flatten out when the weather warms up. Councilmember Wilson will call the  
85 repair guy to come look at it.
- 86 • Last Friday a few cities were invited to a demonstration on a sand bag filler. A local guy  
87 makes them. Its like a hopper that holds a bag open. The device will also hook to the sander  
88 and to the receiver hitch of the pick-up. They normally sell for \$2,100, but the guy who makes  
89 them is selling them to local cities for \$900. He only had 25 at this price. Mr. Nelson and  
90 Mayor Brackner discussed it last week and decided the city could use one. It’s in the shop  
91 now. The bill will come later. He also purchased 2000 sand bags, through Logan City for 17



92 cents/bag. The Council was agreeable. He will bring the sand bag filler device invoice as a  
3 purchase order when it comes. Councilmember Scott offered to pay for it from the Emergency  
94 Preparedness Budget. He said he will fill about 50 sandbags to have ready in the shop in case  
95 they're needed.

- 96 • The new mailbox/drop box has been installed in front of the city building.
- 97 • Mr. Nelson paid compliments to this year's crossing guards. They have done a great job  
98 covering for each other. The substitutes have been very dependable, which hasn't been the  
99 case in past years.

100 Administrative Report: Recorder Lind didn't have anything to report.

101 Public Comment: There was none.

102 Impact Fee Report: (moved to later in the meeting)

103 Discuss Park Pavilion Policy: Councilmember Wilson explained that the staff would like to  
104 discontinue the requirement for a park rental deposit since the city hasn't ever had to keep one. Since  
105 it's an outdoor facility, if there were damages, it would be difficult to tie them to a certain group. Ms.  
106 Wilson would like to continue charging a deposit, but isn't averse to lowering it. She feels a deposit  
107 encourages renters to take better care of the facility.

108 Councilmember Scott supported the idea of getting rid of the deposit, but suggested the renter  
109 sign an agreement that they will pay for damages. Ms. Wilson said it would be difficult to collect  
110 without a deposit.

111 PWD Nelson informed that last year there were large groups using the pavilion every weekend,  
112 but rarely had it been reserved and paid for. He thought if it was cheaper, more groups might actually  
113 rent it. They have built an outdoor bulletin board for the area where he can post a calendar. He said in  
114 2012 there were 24 paid rentals; last year there were only 12. This may be due to the higher rental  
115 price and deposit amount. The city actually does very little before rentals. They clean out the pavilion  
116 but it could get messy before the renters actually show up and they don't provide garbage cans.

117 Councilmember Wilson feels those who want to use it, should pay to rent it; a lower price will  
118 encourage this. She still likes the deposit since it keeps people responsible.

119 **Councilmember Wilson moved to "charge a \$50 deposit and to change the rental fees to  
120 \$25 for residents and \$50 for non-residents." Councilmember Clausen seconded the motion,  
121 which carried with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright was  
122 absent.**

123 Awarding of the Bid for the 600 East, 4th to 6th South, Street Improvement Project: Mayor  
124 Brackner presented the bid tabulation. Rupp Trucking was the low bidder at \$195,434.00. He  
125 recommended selecting them for this project. The last project they did for the city was about 9 years  
126 ago. Engineer Rasmussen affirmed they have a good reputation. PWD Nelson stated they've done a  
127 lot of work for Conservice. Councilmember Wilson asked what the additional engineering fees would  
128 be on top of Rupp's bid. Mr. Ramsussen felt it would be around \$10,000. Mr. Nelson asked if they  
129 could approve the addition of a certain percentage to cover unforeseen project costs, which would  
130 prevent a hold up on the project while waiting for the next council meeting. Mr. Rasmussen suggested  
131 3%. Mayor Brackner would still like change orders to come to the Council. He suggested granting  
132 authority to PWD Nelson to approve certain amounts for unforeseen problems that may occur.

133 **Councilmember Clausen moved to "approve the Rupp Trucking bid for the 600 East  
134 Street Improvement Project in the amount of \$195,434.00, with the addition of a 5% upward  
135 amount for unforeseen changes. All changes will go before the Council at the meeting following  
136 the change." Councilmember Scott seconded the motion, which carried with Clausen, Scott,  
Smith and Wilson in favor. No one opposed. Wright was absent.**



138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183

PWD Nelson took leave of the meeting at 7:30 p.m.

Impact Fee Report: Engineer Craig Rasmussen discussed the newly updated maps they have done in conjunction with the impact fee analysis.

Mr. Rasmussen explained they considered a stormwater fee analysis. Currently the city charges a storm water user fee on utility bills, but there is no stormwater impact fee. After reviewing the restrictions on how this money can be spent, he recommended the city NOT charge a stormwater impact fee. Legislation regarding stormwater continues to change and complicate the whole issue. He suggested continuing the collection and spending of these fees the same way it's been done. They will formalize their recommendation in the final impact fee study.

Engineer Eric Dursteler presented an executive summary which compared the 2003 impact fee rates with the newly figured rates. He used an inflation index and included cost of construction increase. He explained that the Council will set the fees, based on the analysis. They can lower the amounts, but can't make them higher. After the fees are decided, a public hearing will be held prior to the actual adoption of the new fees.

In regards to parks, Councilmember Wilson thought the school soccer fields should be considered in the study. She was told this area can't be counted since the city doesn't own it; they can't spend money and make improvements on it. Stewart Hill property also isn't part of the study because it's not developed yet.

Mayor Brackner informed the city often has trouble spending the sewer impact fees within the time permitted by state parameters. Engineer Rasmussen informed these funds can be used to pay the city back for previous sewer line install expenses. He will check to see if there is a limit on how far back the city can go.

Engineer Rasmussen suggested looking at the possibility of reducing wastewater fees in certain areas, if the Council feels it's justified. He reminded the study defends the city for the amount they can charge, based on city expenses. He discussed the areas where he feels the fees are justifiable.

Engineer Dursteler asked the Council to review the study and make changes. At the next meeting they will discuss their comments and recommendations. At the following meeting, they will plan a public hearing and adoption. He suggested getting changes to Recorder Lind to be passed on to the engineers. Mr. Rasmussen offered to sit down with any of them to discuss and clarify their questions.

Adoption of Code Changes: Mayor Brackner asked Commissioner Mark Malmstrom to review the changes the Planning Commission had recommended to the Council, which he did. He told of how they arrived at some of their decisions and answered questions from the Council. Engineer Rasmussen had a few comments.

Commissioner Malmstrom gave credit to Commissioner Schaub for putting the Solicitor Ordinance together. He briefly reviewed it and the reason for the ordinance. Councilmember Clausen suggested that once this is adopted to let residents know the city has regulated soliciting in the city. Mr. Malmstrom pointed out that the council would need to set the fee for the permit after this has been adopted. He reiterated that the Commission had gone over these changes a number of times and felt value in having them included in the Code.

**Councilmember Clausen moved to "adopt An Ordinance Adopting Changes to the River Heights City Code, March 14, 2017." Councilmember Scott seconded the motion, which carried with Clausen, Scott, Smith, and Wilson in favor. No one opposed. Wright was absent.**

Mayor and Council Reports: Councilmember Wilson informed she won't be going to the Spring League Conference.



184 Councilmember Clausen has written to Rocky Mountain Power informing them that River  
5 Heights is interested in purchasing the city street lights and asked if the \$49,000 bid figure still stands.

186 Councilmember Scott has a meeting set up with the director of 911 to discuss how the city can  
187 use the reverse 911 system.

188 Councilmember Smith regretted that he wouldn't be available to attend the wastewater meeting  
189 on the 27<sup>th</sup>. Councilmember Clausen won't be available, as well.

190 Mayor Brackner informed that George Humbert has been promoted at RMP and will no longer  
191 be the city's correspondent. He is hoping his replacement, Bryan Anderson, will be as good to work  
192 with on getting the city grants for our city celebration.

193 Mayor Brackner handed out and reviewed the information he will present to the Logan Waste  
194 Water Rate Committee at their March 27 meeting. The Council liked the explanation he had drafted.  
195 He believes River Heights should pay back their share of capital improvement costs generated between  
196 now and the end of our contract (after the contract is up). The Council asked him not to state this to  
197 the committee, because it isn't necessarily the opinion of the Council. Mayor Brackner only intends to  
198 discuss the contract background. He informed that Logan City will present an analogy of the amount  
199 they have lost over the years (and will in the future) due to the contract with River Heights.  
200 Councilmember Clausen suspects the meeting will be like a debate and doesn't see that it will be  
201 beneficial. Mayor Brackner said they want to convince River Heights to break the contract. They will  
202 ask if River Heights wants to be penalized at the end of the contract. Mr. Clausen suggested they  
203 consider what Logan has to say. City Attorney Jonathan Jenkins will be at the meeting.

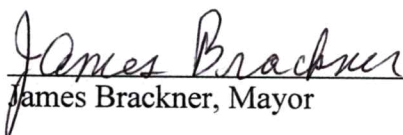
204 Mayor Brackner informed that the cities considering using microbes could have their own  
205 physical plant. He recommended River Heights join with Providence, if they decide on this method  
206 since River Heights has nowhere to put it. Engineer Rasmussen agreed the microbe method has very  
low impact. But, they need to consider where the effluent goes after it's treated. To get a permit for  
208 this will take 3-5 years.

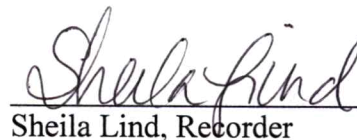
209 Closed Session to discuss a strategy for the purchase, exchange, lease, or sale of real property:

210 **Councilmember Wilson moved to "close the open meeting to discuss strategy for the**  
211 **purchase, exchange, lease, or sale of real property." Councilmember Clausen seconded the**  
212 **motion, which carried with Clausen, Scott, Smith and Wilson in favor. No one opposed. Wright**  
213 **was absent.**

214 The River Heights City Council went into a closed meeting on March 14, 2017 at 9:10 p.m.  
215 pursuant to the provision of Section 52-4-5 of the Open and Public Meeting Law. They returned to the  
216 open meeting at 9:30 p.m.

