



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, November 14, 2024 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.gov. Public comment should be submitted to cherylb@nibleycity.gov by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Mayor Jacobsen)
2. Call to Order and Roll Call (Chair)
3. Approval of the October 24, 2024, Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report

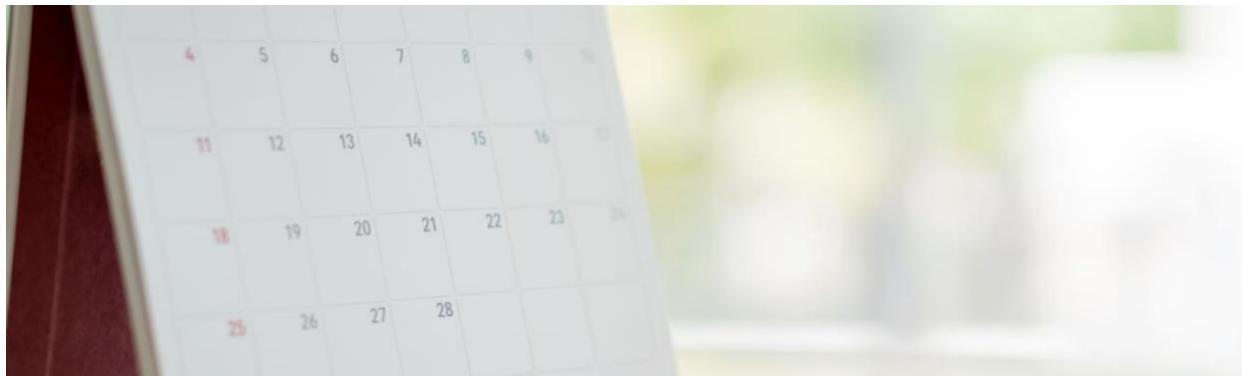
6. **Discussion & Consideration:** Resolution 24-25—Accepting the Nibley City Audit of Fiscal Year 2023-24 (First Reading)
7. **Discussion & Consideration:** Ordinance 24-11—Amendment 2 of the Ridgeline Park Subdivision Development Agreement, Allowing for a Payment In-Lieu of Required Improvements for the 2900 South Access Road (Second Reading)
8. **Discussion & Consideration:** Resolution 24-23—Appointing Members of the Board of Directors for the Morgan Farm 501(c)(3) (Second Reading)
9. **Discussion & Consideration:** Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N) (First Reading)
10. **Workshop:** Regional Stormwater Pond with possible expansion of the Nibley Meadow's owned City Property on 1200 West
11. **Workshop:** 2025 Nibley City Council Meeting Schedule
12. **Council and Staff Report**

Adjourn

Nibley City's next scheduled Council meeting will be on Thursday, December 5, 2024, at 6:30 p.m.

¹ *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*

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5-23-24 Council Meeting Change Summary

(changes made to the agenda item report since 11-8-24)

- #6 – Supporting document for Resolution 24-25 were added to the Channel: Issued Financial Statements & Communications with Governance.

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Agenda Item #6

Description	Discussion & Consideration: Resolution 24-25—Accepting the Nibley City Audit of Fiscal Year 2023-24 (First Reading)
Presenter	Amy Johnson, City Treasurer
Staff Recommendation	Approve Resolution 24-25—Accepting the Nibley City Audit of Fiscal Year 2023-24
Reviewed By	Justin Maughan, City Manager Amy Johnson, City Treasurer

Background:

Utah Code Title 51, Chapter 2a mandates that all municipalities conduct an independent financial audit each year. This audit must be conducted by a Certified Public Accountant or auditing firm not affiliated with the city to ensure it is impartial and accurate. This independent audit reviews the city's financial statements and assesses compliance with generally accepted accounting principles and other standards. By law, the audit report must be submitted to the Utah State Auditor's Office, which oversees municipalities for compliance and accountability.

The audit also serves to provide transparency to our citizens and elected officials and show that public funds are being managed responsibly and that we are adhering to professional financial standards. Additionally, the audit can identify areas of risk or inefficiency within our operations, offering insights that can help us improve our financial management.

An RFP for audit services was conducted in January 2023, and Larson and Company were selected by a committee to provide this service for our city. We are now in our 2nd year of a 6-year agreement for these services, and we appreciate Larson's approachability, as well as the good working relationship we have with them.

A decade's worth of Audited Financial Statements has been made available on our website if you would like to further review our audit history.

RESOLUTION 24-25

A RESOLUTION ACCEPTING THE NIBLEY CITY AUDIT FOR FISCAL YEAR 2023-24

WHEREAS, State law requires that independent audits of all cities are required to be performed in conformity with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

WHEREAS, every year an independent auditor certifies that Nibley City financial statements meet the requirements of GAAP (Generally Accepted Accounting Principles) and GASB (Government Accounting Standards Board), and Utah State; and

WHEREAS, Utah State law requires that the annual audited financial statement be presented to the City Council within six months of the end of the fiscal year, which ended June 30, 2024; and

WHEREAS, Nibley City regards its fiduciary responsibilities among its highest of priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. Nibley City Council accepts the Nibley City Audit for Fiscal Year 2023-24 as presented by independent auditor Larson and Company.

PASSED and ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2024.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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Nibley City



BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT

For the Year Ended June 30, 2024



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NIBLEY CITY
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INDEPENDENT AUDITOR'S REPORT

Honorable Mayor and
City Council Members
Nibley City, Utah

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Nibley City, Utah, as of and for the year ended June 30, 2024, and the related notes to the financial statements, which collectively comprise the Nibley City's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information as of June 30, 2024, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Nibley City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Nibley City's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Nibley City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a

substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Nibley City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Nibley City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis comparison information, and other required supplementary information as indicated in the Table of Contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 8, 2024, on our consideration of Nibley City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Nibley City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Nibley City's internal control over financial reporting and compliance.



Larson & Company, PC

Spanish Fork, Utah
November 8, 2024

Nibley City

Management's Discussion and Analysis

For the Year Ending June 30, 2024

This Management Discussion and Analysis (MD&A) of Nibley City's financial performance is designed to assist readers in understanding the City's basic financial statements the relationship of different types of statements, and the significant differences in the information they provide. The MD&A will identify changes in the City's ability to address the next and subsequent years financial needs based on currently known facts, and is best understood if read in conjunction with Nibley City's basic financial statements.

Financial highlights as of the close of FY 2024

During the year 2024 the total net position of the City increased by \$6,068,345 to a total of \$58,950,798. The governmental net position increased by \$3,487,760 and the business-type net position increased by \$2,580,585.

The total net position (governmental and business-type activities) of the City consists of \$42,241,969 in capital assets, net of related debt, \$6,637,665 in restricted net position and \$10,071,164 in unrestricted net position.

The total long-term liabilities of the City decreased by \$134,673, which includes the net pension liability, during the fiscal year 2024. Regular principal payments were made on existing bonds and notes.

Reporting the City as a whole

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

Government-Wide Financial Statements

The government-wide financial statements are designed so that all governmental and business-type activities are reported in columns, which add to a total for the primary government. The Statement of Net Position provides bottom line results of the City's activities as a whole and presents a longer-term view of the City's finances. The Statement of Net Position and the Statement of Activities report information about Nibley City's financial position and activities in the following categories.

Governmental activities – The governmental activities of the City include general government, public safety, parks and recreation, and public works.

Business-type activities – these include the water, sewer, storm water utilities, as well as the municipal building authority.

Refer to the table of contents for the location of the Government-wide financial statements.

Fund Financial Statements

Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes. The fund financial statements provide detailed information that focus on the most significant funds rather than the City as a whole. Major funds are separately reported to control and manage money and to show that legal responsibilities are met for certain taxes, grants, and other designated funds. Nibley City uses the following types of funds:

Nibley City

Management's Discussion and Analysis

For the Year Ending June 30, 2024

Governmental Funds – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term effect of the City's near-term financing decisions. Both the governmental balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The only governmental funds (as determined by generally accepted accounting principles) are the General Fund and the Capital Projects Fund. The City's only non-major fund is the First Responder Fund.

Proprietary Funds – The City maintains four proprietary funds, all enterprise funds, to account for its Water, Sewer, Storm Water Utilities, and the Municipal Building Authority operations. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. As determined by general accepted accounting principles, the Water, Sewer, Storm Water utilities, and the Municipal Building Authority all meet the criteria for major fund classification.

Fiduciary Funds – Fiduciary funds are used to account for resources held for the benefit of parties outside the government. The City currently has no fiduciary funds.

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Refer to the table of contents for the location of the fund financial statements and notes to the financial statements.

Other Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning Nibley City.

Government-wide financial analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of Nibley City, assets exceeded liabilities by \$58,950,798 at the close of the most recent fiscal year.

By far the largest portion of the City's net position (72 percent) reflects its investment in capital assets (e.g., land, buildings, machinery & equipment, and infrastructure), less depreciation and any debt used to acquire those assets that is still outstanding. Nibley City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Nibley City

Management's Discussion and Analysis

For the Year Ending June 30, 2024

The following schedules present summarized information from the Statement of Net Position and the Statement of activities.

Nibley City's Net Position

	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
Current and other assets	\$ 12,045,143	\$ 10,745,014	\$ 7,110,433	\$ 6,142,505	\$ 19,155,576	\$ 16,887,519
Capital assets	26,168,688	23,085,616	18,905,281	17,643,698	45,073,969	40,729,314
Deferred Outflows	257,809	174,668	99,318	67,288	357,127	241,956
Total assets	38,471,640	34,005,298	26,115,032	23,853,491	64,586,672	57,858,789
Other liabilities	1,272,136	459,881	92,336	150,571	1,364,472	610,452
Long-term liabilities outstanding	298,571	173,039	2,919,018	3,179,223	3,217,589	3,352,262
Deferred Inflows	1,052,587	1,011,792	1,226	1,830	1,053,813	1,013,622
Total liabilities	2,623,294	1,644,712	3,012,580	3,331,624	5,635,874	4,976,336
Net Position:						
Net Investment in Capital Assets	26,168,688	23,085,616	16,073,281	14,719,001	42,241,969	37,804,617
Restricted	4,197,335	2,907,207	2,440,330	2,152,437	6,637,665	5,059,644
Unrestricted	5,482,323	6,367,763	4,588,841	3,650,429	10,071,164	10,018,192
Total Net Position	\$ 35,848,346	\$ 32,360,586	\$ 23,102,452	\$ 20,521,867	\$ 58,950,798	\$ 52,882,453

A portion of Nibley City's net position (11 percent) represents resources that are subject to external restrictions on how they may be used.

At the end of the year, Nibley City is able to report positive balances in all three categories of net position.

Nibley City's Changes in Net Position

	Governmental Activities		Business-type Activities		Total	
	2024	2023	2024	2023	2024	2023
Revenues:						
Program revenues:						
Charges for services	\$ 2,482,710	\$ 3,534,578	\$ 2,877,248	\$ 2,723,205	\$ 5,359,958	\$ 6,257,783
Operating grants and contrib	4,850	6,934			4,850	6,934
Capital grants and contrib	1,268,409	1,163,126	1,463,936	498,480	2,732,345	1,661,606
General revenues:						
Property taxes	1,018,480	982,918	-	-	1,018,480	982,918
Sales taxes	1,445,874	1,387,313	-	-	1,445,874	1,387,313
Other taxes	763,305	747,515	-	-	763,305	747,515
Impact fees	910,490	517,618	493,854	328,548	1,404,344	846,166
Unrestricted investment earnings	580,700	312,148	317,208	201,157	897,908	513,305
Other	733,026	126,524	138,168	93,043	871,194	219,567
Total revenues	9,207,844	8,778,674	5,290,414	3,844,433	14,498,258	12,623,107
Expenses:						
Highways and streets	1,139,073	939,711	-	-	1,139,073	939,711
Administration	578,647	598,213	-	-	578,647	598,213
Sanitation	549,952	603,743	-	-	549,952	603,743
Public Safety	525,378	503,861	-	-	525,378	503,861
Public works	491,811	403,110	-	-	491,811	403,110
Non-departmental	499,373	487,965	-	-	499,373	487,965
Planning and zoning	337,911	332,013	-	-	337,911	332,013
Culture, parks, and recreation	587,593	425,566	-	-	587,593	425,566
Legislative	66,543	50,977	-	-	66,543	50,977
Community development	469,803	404,796	-	-	469,803	404,796
Water	-	-	1,130,422	1,018,023	1,130,422	1,018,023
Sewer	-	-	1,658,854	1,589,725	1,658,854	1,589,725
Municipal building authority	-	-	64,169	71,271	64,169	71,271
Storm water	-	-	330,384	266,323	330,384	266,323
Total expenses	5,246,084	4,749,955	3,183,829	2,945,342	8,429,913	7,695,297
Increase (decrease) in Net Position	3,487,760	4,028,719	2,580,585	899,091	6,068,345	4,927,810
Net Position - Beginning	32,360,586	28,331,867	20,521,867	19,622,776	52,882,453	47,954,643
Net Position - Ending	\$ 35,848,346	\$ 32,360,586	\$ 23,102,452	\$ 20,521,867	\$ 58,950,798	\$ 52,882,453

Nibley City

Management's Discussion and Analysis

For the Year Ending June 30, 2024

Financial Analysis of the Government's Funds

Governmental funds

The focus of Nibley City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing Nibley City's financing requirements. In particular, unreserved fund balance may serve as a useful measure of a government's net resources available for spending at the end of the year.

At the end of the year, Nibley City's governmental funds reported combined ending fund balance of \$9,723,606, an increase of \$445,512 in comparison with the prior year. Approximately 17 percent of this amount \$1,665,370 constitutes unreserved fund balance, which is available for spending at the government's discretion. The remainder of fund balance is reserved to indicate that it is not available for new spending because it has already been committed.

The general fund is the chief operating fund of Nibley City. All activities which are not required to be accounted for either by state or local ordinance or by a desire to maintain a matching of revenues and expenditures are accounted for in this fund. At the end of the current year, unreserved fund balance of the general fund was \$1,665,370. As a measure of the general fund's liquidity, it may be useful to compare unreserved fund balance and total fund balance to total fund expenditures. Unreserved fund balance represents 22 percent of total general fund revenues.

Taxes continue to be the largest source of revenue in the General Fund and represent 43 percent of total general fund revenues. The two largest elements of taxes are property taxes and sales taxes. Combined, they represent 76 percent of total tax revenues and 33 percent of total general fund revenues.

Proprietary funds

Nibley City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the proprietary funds at the end of the year amounted to \$4,588,841.

General Fund Budgetary Highlights

During the current fiscal year the General Fund budget for revenue was \$13,437,050. The actual revenue was \$7,528,224. This resulted in an unfavorable variance of \$5,909,026 for revenue. The General Fund budget for expenditures was \$6,821,000. The actual expenditures were \$4,687,848. This resulted in a favorable variance of \$2,133,152 for expenditures. Overall, the City had an unfavorable variance for the excess of revenues over expenditures of \$2,840,376.

Capital Asset and Debt Administration

Capital assets

Nibley City's investment in capital assets for its governmental and business-type activities as of June 30, 2024, amounts to \$45,073,969 (net of accumulated depreciation). This investment in capital assets includes land, land improvements, buildings, machinery and equipment, park facilities, roads and infrastructure (streets, sidewalks, curb and gutter, etc.). The total increase in Nibley City's investment in capital assets for the current year was \$5,926,768 and depreciation expense was \$1,582,113.

Nibley City

Management's Discussion and Analysis

For the Year Ending June 30, 2024

Nibley City's Capital Assets (net of depreciation)

	Governmental		Business-type		Total	
	2024	2023	2024	2023	2024	2023
Land and water rights	\$ 7,427,833	\$ 7,427,833	\$ 508,132	\$ 508,132	\$ 7,935,965	\$ 7,935,965
Buildings and improvements	11,375,764	10,723,453	17,734,363	16,611,742	29,110,127	27,335,195
Machinery and equipment	215,295	234,764	581,089	442,127	796,384	676,891
Infrastructure	7,149,796	4,699,566			7,149,796	4,699,566
Construction in progress	-	-	81,697	81,697	81,697	81,697
Total	\$ 26,168,688	\$ 23,085,616	\$ 18,905,281	\$ 17,643,698	\$ 45,073,969	\$ 40,729,314

Additional information on Nibley City's capital assets can be found in the notes to the financial statements.

Long-term debt

At the end of the current year, Nibley City had long term debt outstanding of \$3,020,684. The debt represents both general obligation bonds and revenue bonds secured solely by specified revenue sources, capital leases payable, notes payable, and/or compensated absences.

Nibley City's Outstanding Debt

	Governmental		Business-type		Total	
	2024	2023	2024	2023	2024	2023
Compensated absences	\$ 156,426	\$ 81,675	\$ 32,258	\$ 18,026	\$ 188,684	\$ 99,701
Revenue bonds	-	-	2,832,000	3,126,000	2,832,000	3,126,000
Total	\$ 156,426	\$ 81,675	\$ 2,864,258	\$ 3,144,026	\$ 3,020,684	\$ 3,225,701

Additional information on Nibley City's debt can be found in the notes to the financial statements.

Requests for Information

This financial report is designed to provide a general overview of Nibley City's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Nibley City, 455 West 3200 South, Nibley, Utah 84321.

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Basic Financial Statements

The basic financial statements include integrated sets of financial statements as required by accounting principles generally accepted in the United States of America. The statements include:

- Government-wide financial statements
- Fund financial statements
 - o Governmental funds
 - o Proprietary (enterprise) funds

Nibley City

Government-wide Statement of Net Position

As of June 30, 2024

	Primary Government		
	Governmental		Business-type
	Activities	Activities	Totals
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES			
Cash and cash equivalents	\$ 6,328,999	\$ 4,383,488	\$ 10,712,487
Receivables, net			
Taxes	1,342,768	-	1,342,768
Accounts	80,423	286,615	367,038
Intergovernmental	95,618	-	95,618
Restricted cash	4,197,335	2,440,330	6,637,665
Capital assets (net of accumulated depreciation):			
Land and water rights (not depreciated)	7,427,833	508,132	7,935,965
Buildings and improvements	11,375,764	17,734,363	29,110,127
Equipment	215,295	581,089	796,384
Infrastructure	7,149,796	-	7,149,796
Construction in progress (not depreciated)	-	81,697	81,697
Total assets	<u>38,213,831</u>	<u>26,015,714</u>	<u>64,229,545</u>
Deferred outflows of resources - pensions	257,809	99,318	357,127
Total Assets and Deferred Outflows of Resources	<u>38,471,640</u>	<u>26,115,032</u>	<u>64,586,672</u>
LIABILITIES AND DEFERRED INFLOWS OF RESOURCES			
Accounts payable	1,272,136	72,673	1,344,809
Accrued interest payable	-	19,663	19,663
Current portion of compensated absences	54,749	22,987	77,736
Current portion of bonds payable	-	294,000	294,000
Non-Current:			
Compensated absences	101,677	9,271	110,948
Bonds payable	-	2,538,000	2,538,000
Net pension liability	142,145	54,760	196,905
Total liabilities	<u>1,570,707</u>	<u>3,011,354</u>	<u>4,582,061</u>
Deferred inflows of resources - property taxes	1,049,401	-	1,049,401
Deferred inflows of resources - pensions	3,186	1,226	4,412
Total Liabilities and Deferred Inflows of Resources	<u>2,623,294</u>	<u>3,012,580</u>	<u>5,635,874</u>
NET POSITION			
Net Investment in Capital Assets	26,168,688	16,073,281	42,241,969
Restricted	4,197,335	2,440,330	6,637,665
Unrestricted	5,482,323	4,588,841	10,071,164
Total Net Position	<u>\$ 35,848,346</u>	<u>\$ 23,102,452</u>	<u>\$ 58,950,798</u>

The notes to the financial statements are an integral part of this statement

Nibley City
Government-wide Statement of Activities
For the Year Ended June 30, 2024

Function/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Assets		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
Primary government:							
Governmental Activities:							
Highways and streets	\$ 1,139,073	\$ 277,386	\$ 736,316	\$ (402,757)	\$ -	\$ -	\$ (402,757)
Administration	578,647	649,283	-	(301,261)	-	-	(301,261)
Sanitation	549,952	228,284	-	99,331	-	-	99,331
Public safety	525,378	-	-	(297,094)	-	-	(297,094)
Public works	491,811	878,005	-	386,194	-	-	386,194
Non-departmental	499,373	-	-	(499,373)	-	-	(499,373)
Planning and zoning	337,911	190,696	-	(147,215)	-	-	(147,215)
Judicial	-	18,397	-	18,397	-	-	18,397
Culture, parks, and recreation	587,593	240,659	4,850	532,093	190,009	-	190,009
Legislative	66,543	-	-	(66,543)	-	-	(66,543)
Community development	469,803	-	-	(469,803)	-	-	(469,803)
Total Governmental Activities	5,246,084	2,482,710	4,850	1,268,409	(1,490,115)	-	(1,490,115)
Business-type Activities:							
Water fund	1,130,422	1,012,922	-	552,022	-	434,522	434,522
Sewer fund	1,658,854	1,589,843	-	495,780	-	426,769	426,769
Storm water fund	330,384	-	-	416,134	-	85,750	85,750
Municipal building authority	64,169	274,483	-	-	-	210,314	210,314
Total Business-type Activities	3,183,829	2,877,248	-	1,463,936	-	1,157,356	1,157,356
Total Primary Government	\$ 8,429,913	\$ 5,359,958	\$ 4,850	\$ 2,732,345	\$ (1,490,115)	\$ 1,157,355	\$ (332,760)
General revenues:							
Property tax				1,018,480	-	1,018,480	
Sales tax				1,445,874	-	1,445,874	
Franchise and other taxes				763,305	-	763,305	
Interest, income				580,700	317,208	897,908	
Impact fees				910,490	493,854	1,404,344	
Transfers				(474,000)	474,000	-	
Miscellaneous				733,026	138,168	871,194	
Total general revenues and transfers				4,977,875	1,423,230	6,401,105	
Change in net position				3,487,760	2,580,585	6,068,345	
Net Position - Beginning				32,360,586	20,521,867	52,882,453	
Net Position - Ending				\$ 35,848,346	\$ 23,102,452	\$ 58,950,798	

The notes to the financial statements are an integral part of this statement
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Nibley City