217 The open meeting adjourned at 9:30 p.m.

218  
219  
220  
221  
222  
223  
224  
225  
  
James Brackner, Mayor

  
Sheila Lind, Recorder



River Heights City Bills To Be Paid

March 14, 2017

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	10-39 Online	Web Domain 2017 1 Year	\$360.00								\$360.00
2	AT&T Mobility	Wireless Cells (City Owned)	\$93.01						\$92.90	\$93.07	\$278.98
3	Bear River Health Department	Coliform Testing							\$40.00		\$40.00
4	Bridgerland-Cache Animal Hospital	Boarding				\$125.60					\$125.60
5	Cache Valley Publishing	Legal Ads Kennel & Road Job				\$43.55		\$273.02			\$316.57
6	Caselle	Monthly Support Fees	\$91.69						\$91.66	\$91.65	\$275.00
7	Chevron & Texaco	Fuel			\$33.68			\$33.68	\$33.68	\$33.68	\$134.72
8	Daines & Jenkins	Legal Fees	\$100.00								\$100.00
9	Doug Clausen	ULCT Mid-Year Conference							\$280.00		\$280.00
10	Forsgren & Associates	Impact Eval, 600 East, Sinclair		\$625.00	\$498.96			\$1,357.61	\$1,025.64	\$1,025.64	\$4,532.85
11	Freedom Mailing	Monthly Bill Processing	\$133.73						\$44.57	\$44.57	\$222.87
12	Les Olson Still Pending but approved last time		\$545.00								\$545.00
13	Moises Herrera	Utility Overpayment of Termination Bill							\$6.00		\$6.00
14	Providence City	Salt for January 2017						\$6,331.72			\$6,331.72
15	Rocky Mountain Power	Electricity	\$126.11		\$96.73	\$22.44		\$1,220.31	\$2,097.67	\$62.95	\$3,626.21
16	Sams Club	Office Supplies	\$33.96								\$33.96
17	Secure Instant Payments	Monthly Service Fee	\$11.65						\$11.65	\$11.65	\$34.95
18	Todd Rasmussen	Admission for 6 Youth Council Legislature Day					\$360.00				\$360.00
19	Lowe's	Emergency Lights in Basement to Code	\$71.96								\$71.96
20											
21											
22											
23											
24											
25											
26											
27	<b>Transfer from Checking to Visa (Zions)</b>										
28	Adobe	Adobe in Office	\$15.98								\$15.98
29	Staples	Public Works Printer and Supplies	\$60.40						\$60.39	\$60.39	\$181.18
30	Google	G-Mail Domains	\$41.66								\$41.66
31	Nextiva	Office Phone & Fax	\$42.62						\$42.62	\$42.62	\$127.86
32	Crashplan-Pro	Cloud Saving	\$10.65								\$10.65
33											
34											
35											
36											
37											
38											
39											
40											
41											
42											
43											
44											
45											
46											
<b>Page 1 SubTotals</b>			<b>\$1,738.42</b>	<b>\$625.00</b>	<b>\$629.37</b>	<b>\$191.59</b>	<b>\$360.00</b>	<b>\$9,216.34</b>	<b>\$3,826.78</b>	<b>\$1,466.22</b>	<b>\$18,053.72</b>



**River Heights City  
Financial Summary  
March 14, 2017**

	<b>Cash Balance By Fund</b>		<b>Net Change</b>	<b>% of Total</b>
	<b>02/28/17</b>	<b>03/14/17</b>		
General Fund	290,353.83	287,807.73	(2,546.10)	22.20%
Capital Projects Fund	(3,592.37)	(3,592.37)	-	-0.28%
Water Fund	189,866.26	191,469.23	1,602.97	14.77%
Sewer Fund	820,191.07	820,969.68	778.61	63.31%
<b>Total Cash Balance</b>	<b>1,296,818.79</b>	<b>1,296,654.27</b>	<b>(164.52)</b>	100.00%

**Budget Summary - June 30, 2017**

		<b>YTD Actual</b>	<b>Annual Budget</b>	<b>Unexpended Budget</b>	<b>% Of Budget Incurred</b>	<b>% Of Time Incurred</b>
<b>General Fund</b>						
Revenue		496,380.98	633,970.00	137,589.02	78.30%	70.41%
Expenditures						
	Administrative	104,939.82	154,214.00	49,274.18	68.05%	70.41%
	Office	9,765.55	14,525.00	4,759.45	67.23%	70.41%
	Community Affairs	11,591.54	18,300.00	6,708.46	63.34%	70.41%
	Planning & Zoning	2,852.64	11,100.00	8,247.36	25.70%	70.41%
	Public Safety	86,579.85	99,480.00	12,900.15	87.03%	70.41%
	Roads	59,400.54	104,843.00	45,442.46	56.66%	70.41%
	Parks & Recreation	37,810.10	71,446.00	33,635.90	52.92%	70.41%
	Sanitation	89,064.19	124,000.00	34,935.81	71.83%	70.41%
	Transfer To CP Fund	-	-	-		
Total Expenditures		402,004.23	597,908.00	195,903.77	67.24%	70.41%
<b>Net Revenue Over Expenditures</b>		<b>94,376.75</b>	<b>36,062.00</b>	<b>(58,314.75)</b>		
<b>Capital Projects Fund</b>						
Revenue		37.82	100.00	62.18		70.41%
Expenditures						
	Administrative		28,000.00	28,000.00		70.41%
	Roads	122,689.54	423,000.00	300,310.46		70.41%
	Electricity	4,162.74	-	(4,162.74)		70.41%
Total Expenditures		126,852.28	451,000.00	324,147.72		70.41%
<b>Net Revenue Over Expenditures</b>		<b>(126,814.46)</b>	<b>(450,900.00)</b>	<b>(324,085.54)</b>		
<b>Water Fund</b>						
Revenue		283,192.68	333,600.00	50,407.32	84.89%	70.41%
Expenditures		235,133.71	219,213.00	(15,920.71)	107.26%	70.41%
<b>Net Revenue Over Expenditures</b>		<b>48,058.97</b>	<b>114,387.00</b>	<b>66,328.03</b>		
<b>Sewer Fund</b>						
Revenue		128,800.05	176,312.00	47,511.95	73.05%	70.41%
Expenditures		124,116.64	169,143.00	45,026.36	73.38%	70.41%
<b>Net Revenue Over Expenditures</b>		<b>4,683.41</b>	<b>7,169.00</b>	<b>2,485.59</b>		



Rever Heights

ZONING CLEARANCE PERMIT BUILDING FEES

PROPOSED / Impact Fees									
	Area within the city already developed		Area services by 600 South		Riverdale area		800 South area		
Parks and Rec.	903	\$790	903	\$790	903	\$790	903	\$790	
Roadways		\$350		\$350		\$350		\$350	
Water									
1" connection	2211	\$1,400	2779	\$2,685	2211	\$1,400	2775	\$2,532	
2" connection	8638	\$5,470	10857	\$10,490	8638	\$5,470	10839	\$9,890	
Sewer	1559	\$1,056	3139	\$2,339	0	\$0	1816	\$1,447	
Totals									
1" connection		\$3,596		\$6,164		\$2,540		\$5,119	
2" connection		\$7,666		\$13,969		\$6,610		\$12,477	

Total Fees

Impact Fees \_\_\_\_\_

Water Connection \_\_\_\_\_ \$1,500.00

Sewer Inspection \_\_\_\_\_

Improved \$1,200.00

Unimproved \$1,700.00

Storm Water Inspection \_\_\_\_\_ \$100.00

TOTAL \_\_\_\_\_

Amount Paid \_\_\_\_\_

Date \_\_\_\_\_

Check # \_\_\_\_\_

Office Employee \_\_\_\_\_





# Impact Fee Analysis Update

## DRAFT

Parks and Recreation  
Wastewater Collection System  
Potable Water System  
Roadways / Transportation

March 14, 2017



## EXECUTIVE SUMMARY

The most recent update to the River Heights impact fee analysis update was completed in 2003. It is recommended that impact fees be regularly updated, typically every five years according to state recommendations. In 2008, when an update to the impact fee analysis would have been expected, there was very little new growth due to the housing market collapse and the corresponding economic recession.

An update was considered by the City in 2012, with the City Council electing to postpone a review and revision of the impact fees to allow the building market conditions in the community to improve, with the anticipation that an impact fee analysis would likely result in a recommendation to raise the fees. The current condition of the development market and rising costs associated with new infrastructure warrant an impact fee analysis with subsequent recommendations for fee adjustments.

A plan-based method was used to calculate and update the wastewater collection, potable water, and roadway systems impact fees. The plan-based method relies on reasonable development plans and City planning to determine costs and the proportionate share of those costs. The existing Level of Service (LOS) method was used to calculate and update the parks and recreation impact fee. This method uses the existing LOS as the basis for future LOS.

The purpose of this Impact Fee Facilities Plan (IFFP) update, with supporting Impact Fee Analysis (IFA), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the 'Impact Fees Act,' and help River Heights City fund necessary capital improvements for future growth. This document will address parks and recreation, and wastewater collection systems, drinking water systems, and roadway infrastructure needed to serve the City through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the Level of Service (LOS).

*Demand Analysis:* The demand units utilized in this analysis include population, household, equivalent residential unit (wastewater) or connection (drinking water), dwelling unit (roadways), and development acres. As new development and redevelopment occurs within the City, it generates increased demand on City infrastructure. The system improvements identified in this study are designed to maintain the existing LOS for any new or redeveloped property within the City.

*Level of Service (LOS):* The existing LOS is defined throughout each section of this document. The inventory of existing facilities, combined with the growth assumptions, this analysis identifies the LOS, which is provided to a community's existing residents and ensures that the future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development.

*Excess Capacity:* The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital facilities necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities, as well as future system improvements necessary to maintain the LOS. The inclusion of excess capacity is known



as a 'buy-in.' any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

*Outstanding Debt:* The City currently has no outstanding debt with respect to parks and recreation, and wastewater, drinking water, and transportation infrastructure.

*Capital Facilities Analysis:* Due to the projected redevelopment within the City, additional capital improvements will be necessary as they relate to parks and recreation, and wastewater, drinking water, and roadway infrastructure.

*Funding of Future Facilities:* This analysis assumes future growth related facilities will be funded through a combination of General Fund revenues, bond financing, other governmental revenues and impact fee revenues.

*Expenditure of Impact Fees:* Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the IFFP update planning horizon should be spent only on those projects outlined in the IFFP as growth related costs to maintain the Level of Service.

## **1.0 PARKS AND RECREATION IMPACT FEE SUMMARY**

The parks and recreation impact fee is comprised of seven components:

- 1) Current number of acres of developed park and recreation land in River Heights;
- 2) Number of acres necessitated by new development;
- 3) Total replacement cost of existing parks and recreation areas;
- 4) Cost per person for future parks and recreation areas;
- 5) Cost per person for the performance of this Impact Fee Facility Plan Analysis;
- 6) Cost per household; and,
- 7) Adjustment factor or tax credit (an amount that is subtracted in the calculation of the fee).

*Current number of acres of developed park land,* River Heights currently has three parks (Pioneer Park, Hillside Park, and City Center Park). All three parks are developed. The combined acreage of these parks is 5.62 acres.

*Number of acres necessitated by new development.* There are currently 1,970 residents in River Heights. Therefore, there are 2.85 acres of developed park and recreational land for every 1,000 people in River Heights. The 2003 IFA Update identified an LOS of 3.73 acres per 1000 people. There is a current deficiency of 0.88 acres per of developed park and recreational land per 1000 persons. In order to bring the current LOS in line with the 2003 LOS, the City will need to develop 1.73 acres of park and recreation land. Furthermore, to maintain a LOS of 3.73 as the City grows, River Heights will need 0.76 more acres of developed park land over the next five years.

*Total replacement cost of existing parks.* Using an inventory of the three existing developed parks and the two secured but undeveloped park properties, and conservative estimates for the



replacement cost of all facilities and development on the parks, the total replacement cost for the existing developed and undeveloped parks and recreational area is \$449,234.

*Cost per person for future parks.* Using the replacement cost for existing parks, the number of developed acres for existing parks, the number of acres required by new development, and the estimated population growth over five years (205 persons), the cost per person for future parks is calculated. The total cost of existing developed parks (\$418,635) is divided by the number of developed acres (5.62) to yield a cost per developed acre of \$74,490. This amount is then multiplied by the number of acres necessitated by new development (0.76) to yield an estimated cost of future parks and recreation area of \$56,970. Dividing this amount by the expected population growth over the next five years (205), the estimated cost per person for future parks is \$337.

*Cost per person for the Impact Fee Analysis.* Cities may also include the costs of an Impact Fee Analysis, such as this one, in the calculation of the impact fee. The cost per person for the Impact Fee Analysis is \$23.

*Cost per household.* Adding together the cost per person for future parks (\$278) and the cost per person for the Impact Fee Analysis (\$23), yields total cost per person is \$301. Multiplying this amount by the average household size of three (3) persons results in a cost per household of \$904.

*Adjustment Factor.* Past improvements to park facilities have been partially funded through the general fund; therefore, the owner of undeveloped property has already contributed to existing park facilities through the payment of property taxes. Since the cost of existing facilities is included in the impact fee, new development should receive a credit for the amount they have already paid through property taxes. The adjustment factor (or tax credit) eliminates the possibility of double payment. The adjustment factor is 0,09%.

Calculation of the Impact Fee. The following formula is used to calculate the impact fee:  
 $Cost\ per\ Household - (Cost\ per\ Household * Adjustment\ Factor) = Impact\ Fee.$

**The Park impact fee for River Heights is \$904 - (\$904 \* 0.09%) = \$903.**

## **2.0 WASTEWATER IMPACT FEE SUMMARY**

The wastewater impact fee is comprised of two components:

1. Cost per ERU for the existing sewer system; and,
2. Cost per ERU for the performance of this Impact Fee Analysis.

An ERU is an Equivalent Residential Unit, or the average amount of sewage generated daily by a typical residential household in River Heights. For the purposes of the wastewater impact fee, River Heights City can be divided into three service areas: (1) the Heritage Area, which includes all parts of the city served by the main trunk line and collection system but not served by the 600 South trunk line; (2) the area served by the 600 South trunk line; and (3) the area served by the 800 South trunk line.



*Cost per ERU for existing sewer system.* The current sewer system in River Heights City has been oversized to accommodate new growth. According to the Impact Fees Act, cities may charge new development for their share of the existing system. The cost per ERU for existing sewer facilities is:

- Heritage Area: \$1,493
- Area served by 600 South trunk line: \$3,139
- Area served by 800 South trunk line: \$1,816

*Cost per ERU for the Impact Fee Analysis.* Cities may also include the costs of an Impact Fee Analysis, such as this one, in the calculation of the impact fee. The cost per ERU for the Impact Fee Analysis, regardless of the area, is \$66.

Calculation of the Impact Fee. The following formula is used to calculate the impact fee: *Cost per ERU for existing sewer facilities + Cost per ERU for the Impact Fee Analysis = Impact Fee.*

**The impact fee for the three service areas is:**

- 1. Heritage Area:  $\$1,493 + \$66 = \$1,559$**
- 2. Area served by 600 South trunk line:  $\$1,493 + \$888 + \$692 + \$66 = \$3,139$**
- 3. Area served by 800 South trunk line:  $\$888 + \$862 + 66 = \$1,816$**

The impact fee is based on the estimated average amount of sewage generation. The impact fee calculated above is for a residential connection (1 ERU or 248 gallons of sewage generated per day). The impact fees for non-residential connections are based on the projected sewage generation of the non-residential development. For example, if it is found that a new non-residential development will produce about 496 gallons per day, then the impact fee is multiplied by 2.

### **3.0 POTABLE WATER IMPACT FEE SUMMARY**

The potable water impact fee is comprised of four components: a cost per connection for existing water facilities, a cost per connection for future water facilities, a cost per connection for the performance of this Impact Fee Analysis, and a debt service credit (an amount that is subtracted in the calculation of the fee). For the purposes of the water impact fee, River Heights may be divided into three areas:

1. The area served by the 600 South water line;
2. The area served by the water line that serves the Stone Creek Area; and,
3. The remainder area of the city.

*Cost per connection for existing water facilities.* The current water system in River Heights City has been oversized to accommodate new growth. According to the Impact Fees Act, cities may charge new development for their share of the existing system. The cost per connection for existing water facilities is:



1. Area served by 600 South water line: \$2,709
2. Area served by water line that serves the Stone Creek area: \$2,661
3. The remainder area of the city: \$2,096

*Cost per connection for future water facilities.* There are future water facilities planned in River Heights that will benefit new development. According to the Impact Fees Act, cities may charge new development for their share of future facilities. The cost per connection for future water facilities, regardless of the area, is \$44.

*Cost per connection for the Impact Fee Analysis.* Cities may also include the costs of an Impact Fee Analysis, such as this one, in the calculation of the impact fee. The cost per connection for the Impact Fee Analysis, regardless of the area, is \$70.

Calculation of the Impact Fee. The following formula is used to calculate the impact fee: *Cost per connection for existing water facilities + Cost per connection for future water facilities + Cost per connection for the Impact Fee Analysis = Impact Fee.*

**The impact fee for the three service areas is as follows:**

- 1. Area served by the 600 South water line:  $\$2,709 + \$44 + \$70 = \$2,779$ .**
- 2. Area served by the water line that serves the Stone Creek Area:  
 $\$2,661 + \$44 + \$70 = \$2,775$ .**
- 3. The rest of the city:  $\$2,096 + \$44 + \$70 = \$2,211$ .**

The impact fee is based on the size of the water meter. The impact fee calculated above is for a residential connection (a 5/8 inch meter). The impact fees for non-residential connections are based on the capacity ratio of the desired meter size to the 5/8 inch standard. For example, a 1.5 inch meter has 2.56 times the capacity as a 5/8 inch meter. Therefore, the recommended impact fee for a 1.5 inch meter is calculated by multiplying 2.56 x impact fee for the given area.

#### **4.0 ROADWAY IMPACT FEE SUMMARY**

To Be Added Later

**SECTION 1.0 PARKS AND RECREATION IMPACT FEE ANALYSIS**

The following assumptions are used in the Parks Impact Fee Analysis:

- River Heights has a population of approximately 1,970.
- The impact fees related to parks and recreation will be assessed within the service area, which incorporates the entire municipal boundary.
- The demand unit utilized in this impact fee analysis is acres per 1,000 persons.
- The facilities available in each park are as listed in **Table 1-2**.
- Development and facility cost components are as listed in **Tables 1-3 and 1-4**.
- Only residential development generates future demand for parks.
- Average household size is 3 persons.
- Total inflation from 2002 to 2017 is 34.20%
- The estimated growth rate over the next 5 years is 2.0%.

**1.1 Impact of New Development** (*Utah Code Ann. §11-36a-304(1)(a)*)

The purpose of a parks and recreation impact fee is to raise revenue sufficient to provide new development the level of service experienced by existing residents at a cost to new development comparable to the costs borne in the past by existing residents. The first step in the calculation of the parks and recreation impact fee is to establish the existing level of service within River Heights. Current residents enjoy community parks and recreation areas. As new residents enter River Heights, the number of community parks must be increased to retain the same level of service.

To determine the existing level of service per 1,000 people, an inventory of the existing park facilities must be compared to the current population of River Heights. As shown in **Table 1-1**, the developed acres in River Heights City total 5.62.

**Table 1-1: River Heights City Park and Recreation Land**

Location	Acres	Developed/Undeveloped
Pioneer Park	0.10	Developed
Hillside Park	0.27	Developed
City Center Park	5.25	Developed
	5.62	Total
	5.62	Total Developed

The population of River Heights is approximately 1,970 persons. To determine the current level of service per 1,000 persons, the total number of developed acres is divided by the existing population and then multiplied by 1,000 to yield 2.85 acres per 1,000 persons  $((5.62/1,970)*1,000 = 2.85)$ . *The 2003 IFA Update identified 3.73 acres per 1000 people.* **In order to bring the existing LOS in line with the 2003 LOS, the City will need to develop 1.73 acres of park and recreation land.**



The estimated growth rate over the next five years is 2.0 percent; therefore, the population increase will be 205 persons. This number is multiplied by 3.73 acres per 1,000 persons. The result is that River Heights will need 0.76 acres of new developed park land in the next five years to satisfy the demands of new development (see **Equation 1-1**).

**Equation 1-1: Estimated Developed Acres Required by New Development**

$$(2,175 - 1,970) * (3.73 / 1000) = 0.76 \text{ Acres}$$

**1.2 Relation Between System Improvements and New Development** (*Utah Code §11-36a-304(1)(b)*)

In order for an impact fee to meet the requirements of the Impact Fees Act, the demand created by each possible type of land use must be considered. Commercial development does not create demand for new parks. New residential development creates demand for new parks because new parks must be developed to maintain the existing level of service for River Heights' residents.

Because River Heights is relatively small, the entire city may be viewed as the service area for all parks. Therefore, impact fees gathered from any area may be used to develop park land in any other area of the city.

River Heights has the following three locations identified for future parks and recreation areas (see **Exhibit 1-1, "Parks and Recreation"**):

1. Saddle Rock Park - 480 South 900 East (0.29 acres)
2. Heber Olson Park — 495 East 500 South (1.23 acres)
3. 500 South Park - ~150 East 500 South (1.00 acres)

The City has secured the undeveloped property for the Saddle Rock Park and the Heber Olson Park locations. The location shown in Exhibit 1-1 for the 500 South Park is within the general area of the preferred park site. The Impact Fees Act prohibits using Impact fees to raise the level of service on existing development. Impact fees are only to be used to provide new growth with the facilities necessary to achieve the City's LOS.

**1.3 Proportionate Share Analysis** (*Utah Code Ann. §11-36a-304(1)(c)*)

The law requires new residents pay only their proportionate share of the costs associated with system improvements. In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the Impact Fees Act requires that the Impact Fee Analysis address the following issues:

- A. Calculation of the cost of existing public facilities
- B. Manner of financing existing facilities
- C. Relative extent of contributions by undeveloped properties to cost of existing facilities

**1.3.1 Calculation of the Cost of Existing Public Facilities** (*Utah Code Ann. §11-36a-304(2)(a)*)

The following section considers development and facilities costs of existing park facilities. **Table 2** is an inventory of the facilities at the existing parks. To provide the same level of service, future parks in River Heights should have these same types of facilities.

**Table 1-2: Existing Park and Recreational Facilities Inventory**

Location	Pioneer Park	Hillside Plant Park	City Center Park
Bowery	0	0	1-1/2
Restrooms	0	0	1
Horseshoe Pits	0	0	1
Play Grounds	0	0	1
Tennis Courts	0	0	3
Ball Courts	0	0	2
Picnic Facilities	½	½	2
Playing Fields	0	0	1

The value of existing parks, determined through two components (development cost—the cost of structures, and facilities cost—the cost of improvements to the land), will be used to determine the amount of projected spending on future parks. The replacement value of the parks is the basis for the impact fee.

Conservative estimations of value, in today's dollars, have been chosen to ensure the parks are not overvalued, and therefore, future parks are not overvalued. The overvaluation of future parks would result in inflation of impact fees. Table 1-3 assigns values to existing capital and addresses the development cost component<sup>4</sup>. Table 1-4 assigns values to facilities' cost components.

**Table 1-3: Development Cost Components**

Type of Development	Cost
Bowery (includes tables)	\$15,330
Restroom	\$21,740
Horseshoe Pit (2)	\$309
Playgrounds	\$15,570
Tennis Court (single)	\$26,440
Tennis Court (double)	\$40,260
Outdoor Volleyball / Basketball Court	\$8,590
Picnic Facilities (8'x12' w/table) – Separate from bowery	\$580
Soccer Field (cost of grading and hydro-seeding not included)	\$1,480
Baseball Field (cost of grading and hydro-seeding not included)	\$14,090



**Table 1-4: Facility Costs Components**

Type	Cost	
	Per Acre	Per Park
Land	\$20,131	
Hydro-Seeding (at \$0.9 per SF – labor included)	\$5,260	
Prep Work (grading, topsoil)	\$3,090	
Trees (at \$88 per tree, 23 trees per acre average)	\$8,980	
Sprinkler System (components and labor included)	\$4,700	
Sewer and Water		\$4,020

To obtain the value of the existing parks, the values in **Table 1-3** and **Table 1-4** are applied to the existing park facilities in River Heights. **Table 1-5** shows the values of Pioneer Park and Hillside Plant Park. **Table 1-6** shows the value of City Center Park. The total value of all of the parks is summed in **Table 1-7**.