Balance Sheet – Governmental Funds

As of June 30, 2024

	General Fund	Capital Project Fund	First Responder Fund (Nonmajor)	Total Governmental Funds
ASSETS				
Cash and cash equivalents	\$ 1,713,450	\$ 4,628,683	\$ (13,134)	\$ 6,328,999
Restricted cash	4,110,492	-	86,843	4,197,335
Receivables:				
Taxes	1,342,768	-	-	1,342,768
Accounts	67,289	-	13,134	80,423
Intergovernmental	95,618	-	-	95,618
Total assets	7,329,617	4,628,683	86,843	12,045,143
LIABILITIES, DEFERRED INFLOWS, AND FUND BALANCES				
Liabilities:				
Accounts payable and accrued liabilities	504,354	767,782	-	1,272,136
Deferred inflows of resources	1,049,401	-	-	1,049,401
Total liabilities and deferred inflows	1,553,755	767,782	-	2,321,537
Fund balances:				
Restricted - Impact fees/Capital outlay	4,110,492	-	-	4,110,492
Restricted - First responders	-	-	86,843	86,843
Assigned - Capital outlay	-	3,860,901	-	3,860,901
Unassigned	1,665,370	-	-	1,665,370
Total fund balances	5,775,862	3,860,901	86,843	9,723,606
Total liabilities and fund balances	\$ 7,329,617	\$ 4,628,683	\$ 86,843	\$ 12,045,143

The notes to the financial statements are an integral part of this statement

Nibley City

Reconciliation of Total Governmental Fund Balances to Government-wide Net Position

As of June 30, 2024

Total fund balances - governmental fund types:	\$ <u>9,723,606</u>
Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets and net pension assets used in governmental activities are not financial resources and, therefore, are not reported in the funds:	26,168,688
Deferred inflows and outflows of resources, an acquisition or consumption of net position that applies to future periods, is not shown in the fund statements.	
Deferred outflows of resources relating to pensions	257,809
Deferred inflows of resources relating to pensions	(3,186)
Long-term liabilities, including bonds payable, compensated absences, and/or lease obligations are not due and payable in the current period and therefore are not reported in the funds.	
Compensated absences	(156,426)
Net pension liability	<u>(142,145)</u>
Net Position of government activities	<u><u>\$ 35,848,346</u></u>

The notes to the financial statements are an integral part of this statement

Nibley City

Statement of Revenues, Expenditures, and Changes in Fund Balance

Governmental Funds

For the Year Ended June 30, 2024

	General Fund	Capital Project Fund	First Responder Fund (non-major)	Total Governmental Funds
REVENUES				
Taxes				
Sales taxes	\$ 1,445,874	\$ -	\$ -	\$ 1,445,874
Property taxes	1,018,480	-	-	1,018,480
Franchise taxes	467,130	-	-	467,130
Mass transit tax	296,175	-	-	296,175
Licenses and permits	276,262	-	-	276,262
Intergovernmental revenue	741,166	532,093	-	1,273,259
Charges for services	1,814,336	-	146,219	1,960,555
Fines and forfeitures	935,245	-	-	935,245
Interest income	343,093	234,432	3,175	580,700
Miscellaneous	190,463	30,675	-	221,138
Total revenues	7,528,224	797,200	149,394	8,474,818
EXPENDITURES				
Current:				
Culture, parks, and recreation	496,783	-	-	496,783
Highways and streets	464,256	-	-	464,256
Administration	578,647	-	-	578,647
Sanitation	549,952	-	-	549,952
Public works	491,811	-	-	491,811
Public safety	347,166	-	144,888	492,054
Non-departmental	272,122	-	-	272,122
Planning and zoning	337,911	-	-	337,911
Legislative	66,543	-	-	66,543
Community development	469,803	-	-	469,803
Capital outlay	612,854	2,570,299	-	3,183,153
Total expenditures	4,687,848	2,570,299	144,888	7,403,035
Excess revenues over (under) expenditures	2,840,376	(1,773,099)	4,506	1,071,783
Other financing sources (uses)				
Transfers in	-	1,287,750	10,000	1,297,750
Transfers out	(1,297,750)	(474,000)	-	(1,771,750)
Contributions to other government entities	(152,271)	-	-	(152,271)
Total other financing sources and uses	(1,450,021)	813,750	10,000	(626,271)
Excess of revenues and other sources over (under) expenditures and other uses	1,390,355	(959,349)	14,506	445,512
Fund balances - beginning of year	4,385,507	4,820,250	72,337	9,278,094
Fund balances - end of year	\$ 5,775,862	\$ 3,860,901	\$ 86,843	\$ 9,723,606

The notes to the financial statements are an integral part of this statement

Nibley City

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Government-wide Statement of Activities For the Year Ended June 30, 2024

Net changes in fund balances - total governmental funds	\$ 445,512
Amounts reported for governmental activities in the statement of activities are different because:	
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Developer contributions of assets are also not reported in fund statements as they do not represent current resources, but rather are included with capital assets on the Statement of Net Position. This is the amount by which capital outlay and developer contributions of assets exceeded depreciation in the current period.	3,083,072
Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	
Change in compensated absences	(74,751)
Pension benefits/pension expenses resulting from pension liability	<u>33,927</u>
Change in net position of governmental activities	<u>\$ 3,487,760</u>

The notes to the financial statements are an integral part of this statement

Nibley City
Statement of Net Position – Proprietary Funds
As of June 30, 2024

	Business-Type Activities - Enterprise Funds				
	Water Fund	Sewer Fund	Municipal Building Authority	Storm Water Fund	Total
ASSETS AND DEFERRED OUTFLOWS					
Current assets:					
Cash and cash equivalents:					
Unrestricted	\$ 1,431,293	\$ 1,998,973	\$ 526,411	\$ 426,811	\$ 4,383,488
Restricted	1,034,136	1,175,375	-	230,819	2,440,330
Receivables:					
Utilities (net of allowance)	117,697	143,512	-	25,406	286,615
Total current assets	2,583,126	3,317,860	526,411	683,036	7,110,433
Noncurrent assets:					
Property and Equipment:					
Land and water rights	193,008	305,124	10,000	-	508,132
Construction in Progress	-	-	-	81,697	81,697
Buildings and improvements	11,121,802	11,671,218	1,703,790	2,169,246	26,666,056
Machinery and equipment	441,727	1,158,064	77,854	237,966	1,915,611
Accumulated depreciation	(3,826,268)	(5,228,364)	(752,180)	(459,403)	(10,266,215)
Total noncurrent assets	7,930,269	7,906,042	1,039,464	2,029,506	18,905,281
Total assets	10,513,395	11,223,902	1,565,875	2,712,542	26,015,714
Deferred Outflows of Resources:					
Deferred outflows related to pensions	38,292	43,351	-	17,675	99,318
Total Assets and Deferred Outflows	10,551,687	11,267,253	1,565,875	2,730,217	26,115,032
LIABILITIES AND DEFERRED INFLOWS					
Current liabilities:					
Accounts payable	34,791	37,049	-	833	72,673
Accrued interest payable	-	-	19,663	-	19,663
Compensated absences - current	6,850	12,447	-	3,690	22,987
Current portion of bonds payable	-	270,000	24,000	-	294,000
Total current liabilities	41,641	319,496	43,663	4,523	409,323
Noncurrent liabilities:					
Advances to other funds	-	-	-	-	-
Net pension liability	21,113	23,903	-	9,744	54,760
Compensated absences	4,000	2,443	-	2,828	9,271
Bonds payable	-	2,057,000	481,000	-	2,538,000
Total noncurrent liabilities	25,113	2,083,346	481,000	12,572	2,602,031
Total liabilities	66,754	2,402,842	524,663	17,095	3,011,354
Deferred inflows of Resources:					
Deferred inflows related to pensions	472	535	-	219	1,226
Total Liabilities and Deferred Inflows	67,226	2,403,377	524,663	17,314	3,012,580
NET POSITION					
Net Investment in Capital Assets	7,930,269	5,579,042	534,464	2,029,506	16,073,281
Restricted:					
Bond reserve	-	421,118	-	-	421,118
Impact fees	1,034,136	754,257	-	230,819	2,019,212
Unrestricted	1,520,056	2,109,459	506,748	452,578	4,588,841
Total Net Position	\$ 10,484,461	\$ 8,863,876	\$ 1,041,212	\$ 2,712,903	\$ 23,102,452

The notes to the financial statements are an integral part of this statement

Nibley City

Statement of Revenues, Expenses, and Changes in Net Position

Proprietary Funds

For the Year Ended June 30, 2024

	Business-Type Activities - Enterprise Funds					Total Business Type
	Water Fund	Sewer Fund	Municipal Building Authority	Storm Water Fund		
Operating revenues:						
Services	\$ 860,222	1,545,993	\$ -	\$ 274,483	\$ 2,680,698	
Connection fees	73,750	43,850	-	-	117,600	
Other operating revenues	38,333	9,845	50,000	39,990	138,168	
Total operating revenues	972,305	1,599,688	50,000	314,473	2,936,466	
Operating expenses:						
Wages and benefits	152,182	154,029	-	114,239	420,450	
Current expenses	720,939	1,128,814	-	145,186	1,994,939	
Depreciation	257,301	376,011	44,735	70,959	749,006	
Total operating expenses	1,130,422	1,658,854	44,735	330,384	3,164,395	
Operating income (loss)	(158,117)	(59,166)	5,265	(15,911)	(227,929)	
Nonoperating revenues (expenses):						
Impact fee income	346,018	147,836	-	-	493,854	
Interest revenue	113,778	153,427	16,557	33,446	317,208	
Development fee in lieu	78,950	-	-	-	78,950	
Capital contributions	552,022	495,780	-	416,134	1,463,936	
Interest expense	-	-	(19,434)	-	(19,434)	
Transfer In (Out)	-	-	474,000	-	474,000	
Total nonoperating revenues (expenses)	1,090,768	797,043	471,123	449,580	2,808,514	
Change in net position	932,651	737,877	476,388	433,669	2,580,585	
Total Net Position - Beginning	9,551,810	8,125,999	564,824	2,279,234	20,521,867	
Total Net Position - Ending	\$ 10,484,461	\$ 8,863,876	\$ 1,041,212	\$ 2,712,903	\$ 23,102,452	

The notes to the financial statements are an integral part of this statement

Nibley City
Statement of Cash Flows – Proprietary Funds
For the Year Ended June 30, 2024

Business-Type Activities - Enterprise Funds					
	Water Fund	Sewer Fund	Municipal Building Authority	Storm Water Fund	Total
Cash Flows From Operating Activities					
Receipts from customers	\$ 992,657	\$ 1,594,129	\$ 50,000	\$ 313,731	\$ 2,950,517
Payments to suppliers	(711,781)	(1,189,920)	-	(150,744)	(2,052,445)
Payments to employees	(151,347)	(150,793)	-	(117,149)	(419,289)
Net cash provided (used) by operating activities	129,529	253,416	50,000	45,838	478,783
Cash Flows From Non-Capital and Related Financing Activities					
Transfers In (out)	-	-	474,000	-	474,000
Net cash provided (used) by non-capital and related financing activities	-	-	474,000	-	474,000
Cash Flows From Capital and Related Financing Activities					
Purchases of capital assets	(736,703)	(857,752)	-	(416,134)	(2,010,589)
Impact fee income	346,018	147,836	-	-	493,854
Development fee in lieu	78,950	-	-	-	78,950
Capital contributions from others	552,022	495,780	-	416,134	1,463,936
Principal paid on capital debt	-	(270,000)	(24,000)	-	(294,000)
Interest paid on capital debt	-	-	(20,160)	-	(20,160)
Net cash provided (used) by capital and related financing activities	240,287	(484,136)	(44,160)	-	(288,009)
Cash Flows From Investing Activities					
Interest received	113,778	153,427	16,557	33,446	317,208
Net cash provided (used) by investing activities	113,778	153,427	16,557	33,446	317,208
Net increase (decrease) in cash and cash equivalents	483,594	(77,293)	496,397	79,284	981,982
Cash and cash equivalents, July 1	1,981,835	3,251,641	30,014	578,346	5,841,836
Cash and cash equivalents, June 30	\$ 2,465,429	\$ 3,174,348	\$ 526,411	\$ 657,630	\$ 6,823,818
Cash and cash equivalents at end of year consists of:					
Unrestricted cash	\$ 1,431,293	\$ 1,998,973	\$ 526,411	\$ 426,811	\$ 4,383,488
Restricted cash	1,034,136	1,175,375	-	230,819	2,440,330
	\$ 2,465,429	\$ 3,174,348	\$ 526,411	\$ 657,630	\$ 6,823,818
Reconciliation of operating income to net cash provided (used) by operating activities:					
Operating income (loss)	\$ (158,117)	\$ (59,166)	\$ 5,265	\$ (15,911)	\$ (227,929)
Adjustments to reconcile operating income to net cash provided (used) by operating activities:					
Depreciation and amortization expense	257,301	376,011	44,735	70,959	749,006
Noncash change in pension/benefit expense	(5,039)	(5,706)	-	(2,326)	(13,071)
Decrease (increase) in accounts receivable	20,352	(5,559)	-	(739)	14,054
Increase (decrease) in accounts payable	9,158	(61,106)	-	(5,561)	(57,509)
Increase (decrease) in compensated absences	5,874	8,942	-	(584)	14,232
Total adjustments	287,646	312,582	44,735	61,749	706,712
Net cash provided (used) by operating activities	\$ 129,529	\$ 253,416	\$ 50,000	\$ 45,838	\$ 478,783

The notes to the financial statements are an integral part of this statement

Notes to Financial Statements

The notes to the financial statements are included to provide information that is essential to a user's understanding of the basic financial statements.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Note 1 – Summary of Significant Accounting Policies

The accompanying financial statements of Nibley City have been prepared in conformity with accounting principles generally accepted in the United States of America as prescribed by the Governmental Accounting Standards Board (GASB).

The accompanying financial statements present the financial position of the various fund types and the results of their operations. The basic financial statements are presented for the year ended June 30, 2024.

Reporting Entity

Nibley City (the City) was incorporated under the laws of the state of Utah. The City operates by ordinance under the Mayor-Council form of government and provides such services as are authorized by its charter including public safety (police and fire), highways and streets, sanitation, recreation, public improvements, planning and zoning, and general administration. In addition, the City owns and operates water and sewer utilities.

Basis of Presentation

The government-wide financial statements report information on the financial position and all of the activities of the City. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given program are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific program. Program revenues include operating or capital grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Taxes and other items not properly included among program revenues are reported instead as general revenues. Fiduciary funds are not reported in the government-wide financial statements.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recognized when earned and expenses are recognized when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. The City applies expenses for restricted resources first when both restricted and unrestricted net position are available.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenue is recognized as soon as it is both measurable and available. Revenue is considered to be available if it is collected within the current period or soon enough thereafter to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, expenditures relating to compensated absences, and claims and judgements are recognized only when payment is due.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Property taxes, state-shared revenue, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be available only when cash is received by the City.

The City has presented the following major governmental funds:

General Fund – is the main operating fund of the City. This fund is used to account for all financial resources not accounted for in other funds. All general tax revenues and other receipts that are not restricted by law or contractual agreement to some other fund are accounted for in this fund. General operating expenditures, fixed charges and capital improvement costs that are not paid through other funds are paid from the General Fund.

Capital Projects Fund – is used to account for funds received and expended for the acquisition or construction of capital facilities, improvements, and equipment (other than those financed by proprietary funds).

The City has presented the following major proprietary funds:

Water Utility – is used to account for the activities of the City's water production, treatment, and distribution operations.

Sewer Utility – is used to account for the activities of the City's sewer treatment operations.

Storm Water Services – is used to account for the activities of the City's storm water runoff.

Municipal Building Authority – is used to account for the activities of some of the City's real estate.

Proprietary funds distinguish operating revenue and expenses from nonoperating items. Operating revenue and expenses generally result from providing services and producing and delivering goods in connection with the proprietary fund's principal ongoing operations. The principal operating revenue of our proprietary funds relates to charges to customers for sales and services. Operating expenses for proprietary funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenue and expenses not meeting this definition are reported as nonoperating revenue and expenses.

Net Position

As prescribed by GASB Statement No. 54, governmental funds report fund balance in classifications based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the funds can be spent.

Net position for governmental funds can consist of the following:

Nonspendable – Any nonspendable fund balance includes amounts that are (a) not in spendable form, or (b) legally or contractually required to be maintained intact. The "not in spendable form" criterion includes items that are not expected to be converted to cash, for example: inventories, prepaid amounts, and long-term notes receivable.

Restricted – Any restricted fund balance includes amounts that are restricted for specific purposes stipulated by external resource providers, constitutionally or through enabling legislation. Restrictions may effectively be changed or lifted only with the consent of resource providers.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Committed – Any committed fund balance includes amounts that can only be used for the specific purposes determined by a formal action of the City's highest level of decision-making authority, the Nibley City Council. Commitments may be changed or lifted only by the City taking the same formal action that imposed the constraint originally (for example: resolution or ordinance).

Assigned – Any assigned fund balance includes amounts intended to be used by the City for specific purposes that are neither restricted nor committed. Intent is expressed by (a) the Nibley City Council or (b) a body to which the governing body has delegated the authority to assign amounts. Assigned amounts also include all residual amounts in governmental funds (except negative amounts) other than the General Fund that are not classified as non-spendable, restricted, or committed.

Unassigned – The unassigned fund balance is the residual classification for the General Fund. This designation is also used in other governmental funds to report a negative fund balance.

In circumstances when an expenditure is made for a purpose for which amounts are available in multiple net position classifications, net position is depleted in the order of restricted, committed, assigned, and unassigned, as needed unless the City Council has provided otherwise in its commitment or assignment actions.

Property Taxes

Cache County assesses all taxable property other than centrally-assessed property, which is assessed through the state by May 22nd of each year. The City must adopt a final tax rate prior to June 22nd, which is then submitted to the State for approval. Property taxes are due on November 30th. Delinquent taxes are subject to a penalty of 2% or \$10, whichever is greater. After January 16th of the following year, delinquent taxes and penalties bear interest at 6% above the federal discount rate from January 1st until paid.

Property tax revenues are recognized when they become measurable and available. Amounts available include those property tax receivables expected to be collected within 60 days after year end.

Short-term Interfund Receivables/Payables

During the course of operations, transactions occur which result in amounts owed to a particular fund by another fund, other than for goods provided or services rendered. These receivables and payables are classified as interfund receivables/payables on the balance sheet.

Internal Activity in the Government-Wide Financial Statements

Any internal activity between funds is eliminated for the presentation of the government-wide financial statements.

Compensated Absences

Under terms of administrative policy, regular, full-time, and permanent employees are granted paid time off (PTO) or vacation and sick leave in varying amounts which may be accumulated and paid upon separation from City service. Vested or accumulated PTO or vacation and sick leave that is due at year-end to terminated employees is reported as an expenditure and liability of the governmental fund that will pay it. Amounts of vested or accumulated PTO or vacation and sick leave that are not due and payable at year-end are reported only in the proprietary funds and in the government-wide financial statements. No liability is recorded for non-vesting rights to personal leave.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Pensions

For purposes of measuring the net pension liability, deferred outflow of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Utah Retirement Systems Pension Plan (URS) and additions to/deductions from URS's fiduciary net position have been determined on the same basis as they are reported by URS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Deferred Outflows/inflows of Resources

In addition to assets, financial statements will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and will not be recognized as an outflow of resources (expense/expenditure) until then. The City has one of these items that qualify for reporting in this category. Deferred outflows of resources related to pensions – includes a) net difference between projected and actual earnings on pension plan investments and b) City contributions subsequent to the measurement date.

In addition to liabilities, the financial statements will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and will not be recognized as an inflow of resources (revenue) until that time. The City reports two of these items. Property taxes are reported as deferred inflows of resources since they are recognized as receivables before the period for which the taxes are levied. Deferred inflows of resources related to pensions – includes a) differences between expected and actual experience and b) changes of assumptions in the measurement of the net pension liability/asset. These amounts are also reported on the government-wide statement of net position.

Cash and Investments

The City considers all highly liquid investments maturing within three months of date of purchase to be cash equivalents. Cash balances are invested to the extent available. Investments include obligation of the U.S. Treasury, and repurchase agreements. Cash deemed to be in excess of immediate needs, other than cash and investments held for the City by trustees, is invested in the Utah State Public Treasurer's Investment Fund or in approved corporate bonds. Investments are stated at cost, which approximates fair market value.

Budget Amendments

Budgets are adopted on a basis consistent with generally accepted accounting principles. Annual budgets are adopted for governmental and proprietary fund types. Encumbrance accounting is not employed by the City in its governmental funds, therefore all annual appropriations lapse at fiscal year-end. Project length financial plans are adopted for all capital projects.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts of assets and liabilities at June 30, 2024, and revenues and expenses during the year then ended. The actual results could differ from those estimates.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets, are reported in the applicable governmental and business-type activities columns in the government-wide financial statements and in the fund financial statements for the proprietary funds. All capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Donated assets are valued at their fair market value on the dated donated. Repairs and maintenance are recorded as expenses. Renewals and betterments are capitalized. Interest has not been capitalized during the period on property, plant, and equipment in the governmental funds.

Assets, having an original cost of \$5,000 or more are capitalized. Depreciation has been calculated on each class of depreciable property other than infrastructure using the straight-line method. Estimated useful lives are as follows:

Buildings and improvements	25-50 Years
Improvements other than buildings	7-50 Years
Machinery and equipment	5-20 Years
Infrastructure	15-40 Years

Transactions Between Funds

Legally authorized transfers are treated as interfund transfers and are included in the results of operations in the City funds.

Cash and Cash Equivalents

For the purpose of the Statement of Net Position, the term “cash and cash equivalents” includes all demand deposit accounts, savings accounts, or other short-term, highly-liquid investments. For the purposes of the Statement of Cash Flows, the enterprise funds consider all highly-liquid investments (including restricted position) with original maturities of three months or less to be cash equivalents.

Restricted cash and equivalents are deposits or investments that have external restrictions placed on them which dictate how those funds may be spent.

Note 2 – Deposits and Investments with Financial Institutions

The City follows the requirements for the Utah Money Management Act (*Utah Code, Section 51, Chapter 7*) in handling its depository and temporary investment transactions. This Act requires the depositing of City funds in a “qualified depository.” The Act defines a “qualified depository” as any financial institution whose deposits are insured by an agency of the federal government, and which has been certified by the Utah Commissioner of Financial Institutions as meeting the requirement of the Act and adhering to the rules of the Utah Money Management Council. Following are discussions of the City’s exposure to various risks related to its cash management activities.

Custodial Credit Risk

Custodial credit risk for deposits is the risk that in the event of a bank failure, the City’s deposits may not be recovered. The City does not have a formal deposit policy for custodial credit risk. None of the City’s bank deposits were uninsured or uncollateralized on June 30, 2024.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Credit Risk

Credit risk is the risk that the counterparty to an investment will not fulfill its obligations. The City's policy for limiting the credit risk of investments is to comply with the Money Management Act. The Act requires investments transactions to be conducted only through qualified depositories, certified dealers, or directly with issuers of the investment securities. Permitted investments include deposits of qualified depositories; repurchase agreements; commercial paper that is classified as "first-tier" by two nationally recognized statistical rating organizations, one of which must be Moody's Investor Services or Standard & Poors; bankers acceptances; obligations of the U.S. Treasury and U.S. Government sponsored enterprises; bonds and notes of political subdivisions of the State of Utah; fixed rate corporate obligations and variable rate securities rated "A" or higher by two nationally recognized statistical rating organizations as defined in the Act.