**Table 1-5: Value of Park Components**

Facility	Development Cost	Facilities Cost
Pioneer Park (1/2 Picnic Facility, 0.1 Acres)	\$292	\$8,238
Hillside Plant Park (1/2 Picnic Facility, 0.27 Acres)	\$292	\$15,404

**Table 1-6: City Center Park**

Development Cost Component	Cost
Bowery (includes tables)	\$30,866
Restroom	\$21,741
Horseshoe Pits	\$309
Playgrounds	\$15,568
Tennis Court (single)	\$26,438
Tennis Court (double)	\$40,261
Ball Court	\$17,178
Picnic Site	\$1,168
Soccer Field	\$1,476
Baseball Field	\$14,091
Facilities Cost Component	Cost
Baseball Field (cost of grading and hydro-seeding not included)	\$225,314
Total	\$394,410

**Table 1-7: Total Replacement Cost of Existing Parks**

Pioneer Park	\$8,530
Hillside Plant Park	\$15,700
City Center Park	\$394,410
Total	\$418,640

### **1.3.1 Manner of Financing Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(c)*)

Existing park facilities have been financed through the general fund, restaurant tax, contributions, and impact fees. There is also no continuing tax debt obligation for park improvements.

### **1.3.2 Relative Extent of Contributions by Undeveloped Properties to Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(d)*)

The Impact Fees Act requires each political subdivision to identify the extent to which newly developed properties have already contributed to the cost of existing public facilities. To meet this requirement, the 2003 IFA Update analysis included a tax credit for undeveloped property of 0.09% to be applied to the parks impact fee. The tax credit only applies to parks because capital improvements to park facilities were partially funded through the general fund, consequently, the owner of undeveloped property has already contributed to existing facilities through the payment of property taxes. The tax credit eliminates the possibility of double payment.

### **1.3.3 Relative Extent of Future Contributions to Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(2)*)

There is no continuing tax debt obligation for the financing of parks in River Heights; therefore, there are no credits for future contributions to the debt.

### **1.3.4 Calculation of Credit Entitlements, Extraordinary Costs** (*Utah Code Ann. §11-36a-304(2)(f) and Utah Code Ann. §11-36a-304(2)(g)*)

New development may be entitled to a credit when the development provides common facilities inside or outside the proposed development when similar facilities have been funded through general taxation or other means in other parts of the municipality. Credits must be determined by the city on a per development basis. The City does not anticipate any extraordinary costs necessary to provide services to future development.

### **1.3.5 Time-Price Differential Inherent in Fair Comparisons** (*Utah Code Ann. §11-36a-304(2)(h)*)

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. Because costs are provided in 2017 dollars, future cost budgets must be adjusted to account for the effects of inflation and changing construction market conditions at the anticipated time of design and construction. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

## **1.4 Calculation of Impact Fee** (*Utah Code Ann. §11-36a-304(1)(d)*)

The replacement cost determined in Section 1.2 is used to determine the cost of future facilities. First, the total cost of existing developed parks (\$418,635) is divided by the number of existing developed acres (5.62) to yield a cost per acre of \$74,490. The cost of future parks



is determined by multiplying the cost per acre (\$74,490) by the number of acres needed over the next 5 years (0.76, based on the 2003 LOS) to yield \$56,970. Then, a cost per person is obtained by dividing the cost of future parks (\$56,970) by the expected population growth of 205 persons. The resulting cost per person is \$278 (see **Equation 1-2**).

**Equation 1-2: Cost per Person**

$$(2,175 - 1970) * (3.73 / 1000) = 0.76 \text{ Acres}$$

According to the Impact Fees Act (Utah Code Ann. §11-36a-305(l)(c)), a city may include in the calculation of an impact fee "the cost of planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements."

Under this provision, the cost of the Impact Fee Analysis may be included. This impact fee analysis is an update to the previous impact fee analysis completed in February, 2003. It is assumed that the analyses will not need a professional update for 5 years. **Table 1-8** shows the calculation of the Analyses Update Cost per Person.

**Table 1-8: Analysis Update Cost per Person**

2017 Impact Fee Analysis Update	\$4,800
Population Growth (2017 to 2022)	205
<b>Total Cost per Person</b>	<b>\$23</b>

The impact fee is calculated in Table 1-9 by multiplying the average household size (3) by the cost per person (\$278 + \$23 = \$301) to yield \$904. Then, the adjustment factor is subtracted (\$904 - \$904 \* 0.09%) and the resulting parks impact fee is \$903 per new single family home.

If multiple family homes are built, then it may be assumed that the average household size for the multiple family homes will be the same as single family homes. If it appears that this will not be the case, then the impact fee for multiple family homes may need to be adjusted by multiplying the correct average household size by the cost per person and then applying the adjustment factor (a reduction of 0.09%). Table 1-9 below shows the calculation for the Recommended Parks and Recreation Impact Fee.

**Table 1-9: Recommended Parks and Recreation Impact Fee**

<b>Residential Unit Type: Single Family</b>	
Cost per Person	\$301
Average Number of Persons per Household	3
Cost per Household	\$904
Adjustment Factor (0.09% * \$904)	\$1
<b>Impact Fee</b>	<b>\$903</b>

## **SECTION 2.0 WASTEWATER IMPACT FEE ANALYSIS**

The following assumptions are used in the Wastewater Impact Fee Analysis Update:

- River Heights has a population of approximately 1,970.
- Average household size is 3 persons.
- The estimated growth rate over the next 5 years is 2.0%.
- The demand unit utilized in this analysis is an ERU (Equivalent Residential Unit). As residential and commercial growth occurs within the City, it generates new connections to the existing wastewater collection system. The capital improvements identified in this study are designed to maintain the current level of service for new growth.
- The current number of ERUs served by the wastewater collection system is 612.
- The increase in ERUs over the next 5 years is 68.
- Average daily sewage flow per household is 248 gpd/ERU.
- The existing collection system will support projected buildout ERUs of 1,360.
- The existing wastewater trunk-line capacity is 782 ERUs.

### **2.1 Impact of New Development (Utah Code Ann. §11-36a-304(1)(a))**

River Heights City sewer system improvements consist of a trunk line that transports sewage to Logan City and a River Heights City-wide collection system. At the present time, sewage flows from River Heights City continue to be conveyed to the 480 acre flow-through lagoon system owned by Logan City.

System improvements are defined as either existing public facilities or future public facilities that are designed and intended to provide services to specific areas in a given community or municipality. Because of the sewage treatment agreement between River Heights and Logan, it is not expected that any new wastewater treatment facilities within River Heights will be needed or constructed in the near future. Consequently, wastewater treatment facility costs are not included in this analysis. Logan City recovers the cost of the treatment through monthly user charges assessed to River Heights City.

For the purposes of this impact fee analysis update, ERUs (equivalent residential units) will be used to measure system capacity and determine per unit capital costs. For wastewater, one ERU is the amount of sewage generated by a typical residential dwelling unit. In River Heights City, one ERU generates, on average, approximately 248 gallons per day. City officials have on record that 612 ERUs are currently served by the River Heights City sewer collection system.

The trunk line capacity, in terms of ERUs, is calculated by dividing the peak daily capacity of the trunk line (387,936) by the average daily sewage generation of one ERU (248) multiplied by a peaking factor of two to yield a daily capacity of 782 ERUs. Since there are 612 ERUs currently using the system, there are 170 ERUs that can connect to the wastewater collection system in the future. *It should be noted herein that average daily sewer flow per residential unit has nearly doubled (130 gpd to 248 gpd) since the 2003 IFA Update.*

The 2003 IFA Update population projections indicated that at buildout, there will be



approximately 1,360 residential and non-residential water and sewer connections. City officials have recently indicated that the collection system is functioning well and easily handling the peak daily flows without restriction. However, with the increase in average daily wastewater flow per ERU (*from 130 gallons per day to 248 gallons per day*), the main trunk line capacity is currently a limiting factor for growth in River Heights. The existing wastewater collection system is shown in **Exhibit 2-1, "Wastewater Collection System"**.

**2.2 Relation Between System Improvements and New Development** (*Utah Code Ann. §11-36a-304(1)(b)*)

New development will use the existing wastewater collection system, which was oversized to accommodate new growth through an estimated total of 1,360 ERUs. As development occurs in these areas, the excess capacity of the existing collection system will decrease with increased service connections. This can be thought of as the impact of new development in those areas of the city.

**2.3 Proportionate Share Analysis** (*Utah Code Ann. §11-36a-304(1)(c)*)

The law requires that new residents pay only their proportionate share of the costs associated with system improvements. In analyzing whether or not the proportionate share of the costs of public facilities are reasonably-related-to-the-new-development-activity, the Impact-Fees Act requires that the Impact Fee Analysis address the following issues:

**2.3.1 Calculation of the Cost of Existing Public Facilities** (*Utah Code Ann. §11-36a-304(2)(a)*)

The cost of the existing sewer system was found by bringing forward the cost of system improvements in the past to 2017 dollars. Table 2-1 shows the cost and present day value of the River Heights City sewer facilities. Present values were obtained using an online (internet-based) inflation rate calculator. The calculator uses the Consumer Price Index published by the U.S. Bureau of Labor Statistics to determine a total inflation rate increase from the year of construction to the present time.

**Table 2-1: Cost of Existing Wastewater Facilities**

Improvement	Year	Cost	2017 Present Value	ERUs (Projected)	Cost Per ERU
Main Trunk Line and Collection System	1980	\$400,000	\$1,167,748	782	\$1,493
600 South Trunk Line to School Lane	1999	\$40,500	\$58,833	85	\$692
800 South Trunk Line	2002	\$89,897	\$120,631	140	\$862
750 South to 800 South (600 East) Sewer Main Line	2005	\$100,161	\$124,329	140	\$888



As it pertains to the wastewater collection system, River Heights may be divided into three areas:

1. The Heritage Area;
2. The Area Served by the 600 South Trunk Line; and,
3. The Area Served by the 800 South Trunk Line.

The Heritage Area includes all parts of the city served by the main trunk line and collection system but not served by the 600 South Trunk Line. The Area Served by the 600 South Trunk Line includes those parts of the city that are served by the main trunk line, collection system and the 600 South Trunk Line. The Area Served by the 800 South Trunk Line includes those parts of the city served by that trunk line (this area does not utilize the main trunk line and collection system).

As indicated in the 2003 IFA Update, adequate records do not exist to differentiate between the cost of the main trunk line and the collection system. The 1980 depreciated value of the existing system was used in place of the actual cost of the system because records do not exist of the original cost<sup>13</sup>. The 2003 IFA Update indicated that the depreciated value in 1980 was a good estimate.

As discussed above, it is estimated that the capacity of the wastewater collection system is 1,360 ERUs and the capacity of the trunk line is 782 ERUs. Because the costs of the wastewater collection system cannot be separated from the costs of the trunk line, the 2003 Impact Fee Analysis Update divided the total cost of both combined by the higher of the two capacities (1,492), thus erring on the conservative side.

According to the Impact Fees Act, a city may include in the calculation of an impact fee "the cost of planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements." Under this provision, the cost of the Impact Fee Analyses may be included in the impact fee calculation. This impact fee analysis is an update to the prior update completed in 2003. It is assumed that another professional update of the analysis will not be needed for another 5 years. Given a growth rate of 13.5 ERL's per year, the number of ERUs serviced by the new analysis will be 68 new ERUs. **Table 2-2** shows the analysis cost per ERU.

**Table 2-2: Analysis Update Cost per ERU**

2017 Impact Fee Analysis Update	Cost	ERUs	Cost per ERU
Population Growth (2017 to 2022)	\$4,500	68	\$66
<b>Total Cost per Person</b>			<b>\$23</b>

**2.3.2 Manner of Financing Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(c)*)

River Heights City sewer system was financed through a bond. The last bond was retired in 1998. There is no debt obligation and no property taxes have been used to pay for the sewer system in the last ten years.



**2.3.3 Relative Extent of Contributions by Undeveloped Properties to the Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(d)*)

No property taxes have been used to pay for sewer improvements in the past. Therefore, no credits for past contributions to existing facilities are warranted.