The City is authorized to invest in the Utah Public Treasurer's Investment Fund (PTIF), an external pooled investment fund managed by the Utah State Treasurer and subject to the Act and Council requirements. The PTIF is not registered with the SEC as an investment company, and deposits in the PTIF are not insured or otherwise guaranteed by the State of Utah. The PTIF operates and reports to participants on an amortized cost basis. The income, gains, and losses, net of administration fees, of the PTIF are allocated based on the participants' average daily balances. The fair value of the City's position in the pool is the same as the value of its pool shares. The PTIF has not been rated.

Concentration of Credit Risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. The local government's policy to limit this risk is to adhere to the rules of the Money Management Council.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates of debt investments will adversely affect the fair value of an instrument. The City manages its exposure to declines in fair value by investment mainly in the PTIF and adhering to the Money Management Act. The Act requires that the remaining term to maturity of investments maturity of investments may not exceed the period of availability of the funds to be invested.

As of June 30, 2024 the government had the following investments and maturities:

<u>Investment Type</u>	<u>Fair Value</u>	<u>Maturity</u>
PTIF	\$564,116	less than 1 year

Investments are measured at fair value on a recurring basis. *Recurring* fair value measurements are those the Governmental Standards Board (GASB) Statements require or permit in the statement of net position at the end of each reporting period. Fair value measurements are categorized based on the valuation inputs used to measure an asset's fair value. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The City's investments of \$564,116 are with the Utah PTIF as aforementioned and are considered Level 2 inputs.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

The deposits and investments described above are included on the Statement of Net Position as per the following reconciliation:

Reconciliation to Government-wide Statement of Net Assets:

Deposits	Deposits	\$ 16,785,835
Investments	Investments	564,116
Cash on hand	Cash on hand	201
	Total	\$ 17,350,152
Government - Wide		
Cash and Cash Equivalents	Unrestricted	\$ 10,712,487
Restricted Cash	Restricted	6,637,665
	Total	\$ 17,350,152

Note 3 – Legal Compliance – Budgets

On or before the first scheduled City council meeting in May, all agencies of the City submit requests for appropriation to the City's financial officer so that a budget may be prepared. The budget is prepared by fund, function, and activity, and includes information and the past year, current year estimates, and requested appropriations for the next fiscal year.

The proposed budget is presented to the City council for review at the first scheduled meeting in May. The City council holds public hearings and may add to, subtract from, or change appropriations, but may not change the form of the budget. Any changes to the budget must be within the revenues and reserves estimated as available by the City financial officer or the revenue estimates must be changed by an affirmative vote of a majority of the City council. Within 30 days of adoption, the final budget must be submitted to the Utah State Auditor. If there is no increase to the certified tax rate, a final rate is adopted by June 22nd and adoption of budgets is done similarly.

State statute requires that City officers shall not make or incur expenditures or encumbrances in excess of total appropriations for any department in the budget as adopted or subsequently amended.

Nibley City
Notes to the Financial Statements
For the Year Ended June 30, 2024

Note 4 – Capital Assets

Capital Asset activity for the year ended June 30, 2024 was as follows:

	<u>June 30, 2023</u>	<u>Additions</u>	<u>Retirements</u>	<u>June 30, 2024</u>
Governmental Assets				
Assets not Depreciated				
Land	\$ 7,427,833	\$ -	\$ -	\$ 7,427,833
Assets Being Depreciated				
Building & Improvements	19,070,369	1,266,816	-	20,337,185
Infrastructure	5,898,426	2,622,492	-	8,520,918
Machinery & Equipment	1,921,041	26,871	-	1,947,912
Total Governmental Assets	34,317,669	3,916,179	-	38,233,848
Accumulated Depreciation				
Building and Improvements	(8,346,916)	(614,505)	-	(8,961,421)
Infrastructure	(1,198,860)	(172,262)	-	(1,371,122)
Machinery & Equipment	(1,686,277)	(46,340)	-	(1,732,617)
Total Accumulated Depreciation	(11,232,053)	(833,107)	-	(12,065,160)
Net Governmental Capital Assets	\$ 23,085,616			\$ 26,168,688
Business-Type Assets				
Assets not Depreciated				
Land and water rights	\$ 508,132	-	-	\$ 508,132
Construction in progress	81,697	-	-	81,697
Assets Being Depreciated				
Buildings & improvements	24,914,249	1,751,807	-	26,666,056
Machinery & Equipment	1,656,829	258,782	-	1,915,611
Total Business-Type Assets	27,160,907	2,010,589	-	29,171,496
Accumulated Depreciation				
Buildings & Improvements	(8,302,507)	(629,186)	-	(8,931,693)
Machinery & Equipment	(1,214,702)	(119,820)	-	(1,334,522)
Total Accumulated Depreciation	(9,517,209)	(749,006)	-	(10,266,215)
Net Business-Type Capital Assets	\$ 17,643,698			\$ 18,905,281

Depreciation expense was charged to functions/programs of the primary government as follows:

	Governmental		Business-type	
General Government	\$ 33,324	Water	\$ 257,301	
Public Safety	74,980	Sewer	376,011	
Highways and Public Improvements	674,817	Storm drain	70,959	
Parks and recreation	49,986	Municipal building	44,735	
	\$ 833,107		\$ 749,006	

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Note 5 – Long-term Debt

Long-term liability transactions for the fiscal year ended June 30, 2024, were as follows:

Type of Debt	Balance June 30, 2023	Additions	Deductions	Balance June 30, 2024	Due within one year
Governmental					
Compensated absences	\$ 81,675	\$ 74,751	\$ -	\$ 156,426	\$ 54,749
Business-Type Activities:					
Compensated absences	\$ 18,026	\$ 14,232	\$ -	\$ 32,258	\$ 22,987
Revenue bonds					
2010 MBA lease revenue	\$ 529,000	\$ -	\$ (24,000)	\$ 505,000	\$ 24,000
2004 sewer revenue	2,597,000	-	(270,000)	2,327,000	270,000
	\$ 3,126,000	\$ -	\$ (294,000)	\$ 2,832,000	\$ 294,000

Details of long-term debt for business-type activities consists of the following:

Notes and bonds payable

2010 MBA lease revenue bonds

\$850,000 bond payable, due in various annual installments, including interest at 4%, through October 2042. The note is secured by land. \$ 505,000

2004 sewer revenue bonds

\$7,739,000 bond payable, due in various annual installments bearing no interest, through May 2034. The note is secured by future sewer billings. 2,327,000
\$ 2,832,000

All revenue bonds are secured and collateralized by their respective future revenue streams.

The following is a summary of the annual payments to maturity for the business-type revenue bonds:

Year Ending June 30	Business-type Activities	
	Bonds Payable	
	Principal	Interest
2025	\$ 294,000	\$ 25,840
2026	295,000	24,920
2027	296,000	23,960
2028	297,000	22,960
2029	318,000	21,920
2030-2034	1,116,000	92,480
2035-2039	194,000	59,320
2040-2043	22,000	7,280
Total	\$ 2,832,000	\$ 278,680

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Note 6 – Restricted Net Position /Fund Balance Classifications

Restricted net position represents amounts required to be maintained to satisfy third party agreements or legal requirements. On June 30, 2024 the City's enterprise funds held \$421,118 restricted for future bond payments, and \$2,019,212 for impact fees.

Pursuant to GASB No. 54 (see Note 1, *Net Position*) the governmental fund balances are classified as follows:

Restricted fund balance - \$4,197,335 for future roads, parks, first responders, and other projects.

Assigned fund balance - \$3,860,901 for future capital projects.

The remaining fund balance is unassigned.

Note 7 – Pension Plans

General information about the Pension Plan

Plan Description: Eligible plan participants are provided with pensions through the Utah Retirement Systems. Utah Retirement Systems are comprised of the following Pension Trust Funds:

Defined Benefit Plans

The **Public Employees Noncontributory Retirement System (Noncontributory System)** is a multiple employer, cost sharing, public employee retirement system.

The **Tier 2 Public Employees Contributory Retirement System (Tier 2 Public Employees System)** is a multiple employer, cost sharing, public retirement systems.

The Tier 2 Public Employees System became effective July 1, 2011. All eligible employees beginning on or after July 1, 2011, who have not previous credit with any of the Utah Retirement Systems, are members of the Tier 2 Retirement System.

The Utah Retirement Systems (Systems) are established and governed by the respective sections of Title 49 of the Utah Code Annotated 1953, as amended. The Systems' defined benefit plans are amended statutorily by the State Legislature. The Utah State Retirement Office Act in Title 49 provides for the administration of the Systems under the direction of the Utah State Retirement Board, whose members are appointed by the Governor. The Systems are fiduciary funds defined as pension (and other employee benefit) trust funds. URS is a component unit of the State of Utah. Title 49 of the Utah Code Grants the authority to establish and amend the benefit terms.

URS issues a publicly available financial report that can be obtained in writing Utah Retirement Systems, 560 E. 200 S, Salt Lake City, Utah 84102 or visiting the website: www.urs.org/general/publications.

Nibley City
Notes to the Financial Statements
For the Year Ended June 30, 2024

Summary of Benefits by System

Benefits provided: URS provides retirement, disability, and death benefits.

Retirement benefits are as follows:

Summary of Benefits by System

Retirement benefits are as follows:

System	Final Average Salary	Years of service required and/or age eligible for benefit	Benefit percent per year of service	COLA**
Noncontributory System	Highest 3 years	30 years any age 25 years any age* 20 years age 60* 10 years age 62* 4 years age 65	2.0% per year all years	Up to 4%
Tier 2 Public Employees System	Highest 5 years	35 years any age 20 years any age 60* 10 years age 62* 4 years age 65	1.5% per year all years	Up to 2.5%

* Actuarial reductions are applied.

** All post-retirement cost-of-living adjustments are non-compounding and are based on the original benefit except for Judges, which is a compounding benefit. The cost-of-living adjustments are also limited to the actual Consumer Price Index (CPI) increase for the year, although unused CPI increases not met may be carried forward to subsequent years.

Contribution Rate Summary

As a condition of participation in the Systems, employers and/or employees are required to contribute certain percentages of salary and wages as authorized by state statute and specified by the Utah State Retirement Board. Contributions are actuarially determined as an amount that, when combined with employee contributions (where applicable) is expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded actuarial accrued liability. Contribution rates as of June 30, 2024 are as follows:

		Employee	Employer	401(k) Plan
Contributory System				
111-Local Government Division Tier 2		-	16.01%	0.18%
Noncontributory System				
15-Local Government Division Tier 1		-	17.97%	-
Tier 2 DC Only				
211-Local Government		-	6.19%	10.00%

***Tier 2 rates include a statutory required contribution to finance the unfunded actuarial accrued liability of the Tier 1 plans.

For fiscal year ended June 30, 2024, the employer and employee contributions to the Systems were as follows:

System	Employer Contributions	Employee Contributions
Noncontributory System	\$ 104,640	-
Tier 2 Public Employees System	61,285	-
Tier 2 DC Only System	30,191	-
Total Contributions	\$ 196,116	\$ -

Contributions reported are the URS Board-approved required contributions by System. Contributions in the Tier 2 Systems are used to finance the unfunded liabilities in the Tier 1 Systems.

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Contributions reported are the URS board approved required contributions by System. Contributions in the Tier 2 Systems are used to finance the unfunded liabilities in the Tier 1 Systems.

Combined Pension Assets, Liabilities, Expense, and Deferred Outflows and Inflows of Resources Relating to Pensions

At June 30, 2024, we reported a net pension asset of \$0 and net pension liability of \$196,906.

(Measurement Date): December 31, 2023					
	Net Pension Asset	Net Pension Liability	Proportionate Share	Proportionate Share December 31, 2022	Change (Decrease)
Noncontributory System	\$ -	\$ 169,242	0.0729627%	0.0607796%	0.0121831%
Tier 2 Public Employees System	-	27,664	0.0142133%	0.0206280%	-0.0064147%
Total Net Pension Asset / Liability	\$ -	\$ 196,906			

The net pension asset and liability was measured as of December 31, 2023, and the total pension liability used to calculate the net pension asset and liability was determined by an actuarial valuation as of January 1, 2023 and rolled-forward using generally accepted actuarial procedures. The proportion of the net pension asset and liability is equal to the ratio of the employer's actual contributions to the Systems during the plan year over the total of all employer contributions to the System during the plan year.

For the year ended June 30, 2024, we recognized pension expense of \$148,768.

At June 30, 2024 we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 127,366	\$ 453
Changes in assumptions	66,621	22
Net difference between projected and actual earnings on pension plan investments	58,160	-
Changes in proportion and differences between contributions and proportionate share of contributions	6,447	3,939
Contributions subsequent to the measurement date	98,530	-
Total	\$ 357,124	\$ 4,414

\$98,530 reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2023.

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended December 31,	Deferred Outflows (inflows) of Resources
2024	\$ 76,176
2025	\$ 72,883
2026	\$ 110,069
2027	\$ (20,857)
2028	\$ 2,994
Thereafter	\$ 12,914

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Noncontributory System Pension Expense, and Deferred Outflows and Inflows of Resources

For the year ended June 30, 2024, we recognized pension expense of \$112,396.

At June 30, 2024, we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 118,505	-
Changes in assumptions	50,786	-
Net difference between projected and actual earnings on pension plan investments	55,036	-
Changes in proportion and differences between contributions and proportionate share of contributions	1,015	2,729
Contributions subsequent to the measurement date	51,629	-
Total	<u>\$ 276,971</u>	<u>\$ 2,729</u>

\$51,629 reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2023.

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions, will be recognized in pension expense as follows:

<u>Year Ended December 31,</u>	<u>Deferred Outflows (inflows) of Resources</u>
2024	\$ 73,326
2025	\$ 68,931
2026	\$ 103,471
2027	\$ (23,115)
2028	\$ -
Thereafter	\$ -

Tier 2 Public Employees System Pension Expense, and Deferred Outflows and Inflows of Resources

For the year ended June 30, 2024, we recognized pension expense of \$36,372.

At June 30, 2024, we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 8,861	\$ 453
Changes in assumptions	15,835	22
Net difference between projected and actual earnings on pension plan investments	3,124	-
Changes in proportion and differences between contributions and proportionate share of contributions	5,432	1,210
Contributions subsequent to the measurement date	46,900	-
Total	<u>\$ 80,152</u>	<u>\$ 1,685</u>

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

\$46,900 reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2023.

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions, will be recognized in pension expense as follows:

<u>Year Ended December 31,</u>	<u>Deferred Outflows (inflows) of Resources</u>	
2024	\$	2,850
2025	\$	3,952
2026	\$	6,598
2027	\$	2,258
2028	\$	2,994
Thereafter	\$	12,914

Actuarial Assumptions

The total pension liability in the December 31, 2023, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.50 Percent
Salary Increases	3.5 - 9.5 percent, average, including inflation
Investment rate of return	6.85 percent, net of pension plan investment expense, including inflation

Mortality rates were adopted from an actuarial experience study dated January 1, 2020. The retired mortality tables are developed using URS retiree experience and are based upon gender, occupation, and age as appropriate with projected improvement using the ultimate rates from the MP-2020 improvement assumption using a base year of 2020. The mortality assumption for active members is the PUB-2010 Employees Mortality Table for public employees, teachers, and public safety members, respectively.

The actuarial assumptions used in the January 1, 2023, valuation were based on an experience study of for the period ending December 31, 2022.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investments expense and inflation) are developed for each major asset class and is applied consistently to each defined benefit pension plan. These ranges are combined to produce the long-term expected rate of return by withing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table.

Target Asset	Expected Return Arithmetic Basis		
	Real Return Arithmetic	Long-Term expected portfolio real	
Asset Class	Allocation	Basis	rate of return
Equity securities	35%	6.87%	2.40%
Debt securities	20%	1.54%	0.31%
Real assets	18%	5.43%	0.98%
Private equity	12%	9.80%	1.18%
Absolute return	15%	3.86%	0.58%
Cash and cash equivalents	0%	0.24%	0.00%
Totals	100%	5.45%	
	Inflation		2.50%
	Expected arithmetic nominal return		7.95%

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

The 6.85% assumed investment rate of return is comprised of an inflation rate of 2.50%, and a real return of 4.35% that is net of investment expense.

Discount rate: The discount rate used to measure the total pension liability was 6.85 percent. The projection of cash flow used to determine the discount rate assumed that employee contributions will be made at the current contribution rate and that contributions from all participating employers will be made at contractually required rates that are actuarially determined and certified by the URS Board. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments, to determine the total pension liability. The discount rate does not use the Municipal Bond Index Rate.

Sensitivity of the proportionate share of the net pension asset and liability to changes in the discount rate: The following presents the proportionate share of the net pension liability calculated using the discount rate of 6.85 percent, as well as what the proportionate share of the net pension liability (asset) would be if it were calculated using a discount rate that is 1-percentage-point lower (5.85 percent) or 1-percentage-point higher (7.85 percent) than the current rate:

System	1%		Discount Rate	1% Increase
	Decrease	5.85%		
Noncontributory System	\$ 878,355		\$ 169,242	\$ (424,593)
Tier 2 Public Employees System		95,051	27,664	(24,594)
Total	\$ 973,406		\$ 196,906	\$ (449,187)

*** Pension plan fiduciary net position: Detailed information about the pension plans fiduciary net position is available in the separately issued URS financial report.

Defined Contribution Savings Plans

The Defined Contribution Savings Plans are administered by the Utah Retirement Systems Board and are generally supplemental plans to the basic retirement benefits of the Retirement Systems, but may also be used as a primary retirement plan. These plans are voluntary tax-advantaged retirement savings programs authorized under sections 401(k), 457(b), and 408 of the Internal Revenue Code. Detailed information regarding plan provisions is available in the separately issued URS financial report.

Nibley City participates in the following Defined Contribution Savings Plans with Utah Retirement Systems:

- *401(k) Plan
- *457(b) Plan
- *Roth IRA Plan

Nibley City

Notes to the Financial Statements

For the Year Ended June 30, 2024

Employee and employer contributions to the Utah Retirement Defined Contributions Savings Plan for fiscal year ended June 30, were as follows

	2024	2023	2022
401(k) Plan			
Employer Contributions	\$ 196,139	\$ 157,979	\$ 131,731
Employee Contributions	\$ -	\$ -	\$ -
457 Plan			
Employer Contributions	\$ 10,783	\$ -	\$ -
Employee Contributions	\$ -	\$ 7,575	\$ -
Roth IRA Plan			
Employer Contributions	N/A	N/A	N/A
Employee Contributions	\$ 91,710	\$ 76,514	\$ 61,278

Note 8 – Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The City participates in the Utah Local Government Insurance Trust (the Trust), a public entity risk pool to manage its risk of loss. The City pays an annual premium to the trust for its general insurance coverage. The trust was created to be self-sustaining through member premiums and will reinsure through commercial companies for claims in excess of one million dollars for each insured event. There have been no claim settlements that exceeded the City's coverage for the past three years.

Note 9 – Rounding Convention

A rounding convention to the nearest whole dollar has been applied throughout this report, therefore the precision displayed in any monetary amount is plus or minus \$1.

Note 10 – Subsequent Events

The City has evaluated events and transactions subsequent to the date of the audit report, which is the date the financial statements were available for issuance. No reportable events or transactions were noted.

Required Supplementary Information (Unaudited)

Required supplementary information includes financial information and disclosures that are required by GASB, but are not considered a part of the basic financial statement. Such information includes:

- Budgetary Comparison Schedule – General Fund
- Schedule of the Proportionate Share of the Net Pension Liability
- Schedule of Contributions – Pensions
- Notes to Required Supplementary Information

Nibley City

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and actual General Fund For the Year Ended June 30, 2024

	Budgeted Amounts			Variance with Final Budget Over(Under)	
	Original	Final	Actual Amounts		
REVENUES					
Taxes					
Sales taxes	\$ 1,300,000	\$ 1,300,000	\$ 1,445,874	\$ 145,874	
Property taxes	1,012,000	1,012,000	1,018,480	6,480	
Franchise taxes	319,000	319,000	467,130	148,130	
Mass transit taxes	210,000	210,000	296,175	86,175	
Licenses and permits	256,000	256,000	276,262	20,262	
Intergovernmental revenue	305,250	305,250	741,166	435,916	
Charges for services	1,739,000	1,739,000	1,814,336	75,336	
Fines and forfeitures	1,745,000	1,745,000	935,245	(809,755)	
Interest income	113,000	113,000	343,093	230,093	
Miscellaneous	138,000	138,000	190,463	52,463	
Total revenues	7,137,250	7,137,250	7,528,224	390,974	
EXPENDITURES					
Current:					
Culture, parks, and recreation	544,500	546,500	496,783	(49,717)	
Highways and streets	472,000	472,000	464,256	(7,744)	
Administration	724,000	724,000	578,647	(145,353)	
Sanitation	712,000	712,000	549,952	(162,048)	
Public works	521,000	521,000	491,811	(29,189)	
Public safety	354,000	354,000	347,166	(6,834)	
Non-departmental	287,000	287,000	272,122	(14,878)	
Planning and zoning	479,000	479,000	337,911	(141,089)	
Legislative	80,000	80,000	66,543	(13,457)	
Community development	193,000	520,500	469,803	(50,697)	
Capital outlay	2,053,000	2,053,000	612,854	(1,440,146)	
Total expenditures	6,419,500	6,749,000	4,687,848	(2,061,152)	
Excess revenues over (under) expenditures	717,750	388,250	2,840,376	2,452,126	
Other financing sources (uses)					
Transfers out	(297,750)	(297,750)	(1,297,750)	1,000,000.00	
Contributions to other government units	(90,000)	(90,000)	(152,271)	62,271.00	
Total other financing sources and uses	(387,750)	(387,750)	(1,450,021)	1,000,000.00	
Excess of revenues and other sources over (under) expenditures and other uses	\$ 330,000	\$ 500	1,390,355	\$ 1,390,855	
Fund balances - beginning of year			4,385,507		
Fund balances - end of year			\$ 5,775,862		

Nibley City Schedule of the Proportionate Share of the Net Pension Liability

June 30, 2024

Last 10 fiscal Years*

As of fiscal year ended June 30,	Proportion of the net pension liability (asset)	Proportionate share of the net pension liability (asset)	Proportionate share of the net pension liability (asset)	Covered employee payroll	Proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	Plan fiduciary net position as a percentage of its covered employee payroll
NonContributory System						
2024	0.0729627%	\$ 169,242	\$ 574,447		29.46%	96.90%
2023	0.0607796%	104,100	417,688		24.92%	97.50%
2022	5.788600%	(330,377)	377,370		-87.55%	108.70%
2021	0.0598456%	30,697	418,487		7.34%	99.20%
2020	0.0627981%	236,678	456,516		51.84%	93.70%
2019	0.0636569%	468,752	458,229		102.30%	87.00%
2018	0.0587781%	257,524	428,491		60.10%	91.90%
2017	0.0583695%	374,804	450,218		83.25%	87.30%
2016	0.0555285%	314,207	405,922		77.41%	87.80%
2015	0.0494244%	214,612	363,038		59.10%	90.20%
Tier 2 Public Employees System*						
2024	0.014213%	27,664	367,460		7.53%	89.58%
2023	0.020628%	22,642	450,895		4.98%	92.30%
2022	2.396370%	(10,142)	445,097		-2.28%	103.80%
2021	0.024510%	3,525	391,633		0.90%	98.30%
2020	0.025559%	5,748	355,395		1.62%	96.50%
2019	0.024751%	2,182	424,465		0.90%	97.48%
2018	0.022127%	2,468	181,457		1.36%	95.10%
2017	0.031485%	(69)	203,382		-0.03%	100.20%
2016	0.035973%	(1,090)	176,450		-6.00%	103.50%

* In accordance with paragraph 81.a of GASB 68, employers will need to disclose a 10-year history of their proportionate share of the Net Pension Liability (Asset) in their RSI. The 10 year schedule will need to be built prospectively. The schedule above is only for the past 9 years.

Nibbley City
Schedule of Contributions - Pensions
June 30, 2024
Last 10 fiscal Years*

As of fiscal year ended June 30,	Actuarial Determined Contributions	Contributions in Relation to the contractually required contribution		Contribution deficiency (excess)	Covered employee payroll	Contributions as a percentage of covered employee payroll
		\$	\$			
Noncontributory System						
2016	\$ 79,330	\$ 79,330	\$ 79,330	-	\$ 494,582	16.04%
2017	78,860	78,860	78,860	-	474,145	16.63%
2018	76,939	76,939	76,939	-	435,690	17.66%
2019	83,411	83,411	83,411	-	448,202	18.61%
2020	81,374	81,374	81,374	-	635,961	12.80%
2021	70,322	70,322	70,322	-	391,755	17.95%
2022	68,264	68,264	68,264	-	374,787	18.21%
2023	93,772	93,772	93,772	-	509,948	18.39%
2024	104,640	104,640	104,640	-	587,872	17.80%
Tier 2 Public Employees System*						
2016	28,838	28,838	28,838	-	216,329	13.33%
2017	32,391	32,391	32,391	-	236,683	13.69%
2018	39,264	39,264	39,264	-	259,434	15.13%
2019	55,751	55,751	55,751	-	358,761	15.54%
2020	54,487	54,487	54,487	-	347,118	15.70%
2021	65,932	65,932	65,932	-	422,185	15.62%
2022	77,394	77,394	77,394	-	477,486	16.21%
2023	65,747	65,747	65,747	-	410,664	16.01%
2024	61,285	61,285	61,285	-	382,792	16.01%
Tier 2 Public Employees DC Only System*						
2016	3,373	3,373	3,373	-	57,908	5.82%
2017	4,598	4,598	4,598	-	74,716	6.15%
2018	6,373	6,373	6,373	-	95,906	6.65%
2019	5,570	5,570	5,570	-	83,847	6.64%
2020	8,200	8,200	8,200	-	125,058	6.56%
2021	10,031	10,031	10,031	-	149,948	6.69%
2022	11,992	11,992	11,992	-	179,246	6.69%
2023	20,381	20,381	20,381	-	329,265	6.19%
2024	30,191	30,191	30,191	-	487,743	6.19%

* Contributions in Tier 2 include an amortization rate to help fund the unfunded liabilities in the Tier 1 systems.
Tier 2 systems were created effective July 1, 2011

Nibley City

Notes to the Required Supplementary Information

June 30, 2024

Changes in Assumptions Related to Pensions

Changes include updates to the mortality improvement assumption, salary increase assumption, disability incidence assumption, assumed retirement rates, and assumed termination rates, as recommended with the January 1, 2023 actuarial experience study.

Budgetary Comparison Schedules

The budgetary comparison schedule presented in this section of the report is for the City's General Fund.

Budgeting and Budgetary Control

Budgets for the General Fund are legally required and are prepared and adopted on the modified accrual basis of accounting.

Original budgets represent the revenue estimates and spending authority authorized by the City Commission prior to the beginning of the year. Final budgets represent the original budget amounts plus any amendments made to the budget during the year by the Council through formal resolution. Final budgets do not include unexpended balances from the prior year because such balances automatically lapse to unreserved fund balance at the end of each year.

Current Year Excess of Expenditures over Appropriations

For the year ended June 30, 2024 all departments and funds were within budgeted appropriations.

Additional Reports

Additional Auditor's Reports

- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.
- Independent Auditor's Report on Compliance and Report on Internal Control Over Compliance as Required by the State Compliance Audit Guide.

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Honorable Mayor and
City Council Members
Nibley City, Utah

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Nibley City, Utah (the "City"), as of and for the year ended June 30, 2024, and the related notes to the financial statements, which collectively comprise Nibley City's basic financial statements and have issued our report thereon dated November 8, 2024.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Nibley City's internal control over financial reporting (internal control) as a basis for designing procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Nibley City's internal control. Accordingly, we do not express an opinion on the effectiveness of Nibley City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Nibley City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Larson & Company, PC

Larson & Company

Spanish Fork, Utah

November 8, 2024

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE AND
REPORT ON INTERNAL CONTROL OVER COMPLIANCE
AS REQUIRED BY THE *STATE COMPLIANCE AUDIT GUIDE***

Honorable Mayor and
City Council Members
Nibley City, Utah

Report on Compliance with General State Compliance Requirements

We have audited Nibley City's compliance with applicable general state compliance requirements described in the *State Compliance Audit Guide*, issued by the Office of the Utah State Auditor that could have a direct and material effect on the City for the year ended June 30, 2024

State compliance requirements were tested for the year ended June 30, 2024 in the following areas:

Budgetary Compliance	Cash Management
Fund Balance	Impact Fees
Governmental Fees	Utah Retirement Systems
Restricted Taxes and Related Revenues	Public Treasurer's Bond
Fraud Risk Assessment	Open and Public Meetings Act
Enterprise Fund Transfers, Reimbursements, Loans, and Services	

Opinion on Compliance

In our opinion, Nibley City complied, in all material respects, with the state compliance requirements referred to above for the year ended June 30, 2024

Basis for Opinion

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the *State Compliance Audit Guide* (Guide). Our responsibilities under those standards and the State Compliance Audit guide are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Nibley City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion. Our audit does not provide a legal determination of Nibley City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to Nibley City's government programs.

Auditor's Responsibility for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Nibley City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, Government Auditing Standards, and the Guide will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Nibley City's compliance with the requirements of the government program as a whole.

In performing an audit in accordance with GAAS, Government Auditing Standards, and the Guide, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Nibley City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of Nibley City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the *State Compliance Audit Guide* but not for the purpose of expressing an opinion on the effectiveness of Nibley City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses or significant deficiencies, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or to detect and correct, noncompliance with a state compliance requirement on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a state compliance requirement will not be prevented or detected and corrected on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a state compliance requirement that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control and compliance and the results of that testing based on the requirements of the Guide. Accordingly, this report is not suitable for any other purpose.

Larson & Company, PC

Larson & Company, PC

Spanish Fork, Utah
November 8, 2024

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Nibley City

COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

For the Year Ended June 30, 2024

To the Honorable Mayor and
Members of the City Council
Nibley , Utah

We have audited the financial statements of Nibley City as of and for the year ended June 30, 2024 and have , issued our report thereon dated November 8, 2024 . Professional Standards require that we advise you of the following matters related to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated September 27, 2024, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of Nibley City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgement, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our finding regarding significant control deficiencies and material weaknesses, if applicable, and material noncompliance, and other matters noted during our audit at the end of this communication letter in the schedule of findings section.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and our network firms have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

We have identified the following significant risks:

As part of our risk-based audit, we design certain extended procedures over areas where we deemed to pose a more significant audit risk based on the nature of the industry and complexity of the entity. We have identified the following significant risks during our audit that we had performed additional procedures for:

- Improper revenue recognition
- Cash disbursements
- Potential management bias, financial statement estimates, and management's ability to override controls.

Based on our audit procedures performed, we did not identify any uncorrected material misstatements related to these risks noted.

Qualitative Aspects of the Entity's Significant Accounting Practices

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by Nibley City are included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2024. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgements. Those judgements are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgements.

Financial Statement Disclosures

The financial statement disclosures are neutral, consistent, and clear.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management related to the performance of our audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicated them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classis of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. All proposed entries were approved by management and were posted to the entity's financial records.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the entity's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report. We noted nothing to report to Those Charged with Governance.

Management Representations

We have requested certain representations from management, which are included in the management representation letter dated November 8, 2024.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matter. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the entity, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition or our retention as the entity's auditors.

Other Matters

We applied certain limited procedures to Management's Discussion and Analysis and required supplementary information (RSI) as listed in the table of contents, which are RSI that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the information and use of the Board and management of Nibley City and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



Larson & Company, PC

Spanish Fork, Utah
November 8, 2024

Agenda Item #7

Description	Discussion and Consideration: Ordinance 24-11 – Amendment 2 of the Ridgeline Park Subdivision Development Agreement, Allowing for a Payment in-Lieu of Required Improvements for the 2900 South Access Road (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approve Ordinance 24-11 and Waive Second Reading
Planning Commission Recommendation	Approve Ordinance 24-11 with the following condition: <ul style="list-style-type: none">• The required payment in-lieu amount shall be based upon estimates solicited by Nibley City and include all required improvements to make the intersection compliant with UDOT requirements.
Reviewed By	Justin Maughan, City Manager Tom Dickinson, City Engineer Levi Roberts, City Planner Joel Yellowhorse, City Attorney

Additional Background:

City Council requested staff to perform a double check on the cost estimate used to determine the amount of in-lieu payment and also requested an opinion from the City Attorney on UDOT's authority to require improvements in the future under varying conditions.

Included in the packet are:

1. UDOT permit application and summary;
2. City Attorney's opinion on UDOT's authority to require improvements to the intersection;
3. Preliminary bid pricing from Visionary Homes' contractor.

The City attorney provided an opinion that

1. UDOT has no authority to require improvements if the intersection is not modified.
2. It is uncertain if UDOT can require a crash gate or require closure of the intersection if there is a safety issue. The attorney needed to perform additional research on this but has not gotten back to staff.
3. Requiring the contractor to align the 2900 South intersection through the highway:
 - a. Requiring the developer to create an additional entrance to their development represents an exaction under Utah Code 10-9a-508. Exactions are made on a land use applicant under zoning and land use regulations passed by the City, or administratively as allowed and within the criteria of an existing land use

ordinance. Nibley City requires that all roads conform with 21.12.050. From my estimation the subdivision in this section complies with all the requirements of the section and have maintained the required traffic levels and roadway usage limits as shown in the studies by their traffic engineers (by maintaining LOS C). Thus, they have met their burden of mitigating their traffic burden to the desired levels of the city and the city's interest. Future ordinances, or impact fees may be passed on developers requiring additional mitigation up to the full burden imposed by the development.

4. The City is allowed to vacate a public road under certain conditions. State Law governs the process and there must be assurance that there are not access easements recorded to access the road and a public hearing must be held with appropriate notification

Previous Background:

As part of a condition of approval for the Ridgeline Park R-PUD Subdivision, the City required roadway improvements on 2900 S connecting the development to Highway 165. The timing of such improvements was further clarified in Amendment 1 of the Development agreement. Specifically, the following is included in this amendment:

The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping.

Construction of any remaining portion of 250 W and 2900 S (from 250 W to Highway 165) shall be completed in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first. The City will indemnify Visionary with regards to legal challenges arising out of claims that the City does not own or lacks sufficient right-of-way for Visionary's construction of 2900 S from the project to Highway 165.

In addition, the approved preliminary plat includes the following note for the 2900 South between the project boundary and Hwy 165:

Install 20-ft of asphalt to SR-165 for public access. The project shall be connected to 2900 south and SR-165 by 20-ft of asphalt.

Two traffic studies commissioned by the developer concluded that traffic in the area could function at an acceptable level of service without this connection. Nonetheless, the connection is required by the development agreement and would improve overall access and connectivity to the development.

City Staff previously attended a pre-application meeting for a UDOT conditional access permit, which the applicant is seeking to obtain access to Hwy 165. Due to the skewed alignment of the intersection, UDOT expressed that they are not open to allowing the access improvement and allow for full movements. Without correcting this skew in the intersection, the intersection must be either restricted as a 'right in, right out' intersection that does not allow left turn movement or be restricted altogether by installing a crash gate that would restrict movement of vehicles, other than emergency vehicles.



In general, City Staff, the applicant, and UDOT personnel have discussed four possible options for the access:

1. Align intersection on SR-165
2. Raised median curb (accel/decel)- think Costco in Logan
4. Crash gate to limit access to SR-165

All four options come with drawbacks. Although aligning the intersection would be the preferred option, it is the most expensive and would require acquisition of property and demolition of a home, which the developer is not bound to do with the current agreement. The other options limit access which may be against the intent of the original approval. The raised median would present access issues for existing residential properties near 2900 S on Hwy 165.

In light of these issues, the applicant proposes to allow for payment of a fee-in-lieu of the required improvements on 2900 South. The following statement is proposed to replace the aforementioned paragraph of the development agreement:

In light of continuing negotiations between the Utah Department of Transportation (UDOT) and the City regarding a new Highway 165 corridor agreement, the parties agree that the previously contemplated construction of 2900 S (together with ancillary improvements) in conjunction with the development of Ridgeline Park phases 7 through 9, may be modified or eliminated by the plans resulting from such negotiations.

Accordingly, the parties agree that rather than constructing 2900 S, Developer shall pay to the City a Non-Project-Specific fee in lieu in the sum of \$312,000, which shall be paid upon execution of amendment and shall at no point be subject to refund. The Developer shall still be required to construct any remaining portion of 250 W in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first.

Given the constraints of the intersection and the long-term need to realign the intersection, as nearby properties develop, Staff is supportive of this proposal.

The existing amount of \$312,000 was proposed by the applicant based upon engineering estimates of required improvements. The Planning Commission recommended that the payment in-lieu amount be based upon estimates that the City solicits, rather than the applicant and include all required improvements to make the intersection compliant with UDOT requirements.

ORDINANCE 24-11

AMENDMENT 2 OF THE RIDGELINE PARK SUBDIVISION DEVELOPMENT AGREEMENT, ALLOWING FOR A PAYMENT IN-LIEU OF REQUIRED IMPROVEMENTS FOR THE 2900 SOUTH ACCESS ROAD

WHEREAS, Visionary Homes, hereinafter referred to as “the Development” has obtained approval for a Residential Planned Unit Development (“R-PUD”) overlay zone under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”) for the Ridgeline Park Subdivision; and

WHEREAS, In light of continuing negotiations between the Utah Department of Transportation (UDOT) and the City regarding a new Highway 165 corridor agreement, the parties agree that the previously contemplated construction of 2900 S (together with ancillary improvements) in conjunction with the development of Ridgeline Park phases 7 through 9, may be modified or eliminated by the plans resulting from such negotiations. Accordingly, the parties agree that rather than constructing 2900 S, Developer shall pay to the City a Non-Project-Specific fee in lieu; and

WHEREAS, the Parties intend to establish the specific terms, conditions, and requirements for the allowance of the payment in-lieu of improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NIBLEY, UTAH
THAT:

1. The attached Development Agreement- Second Amendment be approved
2. The Agreement shall not take place until the Developer and City have signed the attached Agreement and said Agreement has been properly recorded as required by Nibley City Code.
3. All ordinances, resolutions and polices of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving and law, order, resolution or ordinance or part thereof.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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**NIBLEY CITY
DEVELOPMENT AGREEMENT**

SECOND AMENDMENT – _____ 2024

THIS SECOND AMENDMENT (“Second Amendment”) to that certain DEVELOPMENT AGREEMENT (“Agreement”) previously recorded on July 15, 2020, between Visionary Home, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Ridgeline Park, hereinafter referred to as “the Development,” was previously approved as a Residential Planned Unit Development (“R-PUD”) under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”) pursuant to the Agreement and other approvals issued by Nibley City; and

WHEREAS, the parties have entered into ADDENDUM 1 (“Addendum) to the agreement on June 22, 2021 adding specific terms to the Agreement and a FIRST AMMENDMENT (“First Amendment”) entered into on December 5, 2022, which First Amendment concerns certain modifications to the Agreement regarding the development of 2900 S and other improvements; and

WHEREAS, the parties desire to again amend the Agreement and the provisions regarding 2900 S as modified by the First Amendment.

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 9 of the Agreement as amended by the First Amendment shall be completely replaced and shall read as follows:

In light of continuing negotiations between the Utah Department of Transportation (UDOT) and the City regarding a new Highway 165 corridor agreement, the parties agree that the previously contemplated construction of 2900 S (together with ancillary improvements) in conjunction with the development of Ridgeline Park phases 7 through 9, may be modified or eliminated by the plans resulting from such negotiations. Accordingly, the parties agree that rather than constructing 2900 S, Developer shall pay to the City a Non-Project-Specific fee in lieu in the sum of \$312,000, which shall be paid upon execution of amendment and shall at no point be subject to refund. The Developer shall still be required to construct any remaining portion of 250 W in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first.

2. All other provisions, terms, rights, and obligations of the Agreement as amended by the Addendum and the First Amendment and all related approvals of the Development and R-PUD not expressly amended herein remain in effect and are unaltered by this Second Amendment.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

By: JUSTIN MAUGHAN
Its: City Manager

DEVELOPER

By:

By:

STATE OF UTAH)
 :ss
County of Cache)

On this ____ day of _____, 2024, personally appeared before me JUSTIN MAUGHAN, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

On the ____ day of _____, 2024, personally appeared before me, _____, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

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**NIBLEY CITY
R-PUD DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement"), entered into this 30 day of JUNE, 2020, between Visionary Home, hereinafter referred to as "Developer" and Nibley City, here in after referred to as "City", and

WHEREAS, Ridgeline Park, hereinafter referred to as "the Development" seeks to obtain approval as a Residential Planned Unit Development ("R-PUD") under Nibley City Code Title 19, Chapter 32 ("R-PUD Ordinance"); and

WHEREAS, the approval of an R-PUD requires the City, by legislative act, to apply the R-PUD overlay zone to the Development, which act is preconditioned on the Developer entering into and complying with the terms of this Agreement; and

WHEREAS, the Developer has prepared preliminary plans for the Development, including a preliminary site plan, proposed amenity improvements, proposed open space, total number of units to be developed, maintenance plans, and other supporting documentation as required by the City and the R-PUD Ordinance, ("Preliminary Plans") which plans are attached hereto and made part of this Agreement as Exhibit "A"; and

WHEREAS, it is necessary for the interest of the public welfare that the Development be developed and improved according to the specifications set forth in Nibley City Ordinances and Design Standards and this Agreement; and

NOW, THEREFORE, to induce Nibley City to approve the proposed R-PUD development and rezoning, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance, Nibley City Code Title 21, the R-PUD Ordinance and the Nibley City Design Standards. Developer hereby acknowledges that Developer, or an agent of Developer, has read and understands the provisions of the ordinances and standards and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. Developer hereby acknowledges that the execution of this Agreement, on its own, does not constitute final plat approval, approval of the R-PUD rezone, or permission to begin development, and that any such approvals granted by the City may be granted only upon Developer's compliance with the terms of the Nibley City Ordinances, Design Standards, and this Agreement.

Ent. 1252624 Bk 2162 Pg 404
Date: 15-Jul-2020 09:14 AM Fee \$40.00
Cache County, UT
Michael Gleed, Rec. - Filed By MLG
For VISIONARY HOMES

Nibley City |
Development Agreement | Ridgeline
Park

3. This Agreement, including the Preliminary Plans attached hereto, shall govern the Development. The Developer shall develop, construct, improve, and maintain the Development in a way that is substantially similar to the Preliminary Plans. In no event may the number of units in the Development exceed the number of units described in the Preliminary Plans.

4. Developer shall develop and construct all open space, landscaping, housing units, utilities, amenities, roadways, and all other improvements in accordance with the standards listed within Nibley City Design Standards, Nibley City Code Title 21, Nibley City Code Title 21 Chapter 32.

5. Developer shall develop the park and amenities in proportional phases as required in NCC 19.32.050(A).

6. The Developer shall dedicate 18.3 acres to the City as consideration for this Agreement, free and clear as shown in the attached Preliminary Plans for a City Park. The City and Developer shall then enter into a separate Park Development Agreement for improvement of said park space, as described herein.

Ent 1252624 Bk 2162 Pg 405

- a. The City and Developer shall enter into a future agreement to develop the City Park Space. This agreement shall cover amenities, infrastructure, landscaping, and development. The City shall design the future City Park Space and all improvements incorporated therein.
- b. The Developer shall develop and construct the City Park Space as determined and designed by the City.
- c. Funding: The Developer shall pay for the design, development, and construction of the City Park Space as described in the Preliminary Plans through park impact fees generated from the Development. The Park Development Agreement shall review and allocate the park impact fees generated from the Ridgeline Park Development in accordance with this section. At least 75% of park impact fees generated from the Development shall be used to fund the design, development, and construction of the City Park Space. All other impact fees may be assessed, collected, and used as set forth in Nibley City Code. The City may waive, offer a credit for, or reimburse impact fees as set forth in Nibley City Code for Developer's provision of park amenities, infrastructure, landscaping, and improvements, provided that the Developer shall not receive a waiver, credit, or reimbursement of any impact fees due to the dedication of the park space.
- d. The park construction shall be proportionally phased in construction with each phase of development of Ridgeline Park R-PUD. The Park Development Plan shall contain a phasing plan for construction of the park space.

7. Developer shall provide dog parks and areas within the common or open space within the HOA property in the development.

8. Developer shall provide a preliminary maintenance plan with the Preliminary Plans for the maintenance of amenities as required by NCC 19.32.050(B).

9. The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping.

10. The Developer shall provide a public roadway to Highway 165 through the eastern neighborhood commercial property. This roadway shall be built when the commercial property is developed, or when traffic generated in the development warrants the intersection, as determined by Nibley City, and according to Nibley City traffic and design standards.

- a. This roadway shall have direct east/west alignment with 2965 S intersection on the west side of the development. Meaning, 2965 S shall align with the intersection on Highway 165 without need to turn onto another roadway.
- b. After 250 West is developed, the public roadway connection to Highway 165 through the eastern neighborhood commercial property shall be brought up for consideration to determine the appropriate stage at which Developer shall be required to construct and improve the roadway.