**2.3.4 Relative Extent of Future Contributions to Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(2)*)

As indicated above, River Heights City has no outstanding debt for the sewer system. Therefore, there is no credit to account for future contributions to the cost of existing public facilities.

**2.3.5 Calculation of Credit Entitlements, Extraordinary Costs** (*Utah Code Ann. §11-36a-304(2)(f) and Utah Code Ann. §11-36a-304(2)(g)*)

New development may be entitled to a credit when the development provides common facilities inside or outside the proposed development when similar facilities have been funded through general taxation or other means in other parts of the municipality. Credits must be determined by the City on a per development basis. The City does not anticipate any extraordinary costs necessary to provide services to future development.

Extraordinary costs must be evaluated by the city on a per development basis. This procedure also should be addressed in the impact fee ordinance.

**2.3.6 Time-Price Differential Inherent in Fair Comparisons** (*Utah Code Ann. §11-36a-304(2)(h)*)

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. Because costs are provided in 2017 dollars, future cost budgets must be adjusted to account for the effects of inflation and changing construction market conditions at the anticipated time of design and construction. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

**2.4 Calculation of Impact Fee** (*Utah Code Ann. §11-36a-304(1)(d)*)

Residential Impact Fee

The impact fee calculation is shown in **Table 2-3**. For each of the three areas, the future facilities cost (\$0 for Heritage Area) is added to the existing facilities cost, which is added to the cost of the analyses.

**Table 2-3: Wastewater Collection System Impact Fee**

<u>Heritage Area</u>	
Sewer System Cost per ERU	\$1,493
Analysis Cost per ERU	\$66
<b>Total Impact Fee in Heritage Area:</b>	<b>\$1,559</b>
<u>Area Served by 600 South Trunk Line</u>	
Sewer System Cost per ERU	\$1,493
Sewer Line from 750 South to 800 South (600 East)	\$888
600 South Trunk Line to School Lane	\$692
Analysis Cost per ERU	\$66
<b>Total Impact Fee in Area Served by 600 South Trunk Line:</b>	<b>\$3,139</b>
<u>Area Served by 800 South Trunk Line</u>	
Sewer Line from 750 South, 600 East to 800 South	\$888
800 South Trunk Line	\$862
Analyses Cost per ERU	\$66
<b>Total Impact Fee in Area Served by 800 South</b>	<b>\$1,816</b>

Non-Residential Impact Fee

The impact fee for non-residential development may be calculated by estimating how much sewage will be generated on a daily basis by the non-residential development. The estimate is compared to the standard ERU of 248 gallons per day to calculate the impact fee. For example, if it is determined a new non-residential development will produce twice as much sewage as an ERU, then the impact fee is multiplied by two.



### **SECTION 3.0 POTABLE WATER IMPACT FEE ANALYSIS**

The following assumptions are used in the Potable Water Impact Fee Analysis Update:

- River Heights' current number of water connections is 645.
- The demand unit utilized in this analysis is a residential water service connection. As residential and commercial growth occurs within the City, it generates new connections to the existing water distribution system. The capital improvements identified in this study are designed to maintain the current level of service for new growth.
- The elementary school uses 20 percent of the capacity of the 8-inch water pipeline extension that serves it.
- Newly developed acres will average 3.3 water service connections per acre“
- Average household size is 3 persons.
- The estimated growth rate over the next 5 years is 2.0%.
- There will be 370 additional water connections at build-out.
- Total-Number of Connections is 1,015 at build-out.

#### **3.1 Impact of New Development (Utah Code Ann. §11-36a-304(1)(a))**

River Heights City has two types of water system improvements as defined in the 1995 Impact Fees Act. These are:

- 1- Existing public facilities that are designed to provide services to service areas within the community at large; and,
- 2- Future public facilities identified in a capital facilities plan.

Much of the existing public facilities are oversized for the current number of residents of the City. For example, the water source, storage and distribution system is oversized to accommodate new growth until the number of build-out connections (1,015) is reached. As the number of water connections in River Heights increases, the amount of excess capacity will decrease. This decrease in excess capacity is the impact of new development on existing capital improvements.

**Exhibit 3-1, “Potable Water System”** presents River Heights' water sources, storage, and distribution system.

#### **3.2 Relation Between System Improvements and New Development (Utah Code Ann. §11-36a-304(1)(b))**

River Heights plans to purchase a new standby generator for the 600 gallon per minute groundwater well located along Riverdale Avenue that will benefit both new residents and existing residents. Therefore, new residents should only pay their proportional share of the cost of the generator. There are currently 645 connections.

Since there are an additional 307 connections available in the water system, 307 is 36% of the total connections (1,015) at build-out. New development will only pay 36% of the cost of the new generator. **Table 3-1** presents the cost per connection.

**Table 3-1: Growth-Related Improvements to the Water System**

Improvement	Cost	% Allocated to New Development	Cost Allocated to New Development	New Connections	Cost per Connection
Standby Generator for Existing Well	\$45,000	36%	\$16,403	370	\$44

**3.3 Proportionate Share Analysis** (*Utah Code Ann. §11-36a-304(1)(c)*)

The law requires that new residents pay only their proportionate share of the costs associated with system improvements. In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the Impact Fees Act requires that the Impact Fee Analysis address the following issues:

**3.3.1 Calculation of the Cost of Existing Public Facilities** (*Utah Code Ann. §11-36a-304(2)(a)*)

The cost of the existing potable water system was found by bringing forward the cost of system improvements in the past to 2017 dollars. Table 3-2 shows the cost and present day value of the River Heights City potable water facilities. Present values were obtained using an online (internet-based) inflation rate calculator. The calculator uses the Consumer Price Index published by the U.S. Bureau of Labor Statistics to determine a total inflation rate increase from the year of construction to the present time.

**Table 3-2: Cost of Existing Potable Water System Facilities**

Improvement	Year	Cost	2017 Present Value	ERUs (Projected)	Cost Per ERU
Distribution System (City-Wide)	1980	\$227,000	\$662,697	370	\$653
600 South 8-Inch Water Main to School Lane	1999	\$42,178	\$61,269	48	\$613
Reservoir Study	2000	\$2,500	\$3,501	148	\$7
Well Improvements and Chlorination Systems	2001	\$15,000	\$20,346	370	\$20
RF Communication System	2001	\$13,500	\$18,311	370	\$18
Retention Area for Pump Discharge	2002	\$7,000	\$9,394	370	\$9
920,000 Gallon Water Storage Tank	2002	\$525,583	\$705,531	148	\$1,362
Water Line to Stone Creek (Cottages)	2002	\$47,979	\$64,389	77	\$565
Standby Generator at Well House (396 South 700 East)	2010	\$25,000	\$27,692	370	\$27



According to the Impact Fees Act (Utah Code Arm. §1-36-20] (1) (c) (iz'2.)), a city may include in the calculation of an impact fee "the cost of planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements." Under this provision, the cost of the Impact Fee Analyses may be included in the impact fee calculation. This impact fee analysis is an update to the prior update completed in 2003. It is assumed that another professional update of the analysis will not be needed for another 5 years.

Based upon the growth of 2% over the next five years, the number of water connections serviced by the 2017 Impact Fee Analysis Update will be 68. **Table 3-3** shows the cost per connection.

**Table 3-3: Analysis Update Cost per Connection**

2017 Impact Fee Analysis Update	Cost	Connections	Cost per ERU
Population Growth (2017 to 2022)	\$4,800	68	\$70
<b>Total Cost per Person</b>			<b>\$23</b>

**3.3.2 Manner of Financing Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(c)*)

The existing public facilities have been financed through monthly user fees and bonds. Because new development will pay their proportional share of the cost of water facilities through an impact fee, they will need to be credited for the amount they will pay through user fees in the future. This is addressed in a later section of the report.

**3.3.3 Relative Extent of Contributions by Undeveloped Properties to the Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(d)*)

Properties not yet connected to the water system have not contributed to the cost of public facilities since general fund monies have not been spent on system improvements to the water system.

**3.3.4 Relative Extent of Future Contributions to Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(2)*)

Properties that connect to the water system will pay the required impact fee. The River Heights City currently holds no water debt service.

**3.3.5 Calculation of Credit Entitlements, Extraordinary Costs** (*Utah Code Ann. §11-36a-304(2)(f) and Utah Code Ann. §11-36a-304(2)(g)*)

New development may be entitled to a credit when the development provides common facilities inside or outside the proposed development when similar facilities have been funded through general taxation or other means in other parts of the municipality. Credits must be determined by the City on a per development basis.

Extraordinary costs must be evaluated by the city on a per development basis. This procedure also should be addressed in the impact fee ordinance. However, the City does not anticipate any extraordinary costs necessary to provide services to future development.

**3.3.6 Time-Price Differential Inherent in Fair Comparisons** (*Utah Code Ann. §11-36a-304(2)(h)*)

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. Because costs (including those shown in **Table 3-1**) are provided in 2017 dollars, future cost budgets must be adjusted to account for the effects of inflation and changing construction market conditions at the anticipated time of design and construction. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

**3.4 Calculation of Impact Fee** (*Utah Code Ann. §11-36a-304(1)(d)*)

Residential Impact Fee

The impact fee calculation for the years 2017 through 2022 is shown in **Table 3-4**.

**Table 3-4: Potable Water System Impact Fee**

<u>Area Served by the Water Line in 600 South</u>	
Existing Facilities Cost	\$2,709
Future Facilities Cost	\$44
Analysis Cost	\$70
<b>Total Impact Fee – 600 South:</b>	<b>\$2,779</b>
<u>Area Served by Water Line that Serves the Stone Creek Area</u>	
Existing Facilities Cost	\$2,661
Future Facilities Cost	\$44
Analysis Cost	\$70
<b>Total Impact Fee – Stone Creek Area:</b>	<b>\$2,775</b>
<u>Area NOT Served by 600 South or Cottage Area Water Lines</u>	
Existing Facilities Cost	\$2,096
Future Facilities Cost	\$44
Analysis Cost	\$70
<b>Total Impact Fee – Other Area NOT Served by 600 South or Stone Creek Water Lines</b>	<b>\$2,211</b>



### Non-Residential Impact Fee

The impact fees for non-residential connections are based on the capacity ratio of the desired meter size to the 5/8 inch standard. Therefore, the impact fee for non-residential development may be calculated by calculating the ratio of the meter size of the non-residential development to the meter size of a residential connection. If the meter size is twice the size of the residential meter, then the impact fee would be multiplied by 2.

## **SECTION 4.0 ROADWAY IMPACT FEE ANALYSIS**

The purpose of the roadway impact fee analysis update is to fulfill the requirements established in the Impact Fee Act, and to help River Heights City plan the necessary roadway-related capital improvements for future growth. This section will determine the appropriate impact fee the City may charge to new growth to maintain the level of service for the roadway system.

The following assumptions are used in the Roadway Impact Fee Analysis:

- River Heights has a population of approximately 1,970.
- Average household size is 3 persons.
- The estimated growth rate over the next 5 years is 2%.
- The impact fees related to roadways will be assessed within the proposed service area, which incorporates the entire municipal boundary.
- The demand unit utilized in this update analysis is 'dwelling units'.
- The capital improvements identified in this study are designed to maintain the current level of service for new growth.
- The average capacity for new roads in River Heights City is 400 vehicles per day in each direction.
- The capacity of the roadway to River Heights Elementary is 1,500 vehicles per day.
- All new roadway construction and/or reconstruction are to be in accordance with River Heights current design and construction standards.
- River Heights City has adopted a standard of 'Class C' for its street network and intersections.

### **4.1 Impact of New Development (Utah Code Ann. §11-36a-304(1)(a))**

New development in River Heights City generates demand for improved and new roadways as the existing roadway system becomes congested or inadequate. City officials determined the future impact on the existing system by new development and have outlined the necessary road improvement to accommodate future growth.