Ent 1252624 8k 2162 Pg 406

11. The Developer shall construct 250 W on the south edge of its development to align with 250 W south of the development as shown on the Transportation Master Plan.

12. There shall be no residential driveway access or street parking on 250 W.

13. This Agreement and the Preliminary Plans may be revised or amended only upon the approval of the Nibley City Council, with the recommendation of the Planning Commission.

14. Developer shall ensure that there are no holders of interests that are superior in title to this Agreement, and that all interests, including but not limited to liens, mortgages, deeds of trust, and other similar devices, have been made subordinate to this Agreement. Developer shall provide such documentation as is necessary to establish these facts prior to receiving final plat approval or approval of the R-PUD rezone.

15. Developer shall comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees, provision of bonds and other guarantees, and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all such applicable laws, ordinances and requirements as now existing and as enacted and/or amended prior to construction. In the event of a conflict between this Agreement and any applicable federal, state, county, or city requirement, regulation, or law, the federal, state, county, or city requirement, regulation, or law shall prevail to the extent of such conflict.

16. Developer shall not engage in any construction or disturbance of soil in the development prior to issuance of the Notice to Proceed by the Public Works Director.

17. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns including all parties who acquire title to any portion of the Development; provided, however, that this Agreement cannot be otherwise assigned, transferred or conveyed by either party, without the express, written consent of the other party.

18. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

19. **Time is of the Essence.** Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

20. **Mutual Drafting.** Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

21. **Entire Agreement.** This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

22. **No Third Parties.** This Agreement, and all Exhibits thereto, is intended for the sole benefit of the named parties thereto. No third party, except for permitted successors and assigns, shall have any right to enforce any of the terms or obligations herein.

23. **Recordation and Running with the Land.** This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land and bind all future owners of any part of the Development.

24. **Attorney Fees.** Both Parties shall pay for their own attorney fees and costs arising out of or connected in any way to the execution of this Agreement. Any Party that prevails in any legal proceeding, including court proceedings, arbitration, and administrative proceedings, to enforce this Agreement or adjudicate any issues under or in connection with this Agreement will be entitled to recover its reasonable attorney fees, costs, and expenses of such proceedings.

Ent.1252624 Blk 2162 Pg 406-A

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY


By: DAVID N. ZOOK
Its: City Manager

DEVELOPER

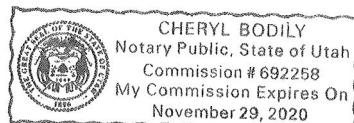

By: *Jeff Jackson*
Its: MANAGING MEMBER

By:

STATE OF UTAH)
:ss
County of Cache)

1252624 Bk 2162 Pg 407

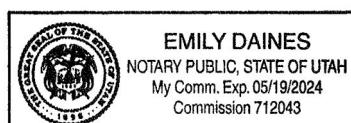
On this 13 day of July, 2020, personally appeared before me DAVID N. ZOOK, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.




NOTARY PUBLIC

STATE OF UTAH)
: ss
County of Cache)

On the 30 day of June, 2020, personally appeared before me, Jeff Jackson, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.




NOTARY PUBLIC

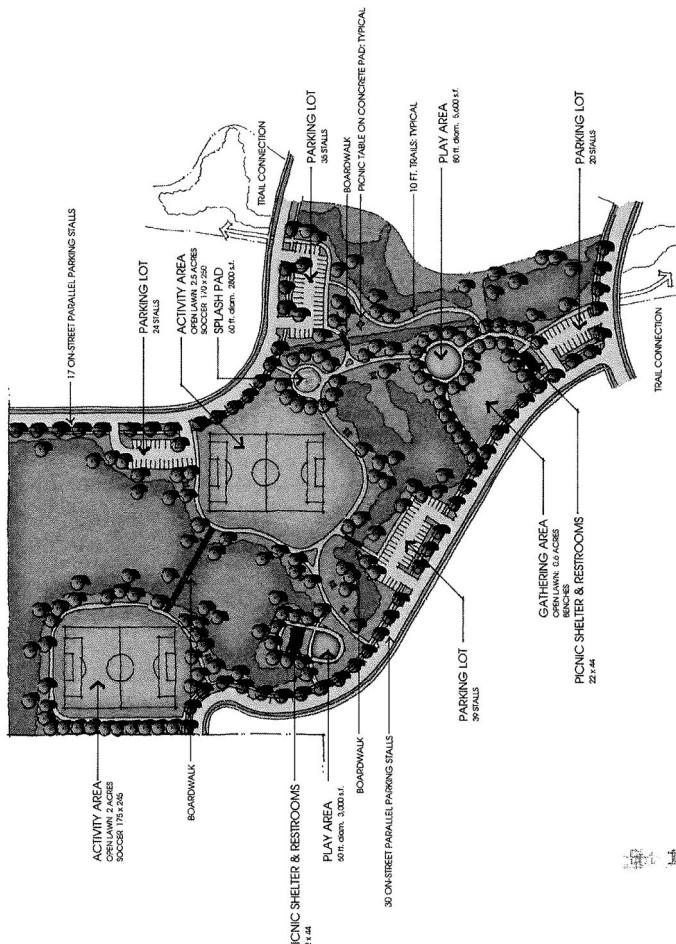
Exhibit A
Preliminary Plans

Ent 1252624 Bl 2162 Pg 408



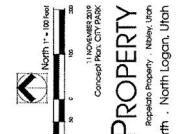
Parcels: 03-022-0002
03-025-0012
03-020-0010
03-020-0017
03-025-0001
03-026-0001

Ent 1252624 Bk 2162 Pg 409



City Park Proposed Property Nibley, Utah, Known as Construction

Total Area:	18.6 Acres
Wetlands:	6.9 Acres
Parking lots:	11.1 Acres
Net Landscaped Area:	10.3 Acres
Internal Trail:	5.51 Linear Feet



NIBLEY PROPERTY

Proposed Property Nibley, Utah
Known as Construction

11/10/2018
City Park, City Park

R. MICHAEL KELLY
Landscape Architect
100 N. Main, Suite 107, Park City, UT 84060
437.273.7050

1252624 Pg 2162 Pg 410

Legal Description

For 03-020-0017

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG S 28 FT & S 88°46'54"E 617.63 FT FROM NW COR OF SE/4 SEC 21 T 11N R 1E TH S 88°46'54"E 550.92 FT S 1°17'30"W 383.31 FT S 89°07"E 714.36 FT N 2°20'W 402.01 FT S 89°58'E 69.79 FT N 2°34'23"W 736.30 FT W 1239.12 FT TH S 2°53'E 184.80 FTS 28°33'17"W 205.96 FT S 8°30"E 369.56 FT TO BEG SUBJ TO R'S/W CONT 28.29 AC
SUBJ TO BNDRY LN AGREEMENT W/03-020-0031 ENT 882175 BK 1337 PG 1927

Legal Description

For 03-020-0010

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG AT NW COR OF SE/4 SEC 21 T 11N R 1E & TH S 28 FT TO INTERSECTION OF TWO BNDRY FENCE LINES TH S88°46' 54" E 617.63 FT TH N 8°00'30" W 369.56 FT TH N 28°33'17" E 205.96 FT TH N 2°53' W 184.80 FT TH WEST 655.16 FT TO W LN OF NE/4 SD SEC 21TH S 690.29 FT M/L TO BEG 10.23 AC

Legal Description

For 03-025-0001

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **9/26/2000**

BEG 432.83 FT S & 1157.0 FT E OF NW COR OF SW/4 OF SEC 21 T 11N R 1E & TH S 89°02' E 727.10 FT TH S 10°45'34" W 45.0 FT TH S 30°54'52" W 193.55 FT TH SE'LY ALG FENCE IN 5 COURSES: S 17°34'41" E 68.99 FT S 25°04'55" E 42.82 FT S 32°36'34" E 97.91 FT S 29°08'22" E 44.17 FT S 23°16'26" E 171.57 FT S 1°05'06" W 134.31 FT TH N 89°02' W 107.12 FT TH S 1°05'06" W 101 FT TO N LN OF 3200 S ST (66 FT WIDE) TH N 89°02' W 737.78 FT ALG ST TH N 3°23'37" E 828.21 FT TO BEG CONT 14.03 AC M/B

Set 1252624 Bl 2162 Pg 411

Legal Description

For 03-022-0002

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG AT THE NE COR SW/4 SEC 21 T 11NR 1E, S 9.14 CHS N 89°2' W 7.5 CHS N 9.075 CHS TO A PT 7.50 CHS W OF BEG E 7.50 CHS TO BEG WITH R/W CONT 7.16 AC A2286B

Legal Description

For 03-026-0001

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **10/30/1991**

BEG 457.09 FT & E 2467.83 FT FROM NW COR OF SE/4 SEC 21 T 11N R 1E N 2°30'W 402.1 FT N 88°54'04" W 523.05 FT N 89°58'W 69.79 FT S 2°20'E 402.01 FT S 89°02'E 594 FT TO BEG NET 5.47 AC LESS 0.05 AC TO UDOT 505/277 NET 5.42 AC SUBJ TO BNDRY LN AGREEMENT W/03-020-0012 & 0031 ENT 882175 BK 1337 PG 1927

Legal Description

For 03-025-0012

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **11/2/2000**

BEG S 1°50' W 28 FT FROM NW COR OF SE/4 OF SEC 21 T 11N R 1E & TH S 88°46'54" E 1165.97 FT TH S 1°18'34" W 380.83 FT TH S 3°23'37" W 828.21 FT TO N LN OF 3200 S ST TH N 89°02' W 49.42 FT ALG ST TH N 0°58' E 115 FT TH N 89°02' W 100 FT TH S 0°58' W 82.0 FT TO N LN OF SD ST (99 FT WIDE) TH N 89°02' W ALG ST 101.2 FT TH N 0°03'20" E 132.5 FT TH N 89°03'47" W 84.4 FT TH S 0°45'59" E 132.5 FT TH N 89°02' W ALG ST 586.37 FT TH N 0°02'17" E 182 FT TH N 89°02' W 160 FT TH S 0°02'17" W 167 FT TH SE'LY ALG CURVE TO LEFT 23.7 FT TO N LN OF 3200 S ST TH N 89°02' W 45 FT TO W LN OF SE/4 SD SEC TH N 0°02'17" E 1179.88 FT TO BEG CONT 30.00 AC M/L

1252624 Bk 2162 Pg 412

**NIBLEY CITY
R-PUD DEVELOPMENT AGREEMENT**

03-025-0017

FIRST AMENDMENT – FEBRUARY 2022

THIS FIRST AMENDMENT (“Amendment”) to that certain DEVELOPMENT AGREEMENT (“Agreement”) previously recorded on July 15, 2020, between Visionary Home, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Ridgeline Park, hereinafter referred to as “the Development,” was previously approved as a Residential Planned Unit Development (“R-PUD”) under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”) pursuant to the Agreement and other approvals issued by Nibley City; and

WHEREAS, the parties desire to amend the Agreement and prior approvals of the R-PUD and Development to adjust the obligations and rights of Developer regarding the development of 2900 South, 250 West, and the public roadway connecting 2965 S to Highway 165 through the neighborhood commercial property; and

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 9 of the Agreement is amended as follows, with underlined portions added:

The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping. Construction of any remaining portion of 250 W and 2900 S (from 250 W to Highway 165) shall be completed in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first. The City will indemnify Visionary with regards to legal challenges arising out of claims that the City does not own or lacks sufficient right-of-way for Visionary’s construction of 2900 S from the project to Highway 165.

2. Paragraph 10 of the Agreement is amended as follows, with struck through portions removed:

The Developer shall provide a public roadway to Highway 165 through the eastern neighborhood commercial property. This roadway shall be built when the commercial property is developed, or when traffic generated in the development warrants the intersection, as determined by Nibley City, and according to Nibley City traffic and design standards.

- a. ~~This roadway shall have direct east/west alignment with 2965 S intersection on the west side of the development. Meaning, 2965 S shall align with the intersection on Highway 165 without need to turn onto another roadway.~~
- b. After 250 West is developed, the public roadway connection to Highway 165 through the eastern neighborhood commercial property shall be brought up for consideration to determine the appropriate stage at which Developer shall be required to construct and improve the roadway.

3. Paragraph 12 of the Agreement is amended as follows, with struck through portions removed:

There shall be no residential driveway access ~~or street parking~~ on 250 W.

4. All other provisions, terms, rights, and obligations of the Agreement and all related approvals of the Development and R-PUD not expressly amended herein remain in effect and are unaltered by this Amendment.

Effecting phases 1-4 of Ridgeline Park Subdivision

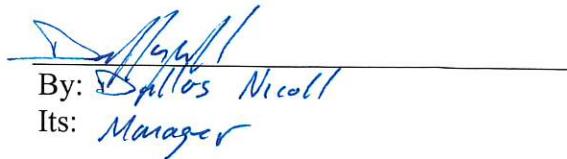
IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY



By: JUSTIN MAUGHAN
Its: City Manager

DEVELOPER



By: Dallas Nicoll
Its: Manager

STATE OF UTAH)
:ss

County of Cache)

On this 5 day of December, 2022, personally appeared before me JUSTIN MAUGHAN, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.



Cheryl Bodily
NOTARY PUBLIC

STATE OF UTAH)
: ss

County of Cache)

On the 18 day of February, 2022, personally appeared before me, Dallas Nicoll, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



Sherry M Nitta
NOTARY PUBLIC



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the desired levels of the city and the city's interest. Future ordinances, or impact fees may be passed on developers requiring additional mitigation up to the full burden imposed by the development.

QUESTION 4. Can the City install a gate or restriction that changes the historic point of access for property owners west of the crash gate location noted in the aerial below? Access, if a crash gate is installed, would be provided from the south via 3200 South by a future road that is planned and will be constructed by the development (an extension of 250 W or 450 W).

- c. Utah Code 72-5-105 allows vacation of a road by written ordinance- would this apply or is there another process that is to be followed?
- d. Are there any ramifications to the City if someone objects to the change to the proposed new access location?

ANSWER 4. Utah Code 72-7-103(2) allows a property owner to make reasonable access to a public highway. The exceptions to this rule include if the City were to acquire by agreement the ingress and egress right from the property owner. The City acting as a highway authority cannot deny ingress and egress to a private property owner as long as the point of access is reasonable, which reasonableness would likely mean that as long as the entrance was safe and practical it could be constructed or maintained by the private property owner (as a zoning authority, the City can impose additional regulations in this area). Under certain circumstances listed in 72-7-103 and elaborated on in 72-5-105, a highway authority can close a road either temporarily or permanently after following the listed noticing process, including the passing of an ordinance, the holding of a public hearing, and the finding that the road is no longer needed and as otherwise listed in 72-5-105 and 72-5-105(7). The portion of road that is closed would need to be dedicated to another use (e.g. parking of City vehicles.) Any portion of road that was not closed would still allow reasonable access to landowners. Landowners still have a right to a reasonable equivalent access after the closure under 72-7-103(3). In the case presented by the City for the east end of 2900 south, the City could close that portion of the road with a gate after making the appropriate findings and having a hearing process. Any part of the public road that was not closed could still be accessed by adjacent landowners and such closure would need to take place after an equivalent access had been provided to each property owner affected. The roads proposed in the development as extensions of 250 W or 450 W would need to be completed and would need to be wide enough and of sufficient quality to serve the same uses as allowed by the closure of the east portion of 2900 S. Any easement rights of property owners or utilities cannot be impaired by a road closure, so if property owners have an easement right across a portion of the road, then that right of way could not be closed. If the road truly is public then no such right of way could exist directly in the roadway. Many of these questions would be answered through the public hearing process after notices were sent to landowners.

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NON-TYPICAL EXCAVATION LLC

5705 W 1800 S

Malad City, Idaho 83252

Project Name:

Ridgeline 7 SR 165 Tie In Road

Client:

Visionary Homes

Location:

Estimate

Date	Budget #
10/18/2024	1
Ben Nielson - Estimator	
(435) 512-2926	
ben.nontypicallex@gmail.com	

Total Bid	\$ 552,704.51
-----------	---------------

Bid Item #	Description	QUANTITY	MEASURE	Power	Relocate	\$ 25,000
				RATE	TOTAL	
				Total	\$577,704.51	

Demolition	QTY	MEASURE	RATE	TOTAL
1 Saw cut for concrete and asphalt	907	LF	\$ 3.85	\$ 3,491.95
2 Remove existing asphalt	4,939	SF	\$ 0.83	\$ 4,099.37
3 Remove existing curb and gutter	879	LF	\$ 5.10	\$ 4,482.90
4 Remove existing sidewalk	3,656	SF	\$ 1.04	\$ 3,802.24
5 Remove existing storm drain pipe	60	LF	\$ 17.13	\$ 1,027.80
6 Remove existing curb box	1	EA	\$ 921.57	\$ 921.57
		Subtotal	\$	17,825.83

Excavation & Earthwork	QTY	MEASURE	RATE	TOTAL
2 Cut site to subgrade and spread material on site	2,121	Tn	\$ 5.58	\$ 11,835.18
3 Import, place, and compact structural material	3,802	TN	\$ 20.02	\$ 76,116.04
4 Import, place, and compact road base for road	833	TN	\$ 29.20	\$ 24,323.60
		Subtotal	\$	112,274.82

Site Improvement	QTY	MEASURE	RATE	TOTAL
5 Pour curb and gutter	496	LF	\$ 33.41	\$ 16,571.36
6 Pour UDOT curb and gutter	860	LF	\$ 38.08	\$ 32,748.80
7 Pour 4" thick UDOT sidewalk	4,591	SF	\$ 11.17	\$ 51,281.47
8 Pour concrete paving	1,175	SF	\$ 13.37	\$ 15,709.75
9 Install 3" of asphalt	9,817	SF	\$ 2.94	\$ 28,861.98
10 Install UDOT asphalt	7,680	SF	\$ 15.75	\$ 120,960.00
11 ADA Ramps (Includes one dome)	1	EA	\$ 2,079.00	\$ 2,079.00
12 UDOT curb box tie ins	1	EA	\$ 1,575.00	\$ 1,575.00
		Subtotal	\$	269,787.36

Utilities

Bid Item #	Description	QUANTITY	MEASURE	RATE	TOTAL
Storm Drain / Irrigation					
18	Install 18" irrigation pipe	540	LF	\$ 53.61	\$ 28,949.40
19	Install 36" irrigation pipe	500	LF	\$ 123.33	\$ 61,665.00
20	Install 3x3 box	2	EA	\$ 5,383.77	\$ 10,767.54
21	Install 4x4 box	1	EA	\$ 8,528.88	\$ 8,528.88
22	Install UDOT curb inlet box	1	EA	\$ 5,924.52	\$ 5,924.52
23	Connect to existing storm drain pipe	2	EA	\$ 3,230.64	\$ 6,461.28
24	Connect to existing storm drain box	1	EA	\$ 2,112.85	\$ 2,112.85
25	Import SD backfill material	68	TN	\$ 17.46	\$ 1,187.28
Subtotal					\$ 125,596.75
Miscellaneous					
26	UDOT Encroachment Permit	1	LS	\$ 2,400.00	\$ 2,400.00
27	Concrete Collar for manhole/valve box	3	EA	\$ 551.25	\$ 1,653.75
28	Traffic control for scope of work	1	LS	\$ 23,166.00	\$ 23,166.00
Subtotal					\$ 27,219.75

Exclusions: Excludes permits, fees, and survey. Excludes unsuitable soil, soil testing, and soft spots. Excludes topsoil and topsoil placement. Excludes irrigation repair, asphalt, asphalt patching, road base for asphalt, and concrete replacement. Excludes Bollards. Excludes dry utilities and related devices. Excludes Winter conditions, shoring, and Dewatering. Excludes structure demolition and contaminated material disposal.

Bid is for above described items only.

Non-Typical Excavation reserves the right to withdraw this proposal if written acceptance is not received within 30 days of the proposal date.

Signature: _____

Date: _____

Print Name: _____

Original Review Packet

- Buck Sheet
- Application
- Variance Request
- Plan Set
- TIS
- Grant of Easement
- Letter from Local Jurisdiction
- UDOT Drainage Agreement

Resubmittal

- Buck Sheet
- Response
- New info

UDOT Region 1 Permits

Application

OLP #

Date

Route

Begin Milepost

End Milepost

Department

Review Stamp

REVIEWED

By David Alger at 9:25 am, Oct 17, 2024

Approved

More Info Needed

Variance Approved

Notes



Pre-App Number: PA-144832

Property Owner Information		Applicant Information	
Name: Visionary Homes		Name: Civil Solutions Group, Inc.	
Mailing Address: 2427 Main St		Mailing Address: 540 W Golf Course Rd, Ste. B1	
City, State, Zip: Logan, UT 84341		City, State, Zip: Providence, UT 84332	
Email: bsteel@visionaryhomes.com		Email: mtaylor@civilsolutionsgroup.net	
Phone: 2085594016		Phone: 4358904498	
Purposed Access Information			
Physical Address: 2900 South SR-165		Parcel Number: 03-020-0017	
State Route ID: 0165		Milepost Marker: 8.15	
Latitude: 41.68026509		Longitude: -111.83360319	
Access Width(in feet): 24		Access Use: Residential	
Access Category: Systm Priority Urban		Side of Highway: West	

PROJECT NAME AND BRIEF SCOPE OF WORK DESCRIPTION

Ridgeline Park

We are planning on improving the public ROW of 2900 South to have 24' of asphalt.

Meeting Date	Time Spent	Participant Name	Representing	Email	Phone
09-JAN-24		Austin LaRue	UDOT	alarue@utah.gov	8017218846
		David Alger	UDOT	dalger@utah.gov	8016201654
		Dustin Jenkins	UDOT	dustinjenkins@utah.gov	8013897282
		Roger Genereux	UDOT	jaygenereux@utah.gov	8016786283

Total Time Spent:

Access Application Review Level Fee: \$2,300.00

SITE PLAN / ACCESS NOTES

Site Plan & Access Notes:

Discussed access options for 2900 South:

Consider purchasing (development or city) the existing home at 2905 South or 2890 South to align the intersection (this could also produce a potential mixed use development along SR-165, sometimes cities do this as part of a RDA).

Shoulder median to restrict access to right-in/right-out. This appears to require widening of the highway. The raised median is not required if the intersection is aligned with the East 2900 South.

Crash Gate at the East end of the development and let existing residents use the lane as is or improved as needed for emergency access.

Add the updated UDOT General Notes to the plan set: available at <https://www.udot.utah.gov/connect/business/permits/access-management/> (located in the Process Drop-down area).

Consider including the current applicable UDOT standard and supplemental drawings as part of the plan set. These are available on the UDOT website at udot.utah.gov

A street section with radius requires ADA ped ramps that meet UDOT Standard and Supplemental Drawings PA Series. Any non-conforming ramps will be replaced at no cost to the Department. Permit inspectors will submit the required forms for all impacted ramps. Remove all concrete sidewalk, curb and gutter to the nearest existing joint.

A flared driveway approach does not require ADA ped ramps.

Place back to back B5 raised median where speed limit is 45 mph or less (back to back M2 curbing over 45 mph). Install plowable end sections, signs (OM3-L), and reflectors on the raised median as shown in UDOT standard drawing GW 1 series and SN 6. The raised median is to extend at least 100 ft beyond each edge of the access point. Provide documentation that notification was provided to all impacted accesses on both sides of the street. A sample template letter may be obtained at: https://docs.google.com/document/d/1Qj8JpitleicFLLFKpr4r7qsbM66uk7H8i_xCGwgS3wk/edit?usp=sharing

Use a scupper design in the raised median as shown in the detail at:

https://drive.google.com/file/d/13tCIVIC_MeNSBQahmSLQXLSQIiVD7Zt/view?usp=sharing

The .dgn file version is available at: <https://drive.google.com/file/d/1B5aEzerfKvowhlzcQAWkVJFUS6ithFMN/view?usp=sharing>

Widen shoulder to accommodate the raised median and a 12 ft turn lane with applicable taper rates beyond the raised median. The city would be responsible for snow removal between the raised median and curb until the intersection can be aligned and raised median is no longer required.

TRAFFIC IMPACT STUDY NOTES

Traffic Impact Notes:

An update of the TIS is not being required.

TIS WAIVER

Approved: N Name:

Title:

UTILITIES NOTES

Utility Notes:

Show utility impacts for the 2900 South improvements.

**DRAINAGE NOTES**

Drainage Notes:

Show any drainage changes occurring with the change of 2900 South.

OTHER NOTES

Permit Review Fee:

Permit Review Fee Level waived for city street

Required Documents and Recommended Mitigation Options - for more Information visit: <https://www.udot.utah.gov/connect/business/permits/access-management/>

Agreements (e.g. Drainage, Cross Access, and Phased Development) are to be signed and recorded as the final documents after plan approval and before the permit is issued.

Complete Site Plans

Variance Request Form (Identify what mitigation measures you are proposing. Signed by applicant and property owner)

Other Notes:

Pre-application notes are valid for 12 months. Approved Conditional Access Permits have 12 months from the date of approval to acquire an Encroachment Permit to build the access.

CMPO and UDOT are planning to coordinate a corridor agreement for SR-165 in the next few years.

Required Default Documents

Plan Set

Documents Required / Identified at Pre-Application Meeting

Variance Request Form

Property Owner Statement



civilsolutionsgroupinc.

09/09/24

David Alger
UDOT Region 1 Permits Engineer
dalger@utah.gov

Variance is needed as this is a change from a private lane to a roadway. Your mitigation of raised median to resolve the offset intersection for a temporary basis should be identified.

RE: Property Owner Statement and Variance Request Form Not Needed

David,

I am writing this letter to confirm that the property owner statement and variance request form will not be needed for this project since, as designed, the access does not deviate from access management requirements in that the shoulder median will eliminate the possibility of offset movement conflicts. Furthermore, we are not proposing the relocation of this access from its existing location.

If you have any other questions regarding this matter, please contact me at the number or email below:

Regards,

Michael E. Taylor, PE
mtaylor@civilsolutionsgroup.net
435-890-4498



civilsolutionsgroupinc.

09/09/24

David Alger
UDOT Region 1 Permits Engineer
dalger@utah.gov

RE: Property Owner Statement and Variance Request Form Not Needed

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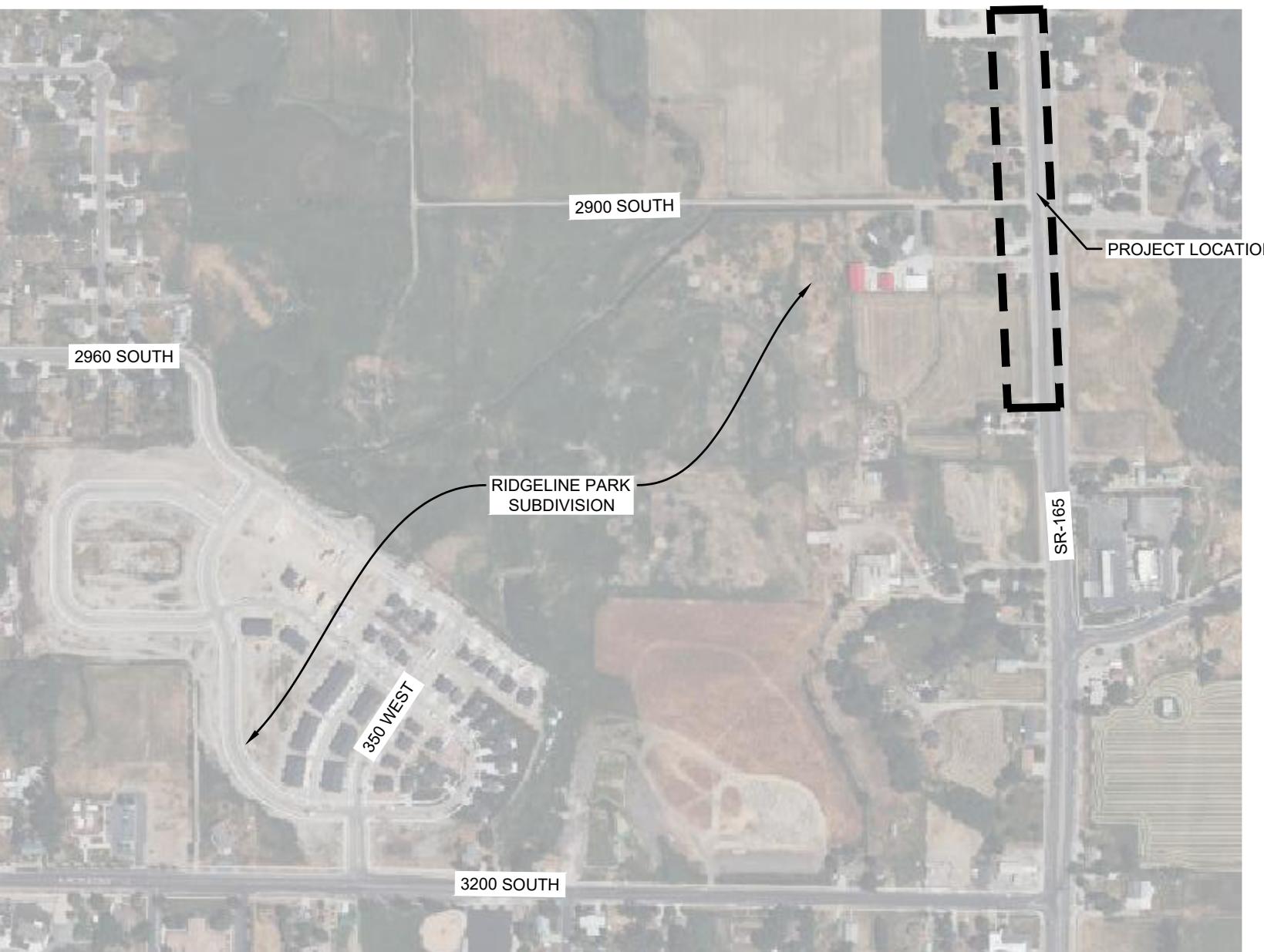
Regards,

Michael E. Taylor, PE
mtaylor@civilsolutionsgroup.net
435-890-4498

SR-165 HIGHWAY IMPROVEMENTS CONSTRUCTION DRAWINGS

9/5/2024

VICINITY MAP



GENERAL NOTES:

1. ALL CONSTRUCTION WITHIN THE UDOT RIGHT-OF-WAY SHALL CONFORM TO THE MOST CURRENT UDOT STANDARD (INCLUDING SUPPLEMENTAL) DRAWINGS AND SPECIFICATIONS.
2. THE CONTRACTOR IS TO OBTAIN AN ENCROACHMENT PERMIT FROM THE APPLICABLE UDOT REGION PERMIT OFFICE PRIOR TO COMMENCING WORK WITHIN UDOT RIGHT-OF-WAY. WORKING HOUR LIMITATIONS WILL BE LISTED IN THE LIMITATIONS SECTION OF THE ENCROACHMENT PERMIT.
3. UDOT RESERVES THE RIGHT, AT ITS OPTION, TO INSTALL A RAISED MEDIAN ISLAND OR RESTRICT THE ACCESS TO A RIGHT-IN OR RIGHT-OUT AT ANY TIME.
4. OWNER, DEVELOPER, AND CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGES DIRECTLY OR INDIRECTLY WITHIN THE UDOT RIGHT-OF-WAY AS A RESULT OF DEVELOPMENT ACTIVITIES.
5. OWNER, DEVELOPER, AND/OR CONTRACTOR IS REQUIRED TO HIRE AN INDEPENDENT COMPANY FOR ALL TESTING WITHIN THE UDOT RIGHT-OF-WAY.
6. ALL SIGNS INSTALLED ON THE UDOT RIGHT-OF-WAY MUST BE HIGH INTENSITY GRADE (TYPE XI SHEETING) WITH A B3 SLIP BASE. INSTALL ALL SIGNS PER UDOT SN SERIES STANDARD DRAWINGS.
7. COMPLY WITH THE REQUIREMENTS OF UTAH CODE 17-23-14 (DISTURBED CORNERS – COUNTY SURVEYOR TO BE NOTIFIED – COORDINATION WITH CERTAIN STATE AGENCIES).

STANDARD SPECIFICATIONS:

1. UTAH DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS MANUAL.
2. THE SPECIFICATIONS MENTIONED SHALL SUPERSEDE ANY CONFLICTING SPECIFICATIONS CONTAINED WITHIN THESE PLANS.

STANDARD DRAWINGS:

2024 UDOT SPECIFICATIONS & STANDARD DRAWING BOOK

PROJECT CONTACTS:

1. CIVIL ENGINEER:

MICHAEL TAYLOR
498 WEST 100 SOUTH
PROVIDENCE, UT 84332
MTAYLOR@CSG.WORK
P. 435.890.4498
2. SURVEYOR

CURTIS BOWN
498 WEST 100 SOUTH
PROVIDENCE, UT 84332
CBOWN@CSG.WORK
P. 435.720.3761
3. UDOT PERMIT ENGINEER

DAVID ALGER
DALGER@UTAH.GOV
P. 801.620.1654
4. ROCKY MOUNTAIN POWER:

BUILDER'S HOTLINE
1.800.469.3981
ROCKEYOUNTAINPOWER.NET
5. UTAH STORM WATER PERMIT:

UTAH DEPARMENT OF WATER QUALITY
P.O. BOX 144870
SALT LAKE CITY, UTAH 84114-4870
P. 801.538.6146
<http://www.waterquality.utah.gov/UPDES/stormwater.htm>
6. DOMINION ENGERGY:

CRISTI FIEDEL
895 WEST 800 NORTH
LOGAN, UT 84321
P. 435.712.7711

Sheet List Table	
Sheet Number	Sheet Title
C001	COVER
C002	LEGEND
C101	DEMOLITION PLAN
C201	SITE OVERVIEW
C202	ROADWAY & STRIPING
C301	GRADING PLAN
C501	DETAILS
C502	DETAILS



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COVER

C001

C001

C001

SR-165 IMPROVEMENTS

S MAIN ST.
NIBLEY, UT 84321

PROJECT #: 19-384
DRAWN BY: C. SCHAFFNER
PROJECT MANAGER: M. TAYLOR
ISSUED: 9/5/2024

A circular professional engineer stamp. The outer ring contains the text "PROFESSIONAL ENGINEER" at the top and "STATE OF UTAH" at the bottom. The center of the stamp contains the date "9/3/2021", the license number "No. 821318", and the name "MICHAEL E. TAYLOR". A large, diagonal "DRAFT" watermark is overlaid across the entire stamp.

COVER



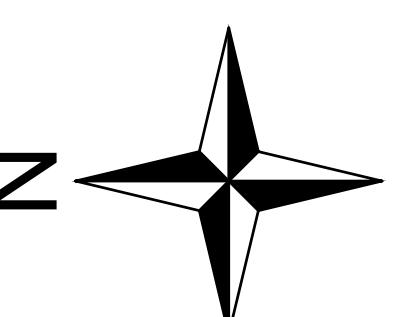
GENERAL NOTES:

1. ALL EXISTING UTILITIES TO BE PROTECTED IN PLACE UNLESS OTHERWISE CALLED OUT TO BE REMOVED OR RELOCATED.
2. REMOVE EDGE OF TRAVELWAY STRIPING FOR THE WESTERNMOST SOUTHBOUND LANE AS NECESSARY.

① DEMOLITION PLAN SHEET KEY NOTES:

ALL ITEMS CALLED OUT TO BE REMOVED SHALL BE DISPOSED OF IN AN APPROPRIATE MANNER AND LOCATION.

1. SAWCUT AND REMOVE 3-Ft WIDTH OF ASPHALT PAVEMENT
2. DRIVEWAY TO BE REMOVED AS REQUIRED AND REPLACED. COORDINATE WITH PROPERTY OWNER
3. REMOVE SIDEWALK TO NEAREST JOINT
4. REMOVE CURB & GUTTER TO NEAREST JOINT
5. SAWCUT AND REMOVE ASPHALT
6. STORM DRAIN CATCH BASIN TO BE RELOCATED (SEE C201)



0 30 60 Feet



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SR-165 IMPROVEMENTS

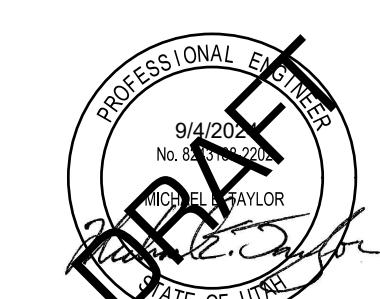
S MAIN ST.
NIBLEY, UT 84321

civilsolutionsgroup inc.

CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

DEMOLITION
PLAN

C101





GENERAL NOTES:

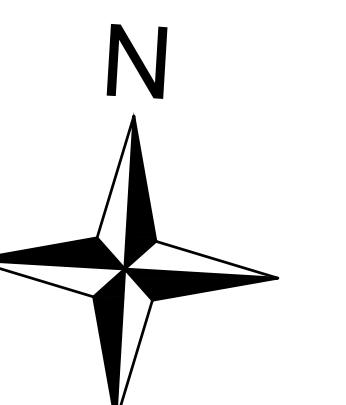
CONTRACTOR TO ENSURE ANY UTILITIES, DRIVEWAYS, DITCHES AND OTHER EXISTING ROW FEATURES DISTURBED BY THESE PROPOSED IMPROVEMENTS ARE TO BE RETURNED TO PREVIOUS OR EQUIVALENT CONDITIONS.

CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

3R-103 IMPROVEMENTS
S MAIN ST.
NIBLEY, UT 84321

3 111 31
NIBBLEY, UT 84321

PROJECT #: 19-384
DRAWN BY: C. SCHAFFNER
PROJECT MANAGER: M. TAYLOR
SIGNED: 9/5/2024





Know what's below. Call 811 before you dig.

BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.

www.bluestakes.org
1-800-662-4111

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SITE OVERVIEW

C201

SR-165 IMPROVEMENTS
 S MAIN ST.
 NIBLEY, UT 84321

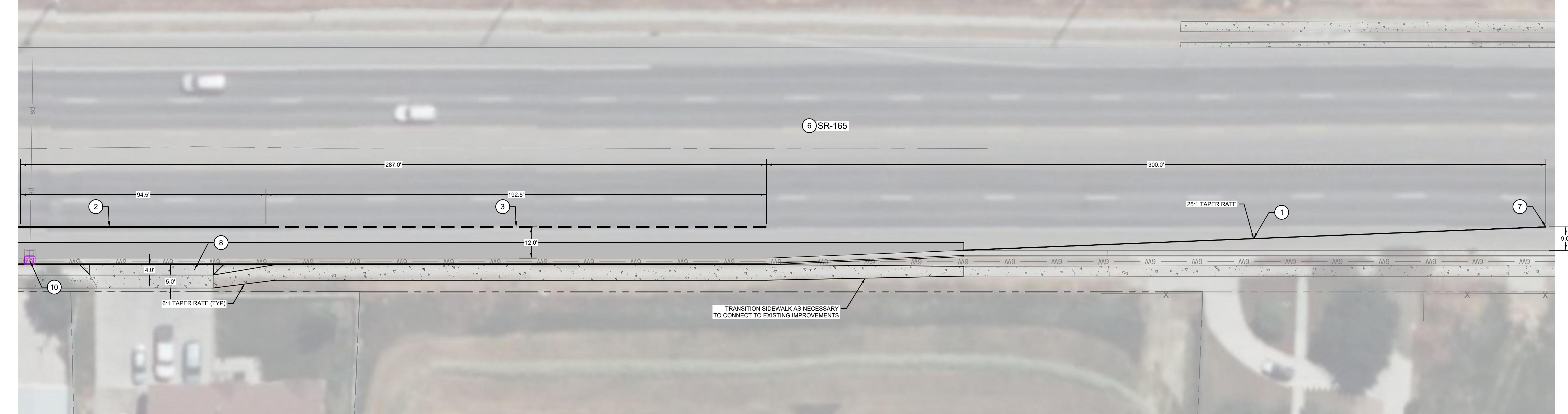
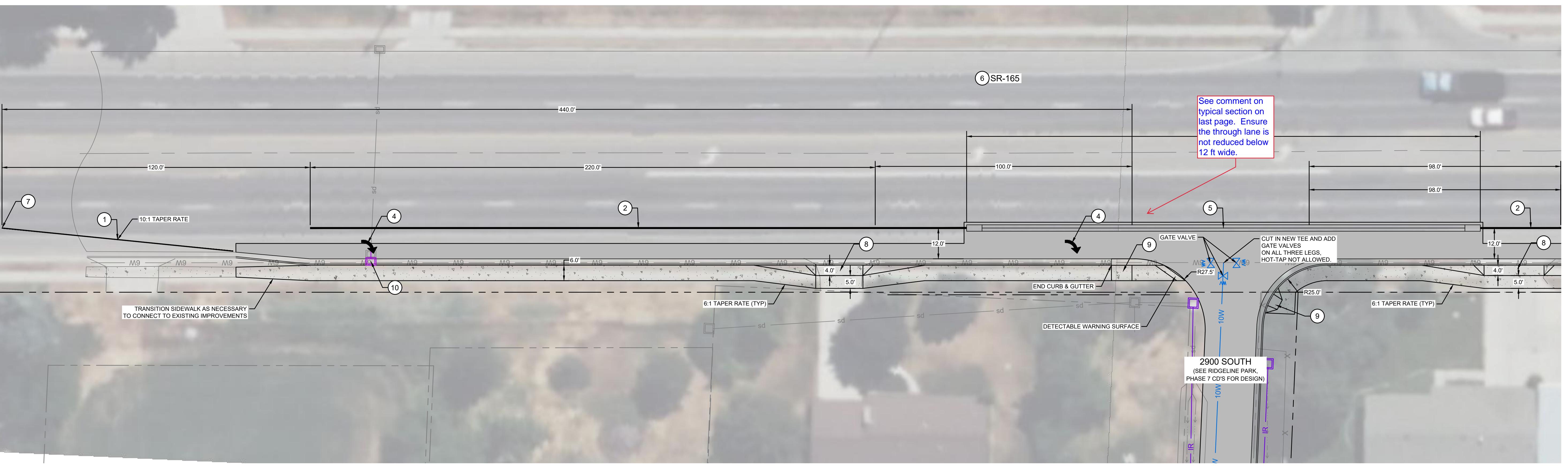
MARK:	DATE:	DESCRIPTION:

PROJECT #: 19-384
 DRAWN BY: C. SCHAFFNER
 PROJECT MANAGER: M. TAYLOR
 ISSUED: 9/5/2024



**ROADWAY &
 STRIPING**

C202



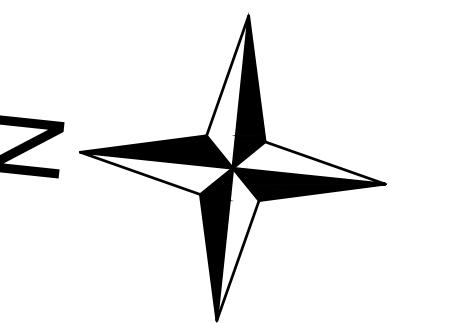
① SITE SHEET KEY NOTES:
 PROVIDE, INSTALL, AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED. THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. 4" WHITE LINE
2. 8" WHITE LINE
3. 8" LANE DROP WHITE LINE
4. RIGHT TURN ARROW
5. BACK TO BACK TYPE M2 CURB WITH PLOWABLE END SECTIONS (2/C501)
6. SR-165 TIE INTO EXISTING STRIPING (2/C502)
7. TIE INTO EXISTING STRIPING
8. CONCRETE DRIVEWAY APPROACH. COORDINATE WITH PROPERTY OWNER TO TIE PROPOSED IMPROVEMENTS TO EXISTING DRIVEWAY (3/C501)
9. ADA RAMP (1/C501)
10. RELOCATED STORM DRAIN STRUCTURE

STRIPING GENERAL NOTES:

1. PROPOSED HIGHWAY IMPROVEMENTS AND STRIPING WERE DESIGNED IN ACCORDANCE WITH UDOT DM DRAWINGS 9.1 & 9.2 AND THE 2024 UDOT STANDARD DRAWING BOOK.
2. DS = 45 MPH

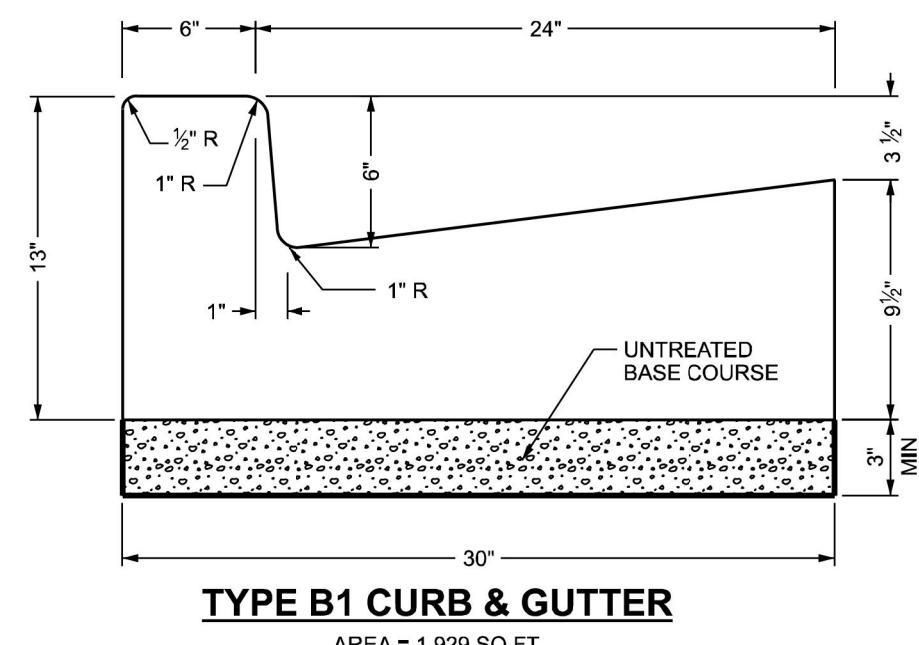
Call out signs and reflectors as listed in pre-app notes.