Unlike other types of impact fee eligible infrastructures the patterns of vehicular trips can vary significantly depending on the preferences of the residents or customers associated with a specific land use, yet to be determined. It is easier to predict the need for water lines, for example, because the City is more likely to know exactly how to plan for the location and number of water connections for homes. However, with respect to roads, each new resident may utilize different access options than previous owners, and also vary the roads driven every day throughout the City. Consequently, in the absence of a city-wide traffic study, it is recommended that the City adopt a roadway fee based on the total cost of infrastructure planned to meet the needs of growth while taking into consideration relative and respective land-use zones over the next 5 years.

The demand units utilized in this update analysis are based on undeveloped residential and commercial land and the new dwelling units developed in these land-use types. As residential and commercial growth occurs within the City, additional vehicle trips will be generated on the City's



roadways. The roadway capital improvements identified in this study are based on maintaining the current level of service as adopted by the City.

The proposed impact fees are based upon the projected growth in ‘dwelling units’ which are used as a means to quantify the impact that future users will have upon the City’s roadway system. Impact fee funds cannot be used to cure existing deficiencies. The demand unit used in the calculation of the roadway impact fee is based upon the location of the capital improvement project, the affected land use category, and the estimated route characteristics taken by roadway users.

In River Heights City officials have identified three roadway projects which qualify to be paid for with impact fees including reconstruction and widening of two intersections and one road construction project. **Table 4-1** describes the road improvements necessitated by new development including the cost of the roadway impact fee update analysis; **Exhibit 4-1, “Roadway System”** shows their location in the City.

**Table 4-1: Growth-Related Improvements to the Roadway System**

Improvement	Estimated Cost
Intersection Reconstruction 500 South 100 East	\$175,000
Intersection Reconstruction 400 East Riverdale Road	\$150,000
400 South Roadway (750 East to 825 East)	\$95,000

#### **4.2 Relation Between System Improvements and New Development** (*Utah Code Ann. §11-36a-304(1)(b)*)

According to the Impact Fees Act, system improvements included in the IFA Update roadways analysis must reasonably relate to new development. This section of the law ensures new development pays only for the system improvements for which the development is a primary generator of demand. The system improvements described in **Table 4-1** are a result of new development activity. Without the new development, these road constructions would be unnecessary.

#### **4.3 Proportionate Share Analysis** (*Utah Code Ann. §11-36a-304(1)(c)*)

The law requires that new residents pay only their proportionate share of the costs associated with system improvements. In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the Impact Fees Act requires that the Impact Fee Analysis address the following issues:

##### **4.3.1 Calculation of the Qualifying Public Facilities** (*Utah Code Ann. §11-36a-304(2)(a)*)

Utah’s Impact Fee Act allows the City to recoup a portion of the cost previously invested in facilities which have excess capacity. River Heights has \$243,000 worth of these qualifying investments in its construction of the roadway to the Elementary School. The actual cost of this roadway having an excess capacity to accommodate build-out will be apportioned so that new development will pay its fair share of the cost of the roadway. Based on our calculations, the next five years of growth should pay \$16,296 of the total amount. Most of the qualifying assets



are already used by existing residents and thus cannot be charged to growth. Additionally, some of the cost will be paid for by users beyond the 2022 timeframe. It is estimated that 68 dwelling units will be added to the portion of the City's system of streets and roads with excess capacity between 2017 and 2022.

#### **4.3.2 Manner of Financing Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(c)*)

Existing facilities have been financed through Class "C" road funds and the General Fund. The current residents of River Heights City have contributed to Class "C" road funds through state gasoline tax and state highway user fees. Current residents have contributed to the general fund through property taxes. Future residents of River Heights will make similar contributions.

#### **4.3.3 Relative Extent of Contributions by Undeveloped Properties to the Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(d)*)

Roadway impact fees are justified when new roadway improvements are needed to meet the demands of growth. A buy-in component is considered for the roadways that have sufficient capacity to handle new growth while maintaining safe and acceptable levels of service.

#### **4.3.4 Relative Extent of Future Contributions to Cost of Existing Facilities** (*Utah Code Ann. §11-36a-304(2)(2)*)

New development will pay the required impact fee. The River Heights City currently holds no roadway-related debt service.

#### **4.3.5 Calculation of Credit Entitlements, Extraordinary Costs** (*Utah Code Ann. §11-36a-304(2)(f) and Utah Code Ann. §11-36a-304(2)(g)*)

New development may be entitled to a credit when the development provides common facilities inside or outside the proposed development when similar facilities have been funded through general taxation or other means in other parts of the municipality. Credits must be determined by the City on a per development basis.

Extraordinary costs must be evaluated by the city on a per development basis. This procedure also should be addressed in the impact fee ordinance. However, the City does not anticipate any extraordinary costs necessary to provide services to future development.

#### **4.3.6 Time-Price Differential Inherent in Fair Comparisons** (*Utah Code Ann. §11-36a-304(2)(h)*)

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. Because costs (including those shown in **Table 4-1**) are provided in 2017 dollars, future cost budgets must be adjusted to account for the effects of inflation and changing construction market conditions at the anticipated time of design and construction. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.



#### 4.4 Calculation of Impact Fee (*Utah Code Ann. §11-36a-304(1)(d)*)

##### 4.4.1 500 South – Riverdale Avenue Area

The proportionate share analysis determines the estimated cost assignable to new development based on the proposed capital projects and the new growth served by the proposed projects. For the intersection reconstruction projects located at either end of 500 South and Riverdale Avenue, it is estimated that there will be an approximate 10% traffic pass-by rate. In other words, 10% of the traffic entering the 500 South - Riverdale Avenue area will pass through; conversely, 90% of the traffic is estimated to trip-end within the area. Therefore, 90% of the project's costs are to be attributed to new growth within the 500 South - Riverdale Avenue area's Commercial, Mixed Use and R-1-12 land use zones.

Because the Mixed Use zone is intended for higher density development with a variety of uses including retail, office, entertainment and residential units, it is difficult to establish an equivalent number of dwelling units for which to distribute an appropriate impact fee. Different types of development can have a wide variety of impacts, depending on the number of dwelling units that are associated with, or permitted in each land use. Because of this, the IFA Update has attempted to take into account the proportionate share of each land use type on the roadway system.

Total acreage within the 500 South – Riverdale Avenue area is approximately 29.8 acres of which 1.3 acres are zoned Commercial, 13.1 acres are zoned Mixed Use, and 15.4 acres are zoned R-1-12. Taking into consideration the vehicle trips per unit per use category provided in the Institute of Transportation Engineers, Trip Generation Manual, 9<sup>th</sup> Edition, the relative proportionate number of trips per land use can be approximated as shown in **Table 4-2**.

**Table 4-2: 500 South – Riverdale Avenue Proportionate Share Determination**

Zone	Acres	Unit	Units per Acre**	Number of Units	Mean Trips per Unit***	Number of Trips	Percent of Cost Share
Commercial	1.3	1,000 SF	8,700	11.3	4.8	54	9.4%
Mixed Use	10.5	1,000 SF	8,700	91.3	4.8	438	76.6%
Mixed Use*	2.6	DU	16	42	1	42	7.4%
R-1-12	15.4	DU	2.5	38	1	38	6.6%

\*Not more 20% of acreage can be used for residential development

\*\*Assuming 20% of Commercial / Mixed Use acreage is building floor space

\*\*\*Average trips per unit for ITE retail category excluding convenience markets

The impact fee per unit is calculated below for the years 2017 through 2022 as shown in **Tables 4-3 and 4-4**.



**Table 4-3: 500 South – Riverdale Avenue Impact Fee**

Improvement	Estimated Improvement Cost	% Allocated to New Development*	Percent Share of Improvement Costs	Proportionate Share of Improvement Costs	Number of Units	Impact Fee Per Unit
Intersection Re-Construction 500 South 100 East	\$ 175,000	90%				
Commercial			9.4%	\$ 14,869	11.3	\$ 1,315.83
Mixed Use			76.6%	\$ 120,603	91.3	\$ 1,320.95
Mixed Use - Residential			7.3%	\$ 11,565	42	\$ 275.35
R-1-12			6.6%	\$ 10,463	38	\$ 275.35
Intersection Re-Construction 400 East Riverdale Road	\$ 150,000	90%				
Commercial			9.4%	\$ 12,745	11.3	\$ 1,127.85
Mixed Use			76.6%	\$ 103,374	91.3	\$ 1,132.25
Mixed Use - Residential			7.3%	\$ 9,913	42	\$ 236.01
R-1-12			6.6%	\$ 8,969	38	\$ 236.01

**Table 4-4: 400 South Roadway (750 East to 825 East)**

Future Capital // Improvement Projects for Growth						
Improvement	Estimated Improvement Cost	% Allocated to New Development*	Percent Share of Improvement Costs	Proportionate Share of Improvement Costs	Number of Units	Impact Fee Per Unit
400 South Roadway (750 East to 825 East)	\$ 95,250	40%		\$ 38,100	60	\$ 635.00

**Table 4-5: Analysis Update Cost per Unit**

2017 Impact Fee Analysis Update	Cost	Number of Units	Cost per Unit
Population Growth (2017 to 2022)	\$4,500	243	\$19
<b>Total Cost per Person</b>			<b>\$23</b>

Non-Residential Impact Fee

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City’s roadway system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.

Varying Fees by Development Type

This IFA Update recommends that River Heights and the City Engineer compare the proposed development with the standards found in the ITE manual so that they will make appropriate accommodations based upon the permitted density of dwelling units, developments traffic studies, and internal and “pass by” discounts. By allowing for a specific individualized determination to be made for each development type, each impact fee as imposed has a better chance of accomplishing the intent of the Impact Fee Act by only charging the development for



the reasonably anticipated additional costs which the development will impose on the City's roadway system improvements.

# Dixie's Suggested Changes

River Heights City  
520 South 500 East  
435-752-2646

## Pavilion Use Policy

Group Representative*:	_____	Phone #	_____
Address:	_____		
Email:	_____		
Date of Reservation:	_____	Hours**:	_____ # of People: _____
*Must be at least 21 years old. **Between the hours of 7 a.m. and 9 p.m.			

River Heights City is dedicated to serving its citizens and allowing them to use the City Pavilion. In order to maintain a secure and well maintained facility the following Pavilion Use Policy has been established and must be followed.

### Deposits, Fees, and Cancellations:

- A per day pavilion use fee will be charged to groups wishing to use the pavilion for personal events, such as family gatherings, socials, or private club meetings.
- The pavilion will be cleaned prior to your reservation. However, the city can't guarantee the cleanliness of the facility at the time of your reservation.
- A deposit will be required in addition to the pavilion use fee.
- A cancellation less than 3 days before reservation will result in a forfeit of the rental fee. The deposit is still refundable.
- The deposit may be returned within 10 days after the inspection verifies that no property damage has occurred, that no City property is missing, there has been no violation of the rental agreement rules, and the facility is left clean and in orderly condition. River Heights City reserves the right to withhold all or part of the deposit for any violation of this rental agreement or for any costs incurred to the city.
- Any damage over the deposit amount will be charged to your credit card.
- Deposit refunds will be applied back to your credit card. You will receive a receipt by email.
- Failure to be out of the facility on time may incur an additional fee, which may be withheld from your deposit or charged to your credit card.
- Fees will be assessed as follows (~~credit card only~~):

Deposit	\$100	<del>\$100</del> \$50
<del>Resident</del>	<del>\$ 50</del>	
<del>Non-resident</del>	<del>\$100</del>	

Pavilion use fee		
Resident	\$50	<u>\$25</u>
Non-resident	\$100	<u>\$50</u>



**Pavilion Use:**

- The volleyball court, gazebo, tennis courts, playground, ball diamond, and soccer fields may be used by the public on availability.
- Tennis courts are for **tennis only**. No bikes, skateboards or toys allowed.
- No use or consumption of alcoholic beverages or illicit drugs will be permitted on City property.
- Smoking is not permitted on City property.
- Groups are responsible to leave the area clean and organized.
- No climbing on city building facilities.
- Adhere to "No Parking" areas.
- No grease dumping.
- All trash should be cleaned up and disposed of.
- Trash cans will **not** be provided.