0 20 40 Feet

Know what's below. 811
Call 811 before you dig.
 BLUE STAKES OF UTAH
 UTILITY NOTIFICATION CENTER, INC.
 www.bluestakes.org
 1-800-662-4111

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TYPE B1 CURB & GUTTER

AREA = 1.929 SQ FT

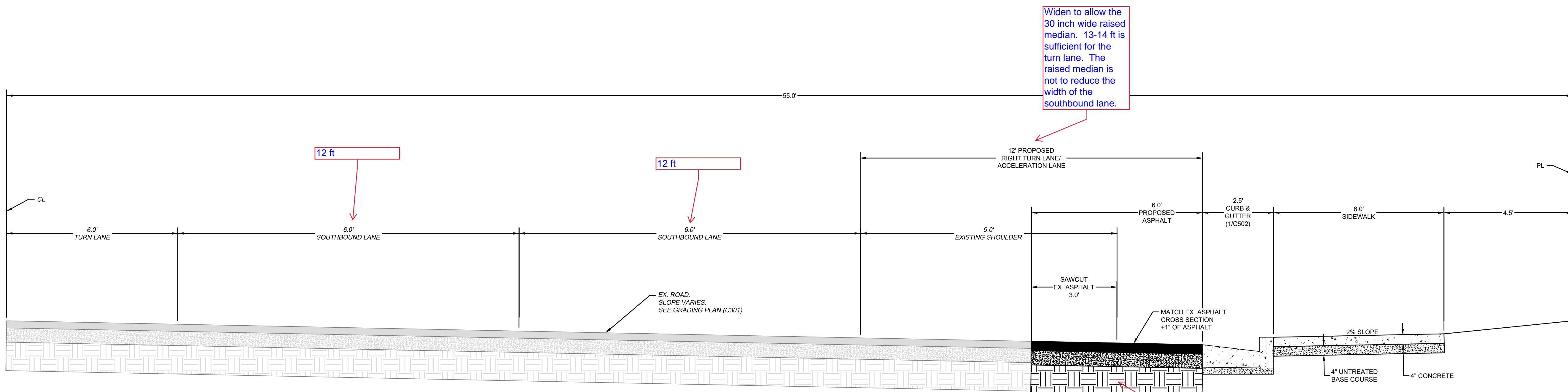
NOTES:

1. USE $\frac{3}{4}$ INCH DEFORMED DOWELS ON 5 FT MAXIMUM CENTERS.
2. PRECAST CURBS:
 - A. MINIMUM OF 10 FT IN LENGTH.
 - B. DOWELS AT A MINIMUM OF 3 PER 10 FT LENGTH.
 - C. INCLUDE ADEQUATE REINFORCING STEEL TO WITHSTAND HANDLING STRESSES.
3. MEASURE CURB HEIGHT VERTICALLY FROM THE FLOW LINE OF THE GUTTER TO TOP BACK OF CURB.
4. REFER TO STD DWG GW 2B FOR CURB AND GUTTER AT ADA ACCESSES

2.5' CURB & GUTTER

NOT TO SCALE

NOT TO SCALE



SR 165 WIDENING CROSS-SECTION

For asphalt construction within the UDOT ROW match existing, or the anticipated existing of 8 inches of UDOT- approved hot mix asphalt (HMA), PG-grade 64-34 asphalt binder, 1/2 inch nominal max, 7-75-115 gyration per UDOT standard specification 02741; over 6 inches untreated base course (UTBC) per UDOT specification 02721; over 12 inches granular borrow (GB) per UDOT specification 02056 (whichever is greater). Provide documentation of compaction from a UDOT-qualified laboratory.

Specify the following method of sealing the pavement: Micro-Surfacing per UDOT standard specification 02735S required for this roadway on at least all new pavement placed within UDOT right-of-way.

The seal coat is not required if you choose to use the new HiMod HMA.

DETAILS

C502



Visionary Homes Ridgeline Park Community





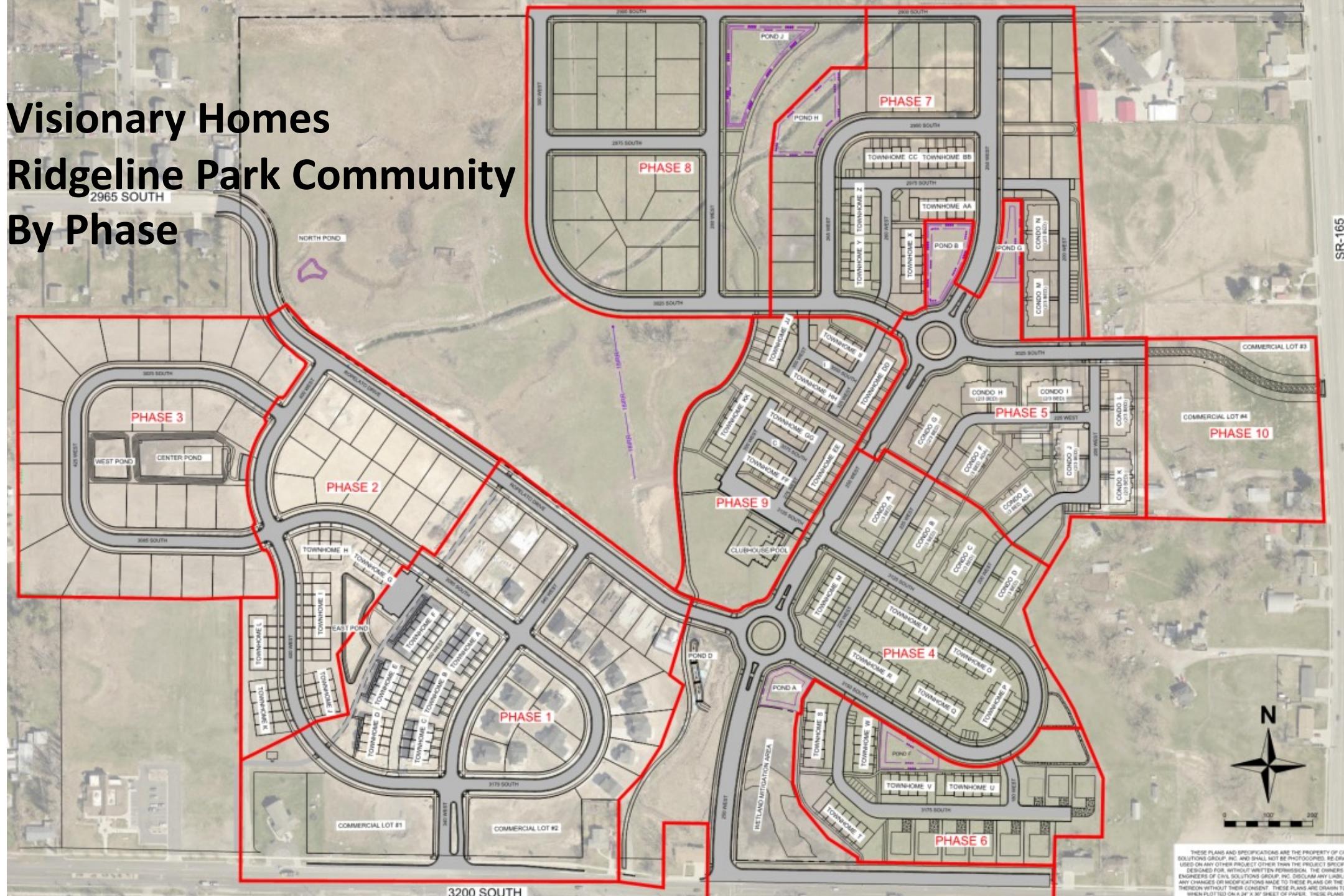
Recorded Amendment to Development Agreement

1. Paragraph 9 of the Agreement is amended as follows:

The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping. Construction of any remaining portion of 250 W and 2900 S (from 250 W to Highway 165) shall be completed in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first. The City will indemnify Visionary with regards to legal challenges arising out of claims that the City does not own or lacks sufficient right-of-way for Visionary's construction of 2900 S from the project to Highway 165.



Visionary Homes Ridgeline Park Community By Phase

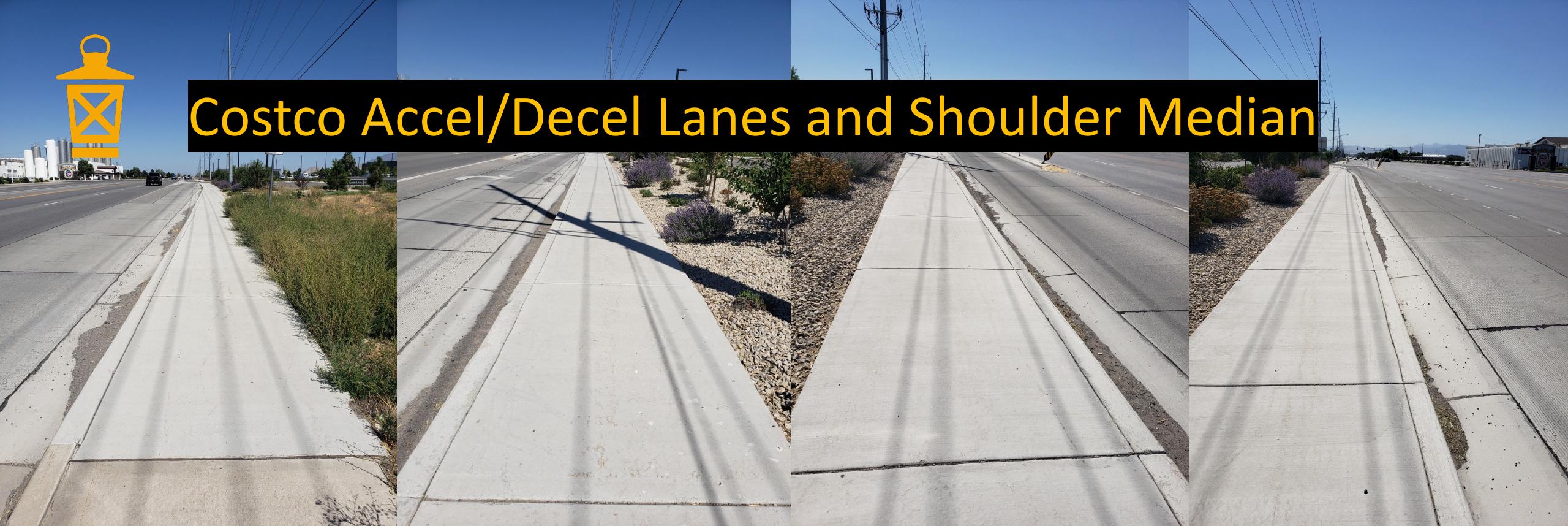


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Costco Accel/Decel Lanes and Shoulder Median





Location of Acceleration/Deceleration Lanes

2900 S. Looking North



2900 S. Looking South





Impact Summary

- UDOT requirements have changed the scope of work that was expected on the 2900 S. & Hwy 165 Intersections.
- The raised shoulder median changes that access for homeowners adjacent to 2900 S.
- Changes to the Hwy 165 Corridor agreement will dictate how this intersection looks in the future.



Proposal

- Visionary Homes will pay a fee-in-lieu commensurate with the estimate to build what is on the Amended Development Agreement. We would have to amend the DA to represent this change.
- Nibley City will receive a lumpsum of money that has no strings attached. The City can use the money for any project.
- Visionary Homes is prepared to make payment upon execution of the proposed amendment.



Suggested Language for New Amendment

In light of continuing negotiations between the Utah Department of Transportation (UDOT) and the City regarding a new Highway 165 corridor agreement, the parties agree that the previously contemplated construction of 2900 S (together with ancillary improvements) in conjunction with the development of Ridgeline Park phases 7 through 9, may be modified or eliminated by the plans resulting from such negotiations. Accordingly, the parties agree that rather than constructing 2900 S, Developer shall pay to the City a Non-Project-Specific fee in lieu in the sum of \$312,000, which shall be paid upon execution of amendment.

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Agenda Item #8

Description	Discussion and Consideration: Resolution 24-22–Appointing Members of the Board of Directors for the Nibley Morgan Farm 501(c)(3) (First Reading)
Presenter	Justin Maughan, City Manager
Staff Recommendation	Select Board Members, Approve Resolution 24-22 and Waive Second Reading
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager

Background:

Nothing additional since last meeting.

Past Background:

The following excerpt from the Adopted Nibley Morgan Farm bylaws gives authority and direction to the Nibley City Council on appointing members to the Board of Directors:

Section 2 - Number, Tenure and Qualifications. The number of Board members on the Board will be five and will be chosen by the Governing Body of the City (the “City Council”). The City Council shall choose two members of the Board from the City Council, and three at large members. The initial Board members are designated in the Articles of Incorporation, and shall serve until the City Council meets to appoint a new board. Each appointed Board member, after the initial Board is replaced, shall serve as a member of the Board for a 4-year period or until his/her death, incapacity, resignation or removal from such office. Council shall designate initial length of terms of board members, such that terms are staggered, and shall not expire all on the same year.

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RESOLUTION 24-22
A RESOLUTION APPOINTING MEMBERS OF THE BOARD OF DIRECTORS FOR THE NIBLEY
MORGAN FARM 501(3)(C)

WHEREAS, The Nibley Morgan Farm 501(c)(3) has been created by the City Council, and has been registered with the State of Utah as such, and is now a legal entity; and

WHEREAS, Bylaws have been adopted by the City Council governing the affairs of the Farm, granting authority to the City Council to appoint the members of the Board of Directors.

NOW THEREFORE be it resolved by the Nibley City Council appoint the following people to the Board of Directors for the duration of the listed term, to the Nibley Morgan Farm:

Board Member 1	4 Year Term
Board Member 2	4 Year Term
Board Member 3	2 Year Term
Board Member 4	2 Year Term
Board Member 5	1 Year Term

PASSED BY THE NIBLEY CITY COUNCIL THIS 24 DAY OF OCTOBER, 2024.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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BYLAWS
OF NIBLEY MORGAN FARM CORPORATION
OF
NIBLEY CITY, UTAH

ARTICLE I

OFFICES

The principal corporate offices of Nibley Morgan Farm Corporation (the "Corporation") are located at 455 West 3200 South, Nibley, Utah 84321.

ARTICLE II

PURPOSE

The objects and purposes for which the Corporation is founded and incorporated are to manage, care for and improve land and other property deeded or leased to the Corporation by Nibley City, Cache County, Utah (the "City").

In furtherance thereof, the Corporation has all of the powers set forth in the Utah Revised Nonprofit Corporation Act Title 16, Chapter 6a, Utah Code Annotated 1953, as amended, (the "Act"), and the Constitution and other laws of the State of Utah. The Corporation is hereby mandated to consult regularly with the governing body of the City, but all decisions shall be made by the Governing Board of the Corporation.

The purpose and essence of the Corporation are purely civic, benevolent, charitable and philanthropic. The Corporation will not possess or exercise any power or authority either expressly, by interpretation, or by operation of law that would prevent it at any time from qualifying and continuing to qualify as a corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nor will it engage directly or indirectly in any activity which would cause the loss of such qualification. It is expressly declared that the Corporation has been organized not for gain, and that no loans, dividends or other distributions shall ever be declared or paid to any of its Board members or officers. The Corporation will have no shareholders and will not issue shares of stock and none of its property, real or personal, will ever be used or expended except in carrying into effect the legitimate ends and aims of the Corporation.

The Corporation shall have no members, other than those serving on the Governing Board, which are voting members, and shall not issue shares of stock. None of the Corporation's property, real or personal, shall ever be used or expended except in carrying into effect the legitimate ends and aims of the Corporation.

At no time will the Corporation engage in any activities which are unlawful under the laws of the United States of America, the State of Utah, or any other jurisdiction wherein it conducts its activities. No substantial part of the activities of the Corporation will include the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

The overall vision and scope of the Nibley Morgan Farm is to preserve and promote the unique historical space of the farm; while promoting experiential learning opportunities to the community members encouraging them to learn, think, and do; and to provide community members with opportunities surrounding agricultural education but to provide a learning center that serves all ages within the community through various experiential learning options. The Nibley Morgan Farm provides a unique historical setting that lends itself to the community as a place of reflection, learning, and doing.

ARTICLE III

THE BOARD

Section 1. General Powers. The affairs of the Corporation shall be managed by the Board.

Section 2. Number, Tenure and Qualifications. The number of Board members on the Board will be five and will be chosen by the Governing Body of the City (the "City Council"). The City Council shall choose two members of the Board from the City Council, and three at large members. The initial Board members are designated in the Articles of Incorporation, and shall serve until the City Council meets to appoint a new board. Each appointed Board member, after the initial Board is replaced, shall serve as a member of the Board for a 4-year period or until his/her death, incapacity, resignation or removal from such office. Council shall designate initial length of terms of board members, such that terms are staggered, and shall not expire all on the same year.

Section 3. Regular Meetings. Regular meetings of the Board shall be held in compliance with the laws of the State of Utah, at such times and places as the Board may by resolution designate. Members of the City Council and City Staff shall be allowed to attend.

Section 4. Special Meetings. Special meetings of the Board may be called by or at the request of the Chair of the Board (the "Chair/President") or any two Board

members and shall be held at the principal office of the Corporation or at such other place as the Chair/President may determine.

Section 5. Notice. Notice to the Board members of any regular meeting of the Board shall be deemed given upon the enactment of the resolution scheduling such meeting. Notice to the Board members of any special meeting of the Board shall be given at least 24 hours previously thereto by written notice delivered personally.

Section 6. Quorum. A majority of the then current membership of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if fewer than a majority of the Board members of the Board are present at any meeting, a majority of the Board members present may adjourn the meeting from time to time without further notice.

Section 7. Board Decisions. The act of a majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law or by these bylaws (the “Bylaws”).

Section 8. Compensation. Board members as such shall not receive any compensation for their services, but by resolution of the Board, expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any Board member from serving the Corporation in any other capacity and receiving compensation therefor.

ARTICLE IV

OFFICERS

Section 1. Officers. The officers of the Corporation shall be a Chair/President of the Board, who shall also serve as Chair/President of the Corporation (the “Chair” or “President”), a Secretary, a Treasurer and such other officers as may be elected in accordance with the provisions of this Article. Upon their election by the Board or other qualification for office, each officer shall serve a term of two years or until his/her death, incapacity, resignation or removal from such office. For the initial incorporation of the Board, the Mayor of the City Council will serve as the Chair/President of the Board and the City Recorder will serve as the Secretary of the Board and the City Treasurer will serve as the Treasurer of the Board.

Section 2. Election. The officers of the Corporation shall be elected by the Board. New offices may be created and filled at any meeting of the Board.

Section 3. Removal. Any officer elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, disqualification, or otherwise, may be temporarily filled by another member of the Board for the unexpired portion of the term.

Section 5. Powers and Duties. The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in nonprofit corporations having the same or similar general purposes and objectives as this Corporation. The powers and the duties of the Chair/President shall be to make application and implementation of policies and procedures for the day to day operation of the Corporation and for the operation and administration of any real or personal property owned or controlled by the Corporation. The Chair/President shall also implement the policies as adopted by the Board; and provide a liaison between the Corporation and the City Council and the citizens of the City. In the absence of the Chair/President, an officer may be appointed by the majority vote of the Officers to act in their place.

ARTICLE V COMMITTEES

The Board, in its discretion, may constitute and appoint committees to assist in the supervision, management and control of the affairs of the Corporation with responsibilities and powers appropriate to the nature of the several committees and as provided by the Board in the resolution of appointment or in subsequent resolutions and directives. Each committee so constituted and appointed by the Board shall serve at the pleasure of the Board. In addition to such obligations and functions as may be expressly provided by the Board, each committee constituted pursuant to these Bylaws and appointed by the Board shall from time to time report to and advise the Board on corporate affairs within its particular area of responsibility and interest. The Board may provide by general resolution applicable to all such committees for the organization and conduct of the business of the committees. Such committees as provided in this section of these Bylaws shall not have nor exercise the authority of the Board in the management of the Corporation. Any member of such committee may be removed by the Board whenever in its judgment the best interests of the Corporation shall be served by such removal.

ARTICLE VI CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 1. Contracts. The Board may authorize any officer or officers, agent or agents of the Corporation to enter into any contract, to execute and deliver any instrument in the name of and on behalf of the Corporation and such authority may be general or may be confined to specific instances.

Section 2. Checks, Drafts or Orders. All checks, drafts, orders for payment of money, notes or other evidences of indebtedness issued in the name of the Corporation

shall be signed by such officer or officers, agent or agents of the Corporation, and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Chair/President and countersigned by the Secretary.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositaries as the Board may select.

Section 4. Gifts. The Board may accept on behalf of the Corporation any contribution, gift, bequest, or devise for any purpose of the Corporation.

ARTICLE VII

BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board and committees.

ARTICLE VIII

SEAL

The corporate seal for the Corporation shall be circular in shape with the word “SEAL” in bold face type in the center and with the words “**Nibley Morgan Farm Corporation**” on the perimeter of the seal.

ARTICLE IX

AMENDMENTS TO THE BYLAWS

Any amendments to the bylaws shall be proposed by a board member, and approved by a $\frac{3}{4}$ majority of the Board.

ARTICLE X

WAIVER OF NOTICE

Whenever a notice is required to be given to a member of the Board under the provisions of the statutes of the State of Utah or under the provisions of these Bylaws of the Corporation or under the Articles of Incorporation of this Corporation, a waiver thereof in writing by each Board member entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XI

MANNER OF OPERATION

Section 1. Operation to be for the Public Good. The Corporation shall at all times conduct its operations in a manner consistent with the best interests of the City and the citizens thereof.

Section 2. Compliance with Other Requirements of Law. The Corporation has been created under and pursuant to the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended, and shall operate in strict accordance therewith. The officers of the Corporation shall at all times do such things as are required of corporations created under such acts and as may be necessary and proper to preserve and protect the existence of the Corporation thereunder.

Section 3. Compliance with Certain Federal Income Tax Revisions. The Corporation has been created with the intent that it would qualify as a corporation described under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as well as under any similar provision of the Internal Revenue Code subsequently enacted. Accordingly, the Corporation shall undertake no action which would result in the Corporation failing to qualify as a corporation described under said Section of the Internal Revenue Code subsequently enacted.