**Lost or Stolen Property:**

- The City of River Heights will not be responsible for the loss or damage of equipment, personal belongings, or other items owned or used by the group using the pavilion.
- Items left for more than 60 days will be utilized or discarded as deemed proper by the City staff.

**IN THE EVENT OF AN EMERGENCY CALL CLAYTEN NELSON AT 213-6948**

Groups and individuals using the facilities shall abide by all laws and regulations, including fire and safety regulations and Municipal Code restrictions pertaining to the use of the facility. Any group violating the regulations and conditions governing the use of the facility shall be subject to immediate revocation of facility use privileges and the city will retain all fees previously paid. Groups or individuals that fail to comply or violate River Heights City rules/or regulations shall not be permitted future use without prior approval of the River Heights Council.

I understand that River Heights City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park and Pavilion. **I agree to pay for damages that occur to the facility, including costs exceeding the amount of the deposit.**

Signature	Date	Staff Initials
-----------	------	----------------

**Office Use only:**

Rent Paid: _____	Date: _____
Deposit Paid: _____	Date: _____
Deposit Refund Amount: _____	Date: _____

# Staff Suggestions

River Heights City  
520 South 500 East  
435-752-2646

## Pavilion Use Policy

Group Representative*:	_____	Phone #	_____
Address:	_____		
Email:	_____		
Date of Reservation:	_____	Hours**:	_____ # of People: _____
*Must be at least 21 years old. **Between the hours of 7 a.m. and 9 p.m.			

River Heights City is dedicated to serving its citizens and allowing them to use the City Pavilion. In order to maintain a secure and well maintained facility the following Pavilion Use Policy has been established and must be followed.

### Deposits, Fees, and Cancellations:

- A per day pavilion use fee will be charged to groups wishing to use the pavilion for personal events, such as family gatherings, socials, or private club meetings.
- The pavilion will be cleaned prior to your reservation. However, the city can't guarantee the cleanliness of the facility at the time of your reservation.
- ~~▪ A deposit will be required in addition to the pavilion use fee.~~
- ~~▪ A cancellation less than 3 days before reservation will result in a forfeit of the rental fee. The deposit is still refundable.~~
- ~~▪ The deposit may be returned within 10 days after the inspection verifies that no property damage has occurred, that no City property is missing, there has been no violation of the rental agreement rules, and the facility is left clean and in orderly condition. River Heights City reserves the right to withhold all or part of the deposit for any violation of this rental agreement or for any costs incurred to the city.~~
- ~~▪ Any damage over the deposit amount will be charged to your credit card.~~
- ~~▪ Deposit refunds will be applied back to your credit card. You will receive a receipt by email.~~
- ~~▪ Failure to be out of the facility on time may incur an additional fee, which may be withheld from your deposit or charged to your credit card.~~
- Fees will be assessed as follows (credit card only) Rental fees:

Deposit _____	\$100
Pavilion use fee _____	
Resident	\$50 <u>\$25</u>
Non-resident	\$100 <u>\$50</u>

(over)



**Pavilion Use:**

- The volleyball court, gazebo, tennis courts, playground, ball diamond, and soccer fields may be used by the public on availability.
- Tennis courts are for **tennis only**. No bikes, skateboards or toys allowed.
- No use or consumption of alcoholic beverages or illicit drugs will be permitted on City property.
- Smoking is not permitted on City property.
- Groups are responsible to leave the area clean and organized.
- No climbing on city building facilities.
- Adhere to "No Parking" areas.
- No grease dumping.
- All trash should be cleaned up and disposed of.
- Trash cans will **not** be provided.

**Lost or Stolen Property:**

- The City of River Heights will not be responsible for the loss or damage of equipment, personal belongings, or other items owned or used by the group using the pavilion.
- Items left for more than 60 days will be utilized or discarded as deemed proper by the City staff.

**IN THE EVENT OF AN EMERGENCY CALL CLAYTEN NELSON AT 213-6948**

Groups and individuals using the facilities shall abide by all laws and regulations, including fire and safety regulations and Municipal Code restrictions pertaining to the use of the facility. Any group violating the regulations and conditions governing the use of the facility shall be subject to immediate revocation of facility use privileges and the city will retain all fees previously paid. Groups or individuals that fail to comply or violate River Heights City rules/or regulations shall not be permitted future use without prior approval of the River Heights Council.

I understand that River Heights City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park and Pavilion. **I agree to pay for damages that occur to the facility, including costs exceeding the amount of the deposit.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Initials

**Office Use only:**

Rent Paid: \_\_\_\_\_

Date: \_\_\_\_\_

Deposit Paid: \_\_\_\_\_

Date: \_\_\_\_\_

Deposit Refund Amount: \_\_\_\_\_

Date: \_\_\_\_\_

March 10, 2017

Mayor James Brackner  
River Heights City  
520 South 500 East  
River Heights, UT 84321

**RE: 600 East, 4<sup>th</sup> to 6<sup>th</sup> South, Street Improvement Project  
Recommendation for Award**

Dear Mayor Brackner and Council:

Forsgren Associates has received bids and completed the bid opening for the referenced project. We have completed a review of bid documents and tabulated the bids to check for errors. We received bids from five contractors for the project with bid amounts as presented below (from lowest to highest).

**Bid Results - Bid Opening March 7, 2017. 11:00a.m.**  
*600 East, 4<sup>th</sup> to 6<sup>th</sup> South, Street Improvement Project*

	<b>Contractor</b>	<b>Total Cost</b>
1	Rupp Trucking Enterprises Incorporated	\$195,434.00
2	Staker Parsons Companies	\$209,424.00
3	Morgan Pavement	\$254,886.25
4	LeGrand Johnson Construction Company	\$261,436.55
5	Consolidated Paving	\$278,995.25

The Engineer's Estimate for construction was \$205,200. Rupp Trucking Enterprises Inc. was founded in 1975, and is located at 7905 W 9600 N in Tremonton, Utah. It employs 34 employees. We recommend that the Council award Rupp Trucking Enterprises Inc. the 600 East, 4<sup>th</sup> to 6<sup>th</sup> South, Street Improvement Project for the bid amount of \$195,434.00

Following the award of the project by the Council, we will prepare a Notice of Award for the Contractor. The Contractor will arrange for Performance and Payments Bonds in preparation for the Pre-Construction Meeting. The Contract Agreement will be executed during the proceedings of the Pre-Construction Meeting. A Notice to Proceed for the work will then be provided to the Contractor.

Please contact me should you have any questions regarding this recommendation for award. Thank you for the opportunity to work with River Heights City.

Respectfully,



Eric E. Dursteler, P.E., C.F.M.  
Project Manager



## Ordinance 2-2017

### An Ordinance Adopting Changes to the River Heights City Code, March 14, 2017

#### 3-1-3: DEFINITIONS

CANVASSER OR SOLICITOR: Any individual, whether or not a resident of this community, traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, services, wares and merchandise for future delivery. This also includes services to be furnished or performed in the future.

HOME OCCUPATION: A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the business must live in the home. Conditional use of that property will become void when business owner moves from the home.

~~SOLICITOR, PEDDLER AND TRANSIENT MERCHANT: Any person selling, offering for sale, or taking orders for merchandise door to door within the city. Merchandise may include goods, food, wares, photographs, subscriptions to any kind of publication, insurance, tickets or coupons representing value. The term "solicitor" includes, but is not limited to, photographers, sellers of magazines, cosmetics, home care products, etc. and any other person engaged in direct sales, but specifically excludes newspaper carriers.~~

#### 3-1-7: PERMITTED USES

L. Online sales or brokerage

#### 3-1-8: PERMITTED USES REQUIREING A CONDITIONAL USE PERMIT AND LICENSE

J. Outdoor Displays

#### 7-1-4 REMOVAL OF SNOW

- A. Failure to Remove Unlawful: It shall be unlawful for the owner, occupant, lesser, or agent of any property, abutting on a paved sidewalk, to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet hereon within a reasonable time after such snow, hail, or sleet has fallen.
- B. Depositing in Gutter Unlawful: It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material, in the gutter so as to clog or prevent the free flow of water therein.

- C. Depositing in Street Unlawful: It shall be unlawful for any person removing snow, ice, or other material from private property to place or deposit said snow, ice, or other material upon any City street or road.
- D. Responsible for Damages: If, during the course of removing snow, the person/entity removing the snow damages private or public property, the person/entity removing the snow is responsible for repair and/or compensation for the damage.
- E. Removal of Snow on the Asphalt and/or Travel Portion of the City Right-of-Way: Snow removal from the asphalt and/or travel portion of the City right-of-way should be performed by the City or parties authorized by the City, except the area for mail delivery. If a self-propelled vehicle is used to remove snow from a sidewalk (other than across a driveway), the vehicle shall be no wider than the width of the sidewalk.

#### **9-4-4:G. SOLAR ENERGY SYSTEM REQUIREMENTS**

- 6. A Zoning Clearance Permit is required for ground or pole mounted systems, which are considered an accessory use.

#### **10-12-2:A: AREA REGULATIONS CHART**

Rear yard on a street (except corner lot) [6 feet in all zones]

Rear yard on a street (corner lot) [4 feet in all zones]

#### **~~10-13-15: REAR LOT FENCES~~**

~~Fences on rear yards must conform to clear view of intersecting streets. Any fence constructed on said owner's lot cannot exceed (6') feet in height. If the rear lot is adjacent to a public road the fence may not be built closer than one (1') from the sidewalk and the property owner is responsible to maintain the section between fence and sidewalk. Refer: 10-12-2.~~

#### **11-5-1:C.1. PUBLIC IMPROVEMENTS/Construction and Inspection/Minimum Improvements:**

- a. Completion of roadways and street lighting, as shown on the approved construction drawings;

#### **10-16-2:A. Table 5, Permitted Signs**

Residential home occupation/Maximum size ~~2.75~~ 3 Square Feet.



**11-6-7:C: OTHER GENERAL STANDARDS (Design Standards Section)**

Street Lighting: Street lighting shall be provided and installed by the subdivider and conform to the ~~design~~ City Public Works Construction Specifications and Standards and, the rules and regulations of the city outdoor lighting ordinance, title 9, chapter 3 of this code. The subdivider shall work with the city engineer to determine the style, size and location of street lighting in subdivisions. (5-2014, 8-26-2014)

Add this entire chapter

TITLE 3  
CHAPTER 5  
**SOLICITOR PROVISIONS**

**SECTION:**

- 3-5-1: Purpose
- 3-5-2: Definitions
- 3-5-3: Permit Required
- 3-5-4: Application for Permit
- 3-5-5: Criminal Background Check
- 3-5-6: Use of Person's Name Without Consent for Soliciting Contributions Prohibited
- 3-5-7: Investigation and Issuance of License
- 3-5-8: Fee; Term of Permit
- 3-5-9: Permits and Badges
- 3-5-10: Non-Transferability of Permits
- 3-5-11: Additional Requirements
- 3-5-12: Exceptions
- 3-5-13: Deceptive Soliciting Practices Prohibited
- 3-5-14: No Solicitation Notice
- 3-5-15: Duties of Solicitors
- 3-5-16: Time of Day Restrictions
- 3-5-17: Buyer's Right to Cancel
- 3-5-18: Penalties
- 3-5-19: Revocation
- 3-5-20: Notice of Revocation
- 3-5-21: Appeal

**3-5-1: PURPOSE**

To outline boundaries of door-to-door sales/solicitors and to protect citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

**3-5-2: DEFINITIONS**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- |   |   |
|---|---|
| BCI (Bureau of Criminal Identification) REPORT: | An original or copy, of either:<br><br>A. Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or |
|---|---|



B. Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

CANVASSER OR SOLICITOR: Any individual, whether or not a resident of this community, traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise for future delivery. This also includes services to be furnished or performed in the future.

CHARITABLE ORGANIZATION: Any organization that is benevolent, philanthropic, patriotic, educational, political, religious, charitable, or one purporting to be such. One that is tax exempt under applicable provisions of the internal revenue code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

CONTRIBUTION: The promise or grant of any money or property of any kind or value.

DOOR-TO-DOOR SOLICITATION: The practice of engaging in or attempting to engage in conversation with any person at a residence, in order to secure a sale of goods and/or services.

PERSON: Any individual, organization, group, association, partnership, corporation, or any combination of them.

**3-5-3: PERMIT REQUIRED**

It shall be unlawful for any solicitor or canvasser to engage in such business without first obtaining a permit in compliance with the provisions of this chapter.

**3-5-4: APPLICATION FOR PERMIT**

The River Heights City Recorder shall provide a standard application form for the registration of solicitors. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

- A. Review of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.
- B. Contact Information:
  - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
  - 2. Applicant's telephone number, home address and mailing address, if different;

3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and
  4. The address by which all notices to the applicant required under this chapter are to be sent.
- C. Proof of Identity:
1. Valid driver's license issued by any state; or
  2. Valid passport issued by the United States; or
  3. Valid identification issued by a branch of the U.S. military.
- D. The length of time for which the applicant desires to engage in business within the city.
- E. The places within the city where the applicant proposes to carry on his or her business.
- F. A photograph of the applicant, taken within six (6) months prior to the date of filing the application, being two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.
- G. A statement as to whether or not the applicant or any of his employees have been convicted of any crime, misdemeanor, or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed.
- H. If the applicant desires to sell fresh vegetables, fruits, meats or other foodstuffs, a copy of the appropriate permit from the health department shall be required, allowing the sale of such item.
- I. If the applicant is employed by another person, firm, or corporation, documentation showing the entity is authorized to do business in the State of Utah.
- J. Applicant must be eighteen (18) years of age or older to obtain a permit.

**3-5-5: BCI – CRIMINAL BACKGROUND CHECK**

The applicant shall provide an original or copy, dated no older than 180 days prior to the date of the application, of either:

- A. Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or
- B. Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.



**3-5-6: USE OF PERSON'S NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED**

No charitable organization, professional fundraiser, or professional solicitor seeking to raise funds for charitable purposes, shall use the name of any other person to solicit contributions without the written consent of the person.

**3-5-7: INVESTIGATION AND ISSUANCE OF LICENSE**

On receiving the application, the City Recorder shall investigate the applicant's business standing and moral character for the protection of the public good.

- A. Unsatisfactory result of Investigation: If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the City Recorder shall mark the application denied, together with the reason. The City Recorder shall then notify the applicant that his application has been disapproved and that no permit will be issued.
- B. Satisfactory Result of Investigation: If the character and business responsibility of the applicant is found to be satisfactory, the City Recorder shall mark the application approved and upon payment of the permit fee, issue a permit. Such permit shall show the name, address and photograph of the licensee and the kind of goods to be sold, pursuant to the application, together with an expiration date.

**3-5-8: FEE; TERM OF PERMIT**

- A. The permit fee is listed on the fee schedule held at the River Heights City office.
- B. No permit shall be valid for more than one (1) year. Expiration of permit will be commensurate with payment of fee.
- C. River Heights City will allow the responsible permit applicant/holder to be issued additional individual permits for their organization. In that instance, additional permit fees will be required, per the fee schedule.

**3-5-9: PERMITS AND BADGES**

- A. Issuance: The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the permit, in letters with figures easily discernible from a distance of five feet (5').
- B. Such badge shall be worn by the solicitor at all times while soliciting in the city and be on the front of their outer garment.
- C. The identification badge shall bear the logo of River Heights City and shall contain:
  - 1. The name of the solicitor;

2. Address and phone number of the solicitor (or the name, address, and phone number of the responsible person or entity);
3. A recent photograph of the solicitor; and
4. The date on which the permit expires.

**3-5-10: NONTRANSFERABILITY OF PERMITS**

Permits shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The permit shall be nontransferable.

**3-5-11: ADDITIONAL REQUIREMENTS**

This chapter does not waive the provisions and requirements of any other ordinance of the city. The requirements and fees listed for the solicitor permit are in addition to any other requirements and fees of any other ordinance of the city.

- A. Application Information: The City Recorder will confirm the legitimate address of the home office of the business involved and telephone number.
- B. Confirmation of Legitimate Business: The City Recorder will call the Better Business Bureau in the city of the home office to determine if the business is legitimate.

**3-5-12: EXCEPTIONS**

Any church, school or charitable organization is not required to obtain a permit for solicitation purposes.

**3-5-13: DECEPTIVE SOLICITING PRACTICES PROHIBITED**

- A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face to face solicitation:
  1. The name of the solicitor;
  2. The name and address of the entity with whom the solicitor is associated; and
  3. The purpose of the solicitor's contact with the person. This requirement may be satisfied through use of the badge and an informational flyer.
- C. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.



- D. No solicitor shall represent directly or by implication that the permit issued by River Heights City is an endorsement of their product. River Heights City does not endorse any product and/or services.

**3-5-14: NO SOLICITATION NOTICE**

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "no solicitation" sign on their property.
- B. The display of such sign or placard shall constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

**3-5-15: DUTIES OF SOLICITORS**

- A. If a "no soliciting" sign or placard is posted, solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a permit does not in any way relieve any solicitor of this duty.
- B. It is a violation of this chapter for any person soliciting to knock on the door, ring the doorbell, or attempt to attract the attention of an occupant of a residence that bears a "no solicitation" sign or similar sign for the purpose of soliciting.
- C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment to solicit or take action in order to secure an audience with an occupant at a residence.
- D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
- F. The solicitor shall not follow a person into a residence without their explicit consent.
- G. The solicitor shall not continue repeated soliciting after a person has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor.
- H. The solicitor shall not use obscene language or gestures.

**3-5-16: TIME OF DAY RESTRICTIONS**

It shall be unlawful for any person, whether permitted or not, to solicit at a residence before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

**3-5-17: BUYER'S RIGHT TO CANCEL**

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by Utah State Code, or a current version thereof, or any state or federal law modifying or amending such provision.

**3-5-18: PENALTIES**

Any person who violates any term or provision of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months.

**3-5-19: REVOCATION**

Licenses issued pursuant to this chapter may be revoked by the city, after notice, for any of the following causes:

- A. Fraud, misrepresentation or a false statement contained in the application for the license.
- B. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor, canvasser, peddler or itinerant merchant.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting the business of a solicitor, canvasser, peddler or itinerant merchant in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

**3-5-20: NOTICE OF REVOCATION**

Notice of revocation of a permit shall be given in writing, specifically listing the grounds of complaint/reason. Such notice shall be mailed, emailed, faxed or otherwise given to the permit holder at his last known address or at the address shown on his application.

**3-5-21: APPEAL**

Any person aggrieved by the action of the city in the denial or revocation of a permit, pursuant to this chapter, may file an appeal. Such written appeal must be received by the City Council within fourteen (14)



calendar days after mailing of the denial/revocation notice. All notices will be mailed to the person's last known address on the business application. A time and place to hear such appeal shall be set and given/mailed to the applicant.

Passed and adopted this 14<sup>th</sup> day of March 2017.

---

James Brackner, Mayor

ATTEST:

---

Sheila Lind

**Presentation to the Logan Waste Water Rate Committee Meeting by River Heights City re Lower Waste Water Rate Paid by River Heights City**

**Monday, 27 March 2017**

In 1975, according to River Heights City Mayor Vic Jensen (now deceased), River Heights City was invited to enter into an agreement with Logan to have them process the waste water of River Heights City. Mayor Jensen indicated that this would help Logan to qualify for a grant to build the waste water treatment plant. The agreement was basically to share the cost of treatment and if Logan residents' rates were changed, the charge to River Heights would be changed to reflect the same rates. (See summary of agreement attached).

The agreement began when the treatment cost was \$.10 per 1,000 gallons, and River Heights City was required to measure its input and be billed based on the gallons treated. Because Logan did not bill their residents on the gallons of input but on an amount per connection, the amounts billed their residents did not synchronize with the amounts billed by River Heights City. There was an incentive to River Heights City to minimize gallons treated and the city maintained its' collection system so as to keep out infiltration. Over time this caused a lower rate for the River Heights City citizens even though their rates were raised the exact same amount as Logan's. Logan's rates were raised per connection and River Heights City rates were raised per 1,000 gallons of waste water treated so that now the rate Logan Charges River Heights City is \$.92 per 1,000 gallons of waste water treated.

Because of this growing disparity, Logan sued River Heights City twice to break the contract but the court ruled in both cases that the contract was legal and valid.

I hope that, after this explanation, River Heights City will not be penalized when the present contract expires in 2025 by being charged higher rates than other cities that contract with Logan but will be charged the same rates.



**SUMMARY OF WASTE WATER AGREEMENT BETWEEN RIVER HEIGHTS CITY AND  
LOGAN – DATED THE 1<sup>ST</sup> DAY OF JULY 1975**

1. River Heights City (RHC) agreed to obtain financing and build a sewage collection system to connect at 700 South and 100 East where Logan and RHC intersect. Logan agreed to install a fifteen inch trunk line to this location called the collection point.
2. RHC agreed to install a collection box and measuring device at the collection point.
3. The measuring device shall be under the control of and maintained by Logan. RHC agreed to pay the maintenance of the device and have the right to verify the meter readings.
4. Logan agreed to transport sewage from the collection point to the sewage treatment facility.
5. **Both parties agreed to a fee of \$0.10 per 1,000 gallons of waste treated up to a monthly equivalent of 150 gallons per capita per day.**
6. RHC agreed to pay an excess-usage fee of \$0.20 per 1,000 gallons of waste treated each month in excess of 150 gallons per capita per day.
7. **Both parties agreed that the treatment charges to RHC will increase or decrease at the same rate as charged to Logan users.**
8. The agreement term is for 50 years at which time either party may terminate the agreement after a twelve month written notice.
9. At intervals not exceeding 10 years, the parties may review and propose changes or amendments to the provision of this contract.

10. RHC agrees to adopt rules and ordinances identical to Logan's governing the discharge of materials into the system and also agrees to administer and enforce said rules and ordinances.

11. RHC agrees to pay any costs, damages, or expenses caused by failure to abide by this agreement.

12. Both cities agree to use their surplus funds from the 1974-75 budgets to meet any financial obligations created by this agreement.

13. Both cities are responsible for their own collection system and trunk lines and hold the other city harmless for loss, damage, demands or claims arising from their own negligence.

14. The agreement form is subject to the approval of the Utah Attorney General.



0  
AS OF 1 JANUARY 2017

	<u>River Heights City</u>	<u>Logan</u>	<u>Difference</u>
Treatment Cost	\$ 7.79	\$ 12.87	\$ 5.08
Allocated Collection Cost from Logan (shared collection facilities)	\$ 3.47		
Amount Billed to River Heights City from Logan	\$ 11.26		
Each City Collection Cost	<u>\$ 7.79</u>	<u>\$ 14.44</u>	
Total Charges per Connection	<u>\$ 19.05</u>	<u>\$ 27.31</u>	

Number of sewer connections in River Heights City 606

Presently Logan charges River Heights City for:

Treatment: \$.92 per 1,000 gallons of waste water treated

Collection: \$.41 per 1,000 gallons of waste water collected