The undersigned, being the Secretary of the Corporation, certifies that the foregoing Bylaws have been duly adopted as Bylaws of the Corporation and are the full and complete Bylaws of the Corporation as of this date.

DATED this _____ day of _____, 2024.

Secretary

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ARTICLES OF INCORPORATION
OF NIBLEY MORGAN FARM CORPORATION, UTAH

We, the undersigned citizens of the United States (the "Incorporators") have associated ourselves together with the purpose of incorporating as a nonprofit corporation under the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended, (the "Act"), and the Constitution and other laws of the State of Utah, and do hereby execute, adopt and acknowledge in duplicate originals the following Articles of Incorporation:

ARTICLE I

NAME OF CORPORATION

The name of the corporation created hereunder shall be the "**Nibley Morgan Farm Corporation**" (the "Corporation").

ARTICLE II

PLACE OF BUSINESS

The principal place of business of the Corporation shall be located in Nibley, Utah and the initial principal office of the Corporation shall be located at 455 West 3200 South, Nibley, Utah 84321.

ARTICLE III

PERIOD OF DURATION

The Corporation is hereby declared to have a perpetual duration unless dissolved as provided in accordance with Article X hereof.

ARTICLE IV

OBJECTS, PURPOSES AND POWERS

The objects and purposes for which the Corporation is founded and incorporated are to manage, care for and improve land and other property deeded or leased to the Corporation by Nibley City, Cache County, Utah (the "City").

In furtherance thereof, the Corporation has all of the powers set forth in the Act and the Constitution and other laws of the State of Utah. The Corporation is hereby mandated

to consult regularly with the governing body of the City but all decisions shall be made by the Board of the Corporation.

The purpose and essence of the Corporation are purely civic, benevolent, charitable and philanthropic. The Corporation will not possess or exercise any power or authority either expressly, by interpretation, or by operation of law that would prevent it at any time from qualifying and continuing to qualify as a corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nor will it engage directly or indirectly in any activity which would cause the loss of such qualification. It is expressly declared that this Corporation has been organized not for gain, and that no loans, dividends or other distributions shall ever be declared or paid to any of its trustees or officers. The Corporation will have no shareholders and will not issue shares of stock and none of its property, real or personal, will ever be used or expended except in carrying into effect the legitimate ends and aims of the Corporation.

The Corporation shall have no members, other than those serving on the Board, which are voting members, and shall not issue shares of stock. None of the Corporation's property, real or personal, shall ever be used or expended except in carrying into effect the legitimate ends and aims of the Corporation.

At no time will the Corporation engage in any activities which are unlawful under the laws of the United States of America, the State of Utah, or any other jurisdiction wherein it conducts its activities. No substantial part of the activities of the Corporation will include the carrying on of propaganda, or otherwise attempting to influence legislation and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

ARTICLE V

THE BOARD

The initial membership of the Board shall be comprised of five members/trustees. The names and addresses of the persons who are to serve as the initial members/trustees of the Board of the Corporation are as follows:

Name

Kay Sweeten

Street Address

455 West 3200 South, Nibley, Utah 84321

Nathan Laursen

455 West 3200 South, Nibley, Utah 84321

Garrett Mansell

455 West 3200 South, Nibley, Utah 84321

Erin Mann

455 West 3200 South, Nibley, Utah 84321

Norman Larsen

455 West 3200 South, Nibley, Utah 84321

ARTICLE VI

REGISTERED OFFICE; REGISTERED AGENT

The address of the initial registered office of the Corporation shall be 455 West 3200 South, Nibley, Utah 84321; the name of the initial registered agent for the Corporation at that address is Justin Maughan, who by his signature accepts this appointment:

Registered Agent

ARTICLE VII

DISPOSITION OF PROPERTY

The Corporation shall not sell, transfer, mortgage, convey or otherwise dispose of all or any major part of the property and assets of the Corporation, nor shall the Corporation be dissolved, merged or consolidated with any other corporation or other legal entity, except on an affirmative vote of a majority of the Board.

No part of the net earnings of the Corporation shall inure to the benefit or be distributable to its trustees, officers or other persons, except that the Corporation shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein.

ARTICLE VIII

BYLAWS

The Board shall have the power to make such prudent bylaws not inconsistent with the Constitution and laws of the State of Utah and these Articles of Incorporation as it may deem necessary or proper for the management of the business and affairs of the Corporation.

ARTICLE IX

AMENDMENTS

These Articles of Incorporation may be amended on approval of a majority vote of the Board, except on actions where more than a majority vote of the Board is required, in which case the same higher level of Board approval shall be required for any such amendment.

ARTICLE X

DISSOLUTION

Upon the dissolution of the Corporation, and after paying or making provisions for the payment of all of its liabilities, the Corporation shall convey any of its remaining assets to charitable purposes consistent with its status as a charitable Corporation; provided, however, that the Corporation may not be dissolved unless all outstanding debts and other obligations of the Corporation are paid in full as to principal, interest, and redemption premiums, if any, or unless provision for the payment of the same when due has been made.

ARTICLE XI

INCORPORATORS

The names and addresses of the incorporators of the Corporation are:

<u>Name</u>	<u>Street Address</u>
Kay Sweeten	455 West 3200 South, Nibley, Utah 84321
Nathan Laursen	455 West 3200 South, Nibley, Utah 84321
Garrett Mansell	455 West 3200 South, Nibley, Utah 84321
Erin Mann	455 West 3200 South, Nibley, Utah 84321
Norman Larsen	455 West 3200 South, Nibley, Utah 84321

ARTICLE XII
LIABILITIES FOR DEBTS

The members of the Board and officers of the Corporation shall not be personally liable for the debts or any other obligations of the Corporation.

DATED _____, 2024.

(Incorporator)

(Incorporator)

(Incorporator)

(Incorporator)

(Incorporator)

STATE OF UTAH)
: ss.
COUNTY OF CACHE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by **Kay Sweeten**.

NOTARY PUBLIC

(S E A L)

STATE OF UTAH)
: ss.
COUNTY OF CACHE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by **Nathan Laursen**.

NOTARY PUBLIC

(S E A L)

STATE OF UTAH)
: ss.
COUNTY OF CACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by **Garrett Mansell**.

NOTARY PUBLIC

(S E A L)

STATE OF UTAH)
: ss.
COUNTY OF CACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by **Erin Mann**.

NOTARY PUBLIC

(S E A L)

STATE OF UTAH)
: ss.
COUNTY OF CACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by **Norman Larsen**.

NOTARY PUBLIC

(S E A L)

Agenda Item #9

Description	Discussion and Consideration: Discussion & Consideration: Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N) (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Move to approve Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N) for first reading
Planning Commission Recommendation	Approve Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N)
Reviewed By	Justin Maughan, City Manager Levi Roberts, City Planner Planning Commission

Background:

Steven Parkinson, authorized representative for Eboco LLC, property owner of Parcel 03-018-0005, has requested a Rezone from Residential (R-2) to Neighborhood Commercial (C-N).

Applicant Statement

What is the need for the proposed zone change?
We want to build a new mortuary/celebration of life center.

What will the public benefit be if the zone change is granted?

Funerals, celebration of life events, and a gathering place for other family oriented events such as missionary farewells and reunions, birthday parties, Christmas family parties, etc.

How does the proposal comply with the goals and policies of the Nibley City General Plan?

It would serve the needs of the public.

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

First, funeral homes serve the need of the public. Also, if designed correctly, the facility could be used for other events.

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

All services are available.

In addition to these requests, the applicant has provided a concept plan to illustrate their current intentions for developing the property, which includes the mortuary/celebration center. It is important to note that approval of the code changes or rezone does not constitute approval of a specific development plan but may be referenced to understand the applicant's intentions for future development.

Site Context

The vacant property, currently used for agriculture is 3.55 acres. Directly to the north and northwest is additionally agricultural land. To the west and east is medium density residential development. To the south is vacant, residentially-zoned property, which includes the planned Hawk Hollow Subdivision. To the east is an existing single-family neighborhood. The property is serviced by 3200 S, an arterial roadway and is in close proximity to the 1200 W arterial roadway. The property is approximately 500 feet west of Heritage Elementary.

General Plan Guidance and Other Considerations

The Future Land Use Map designates this property as "medium density residential". Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Commercial and Economic Development Goal 2: Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.*

As noted above, the future land use map identifies this area as 'medium density residential.' However, it is important to note that there are no areas in the future land

use map identified as neighborhood commercial. The purpose of the Neighborhood Commercial Zone in NCC 19.14.070(A) provides additional guidance for this consideration.

A. Purpose

1. *The neighborhood commercial zone C-N is established to provide areas in which the primary use of land is for commercial and service uses to:*
 - a. *Serve the daily convenience needs of the adjacent residential neighborhoods.*
 - b. *Provide economic stability.*
 - c. *Enhance property values.*
 - d. *Establish strategies for achieving good community design.*
 - e. *Stabilize areas/zones.*
 - f. *Reduce traffic congestion and promote walkable communities.*
 - g. *Promote the policies of the general plan.*
2. *This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development.*
3. *The C-N zone shall be characterized by harmonious grouping and architectural offset of building mass of commercial stores and shops which will be architecturally designed for, and will function as, an integrated unit. Clean parking lots and attractive well maintained shops with appropriate landscaping will also be characteristic of this zone.*
4. *Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment.*
5. *Heavy commercial uses within this zone have been excluded and are not permitted.*

Given this purpose, it is of Staff's opinion that the Neighborhood Commercial zone can be established within a residential context, as there are provisions in the code which mitigate the potentially negative impacts of commercial development. Specifically, the following measures are noted:

- Use limitations: Uses are more limited in neighborhood commercial.
- Building Size: building footprint may not exceed 15,000 sq ft
- Signage limitations: Only small monument signs are allowed

Given the site's context on the 3200 S arterial roadway with proximity to 1200 W, this site would be appropriate, from a transportation perspective, for a neighborhood commercial use, as traffic generated would likely minimally impact local, neighborhood streets.

Based upon the context of the site, the guidance provided in Nibley City Code and the General Plan, Staff has determined that this application is in support of the General Plan and Purpose of the Neighborhood Commercial Zone.

ORDINANCE 24-15

**REZONE PARCEL 03-018-0005, LOCATED AT APPROXIMATELY 1101 W 3200 S, FROM
RESIDENTIAL (R-2) TO NEIGHBORHOOD COMMERCIAL (C-N)**

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-018-0005, more particularly described below, is hereby rezoned from R-2 (Residential) to Neighborhood Commercial (C-N).

Parcel 03-018-0005:

BEG 7.1 CHS E & 12.25 CHS S OF NW COR OF SE/4 SEC 20 T 11N R 1E, S 5 CHS TO N LINE CO ROAD
E 7.1 CHS N 5 CHS W 7.1 CHS TO BEG

CONT 3.55 AC

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2024.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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Nibley

Printed: 11/01/2024

3200 S 1100 W

Permit/License #

09/27/2024 - 09/26/2124

3206942

Rezone, Code Change, or Master
Plan Change Application

Reference Number

7f29ebe0-7cea-11ef-ac2e-794d54a83100

Plan Check

Status

Application Status

Active

New

Application Review Status

Final-Review	Not Reviewed	Date Submitted 09/27/2024
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Fees

Payments

Plan Check	\$500.00	09/27/2024	Online	\$650.00
Public Notice Fee	\$150.00	Total Paid		\$670.80
Subtotal	\$650.00			
Processing Fee	\$20.80			
Total	\$670.80			
Amount Paid	\$670.80			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

First Name

Ezra

Last Name

Eames

Address Street

1950 E Canyon Ridge Dr

City

North Logan

State

UT

Zip Code

84341

Phone

(435) 757-9590

Email

parkinsonsteven@yahoo.com

Is the property owner representative different from the listed property owner

yes

First Name

Steven

Last Name

Parkinson

Address Street

3355 North 1200 East

City

North Logan

State

UT

Zip Code

84341

Phone

4357707356

Email

parkinsonsteven@yahoo.com

Request Type:

Rezone

Project Address Street

3200 S 1100 W

Tax I.D. Number(s)

03-018-0005

Project Size (Acres)

3.55

Current Zoning (check all that apply)

A- Agricultural

Proposed Zoning (check all that apply)

C-N- Neighborhood Commercial

Site Plan and Map (please attach)

Nibley Plat Map.docx

What is the need for the proposed zone change?

We want to build a new mortuary/celebration of life center

What will the public benefit be if the zone change is granted?

Funerals, celebration of life events, and a gathering place for other family oriented events such as missionary farewells and reunions, birthday parties, Christmas family parties, etc.

How does the proposal comply with the goals and policies of the Nibley City General Plan?

I don't know how to answer that other than it would serve the needs of the public.

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

First, funeral homes serve the need of the public. Also, if designed correctly, the facility could be used for other events.

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

All services are available.

Please attach a statement from the County treasurer showing the current tax status of the property.

03-018-0005_2024_Tax Notice.pdf

Signature

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me concerning this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred by the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

Steven Parkinson - 09/27/2024 10:06 am

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Agenda Item #10

Description	Workshop: Regional Stormwater Pond with possible expansion of the Nibley Meadow's owned City Property on 1200 West
Presenter	Justin Maughan, City Manager
Staff Recommendation	
Reviewed By	Justin Maughan, City Manager Levi Roberts, City Planner Tom Dickinson, City Engineer

Background:

Staff has been working with neighboring developers to expand the size of the Nibley Meadow's city owned parcel at approximately 1200 West and 3410 South. In past meetings, the Council has been supportive of exchanging properties with the development to the north. The City would give up the remnant triangular piece of property left over after the realignment of 1200 West and 3200 South, in exchange for more property to the North of the Nibley Meadow's Park. During discussions about that exchange, further ideas were expressed about creating a regional stormwater basin on the city owned property to the west, where the green waste recycle drop off was located. Staff then approached the Nibley Meadow's developer and started discussions on if this would be beneficial to them as well. They have expressed interest and are willing to give the City more property if the regional stormwater comes to fruition.

The reason that the regional stormwater pond makes sense on the green waste site, is because we would be able to utilize the existing wetland area. There is also room to expand that wetland if needed, or even dig a separate stormwater pond that would then discharge into the wetland.

The parks master plan has recommended that the green waste site be a passive nature park on the north end, and possible soccer fields on the South end of the property. In addition, the site is slated for the construction of a new drinking water well in the next couple of years. Staff believes that stormwater pond and wetland area are congruent uses with the master plan and the proposed well.

With the help of the developments, staff have conducted an initial feasibility analysis and believe that the project is feasible. However, there are some technical details that need to be worked out and additional questions that staff would like to study such as:

- How much of the region could the existing pond manage flows from?
- How big of pipes would be required downstream of the pond?
- Could the flow be split, and taken to the City owned property to the south?
- What are the initial costs of the project, and how could they be shared?

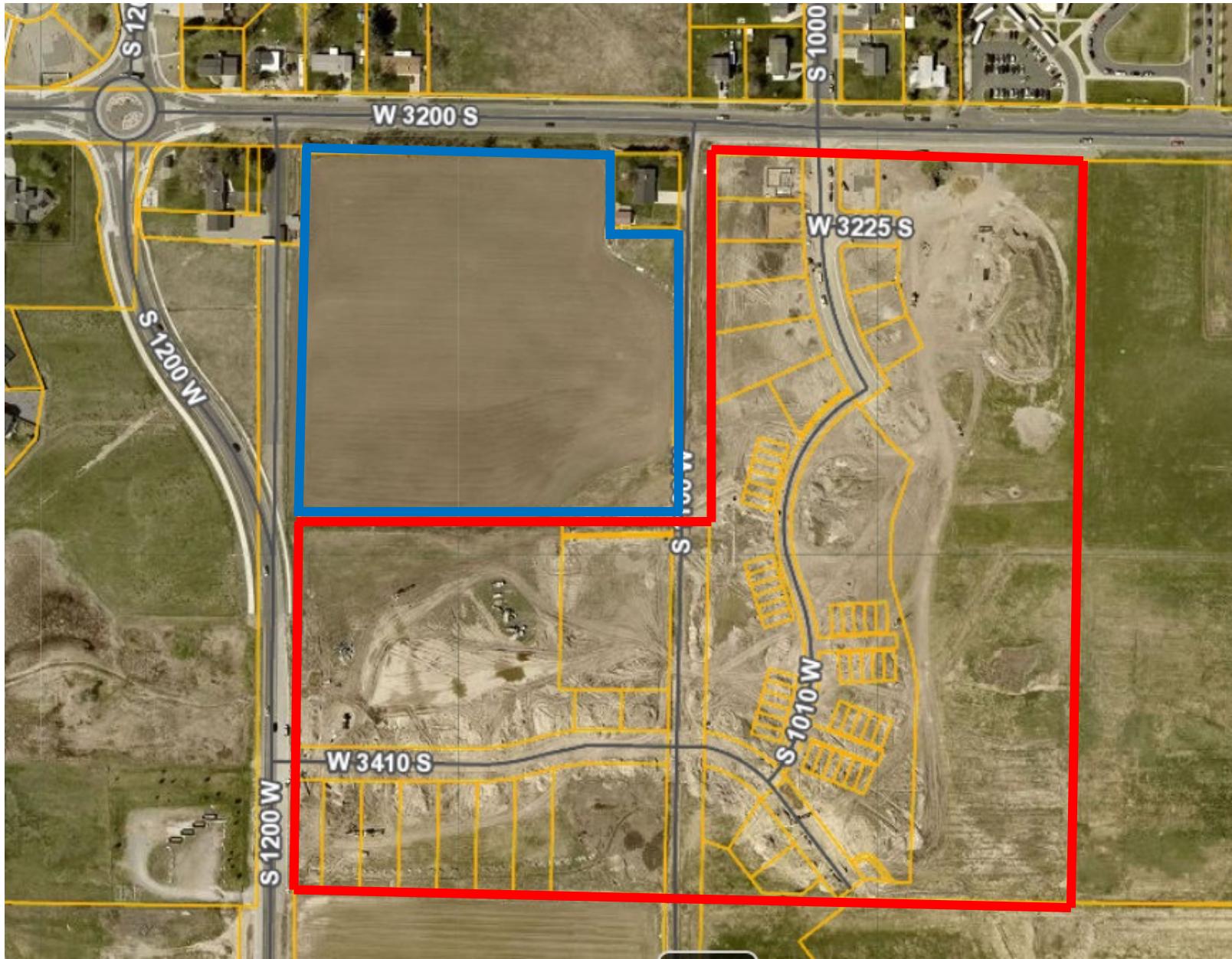
Could the costs be recouped with an impact fee for the area?

In order to investigate these further. Staff will need to work with a consultant. There is currently \$20,000 in the Park Impact Fee account for the initial design of the Nibley Meadow's Park. Staff would like to know if Council supports use of that money to study these questions, in an effort to expand the park, rather than begin design. Alternatively, staff could prepare a budget amendment to designate money for this study purpose. Due to schedules of the developments, staff would prefer to get going on the study, and not wait for the amendment process.

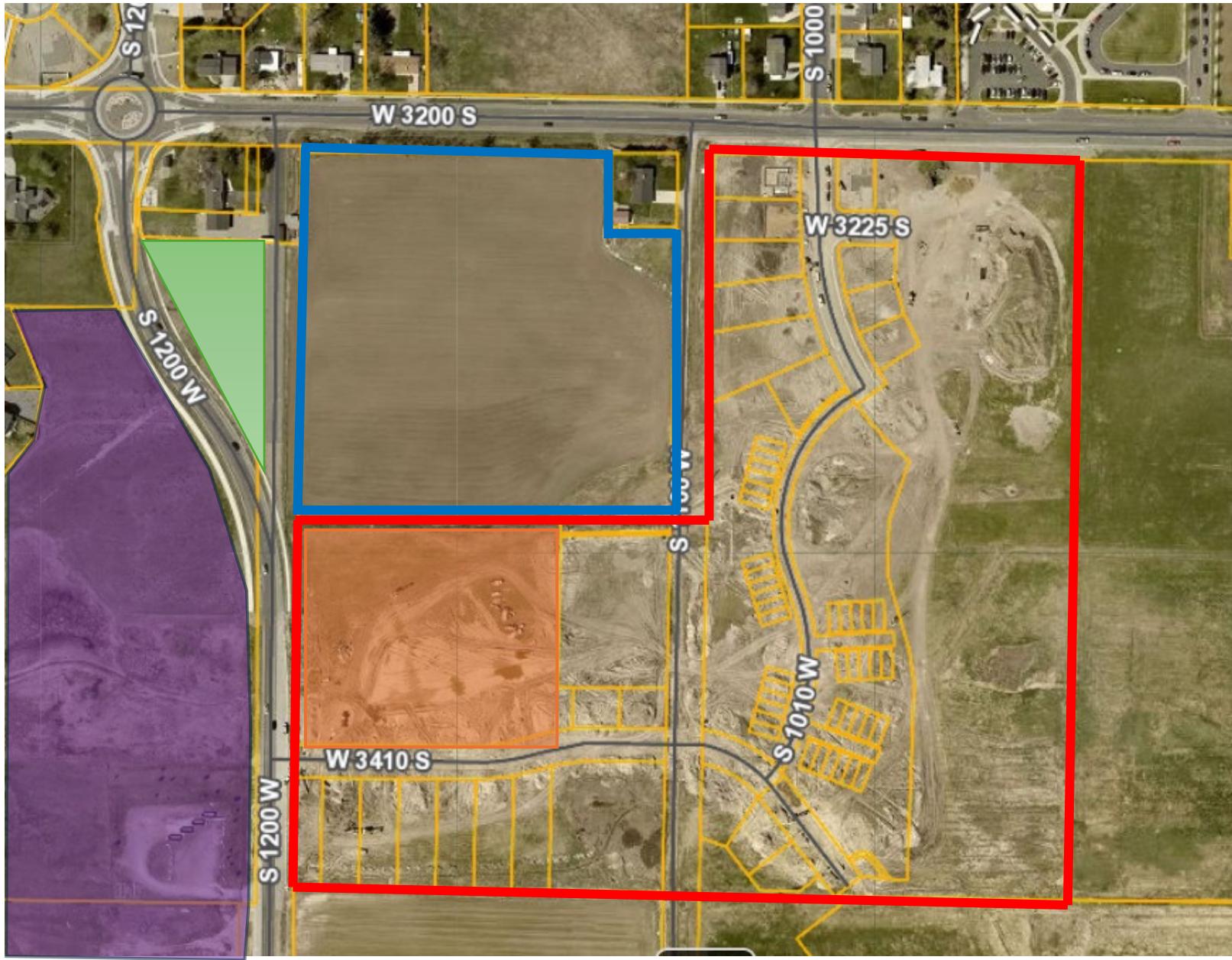
Regional SW Pond and Nibley Meadow's Park Expansion

Justin Maughan

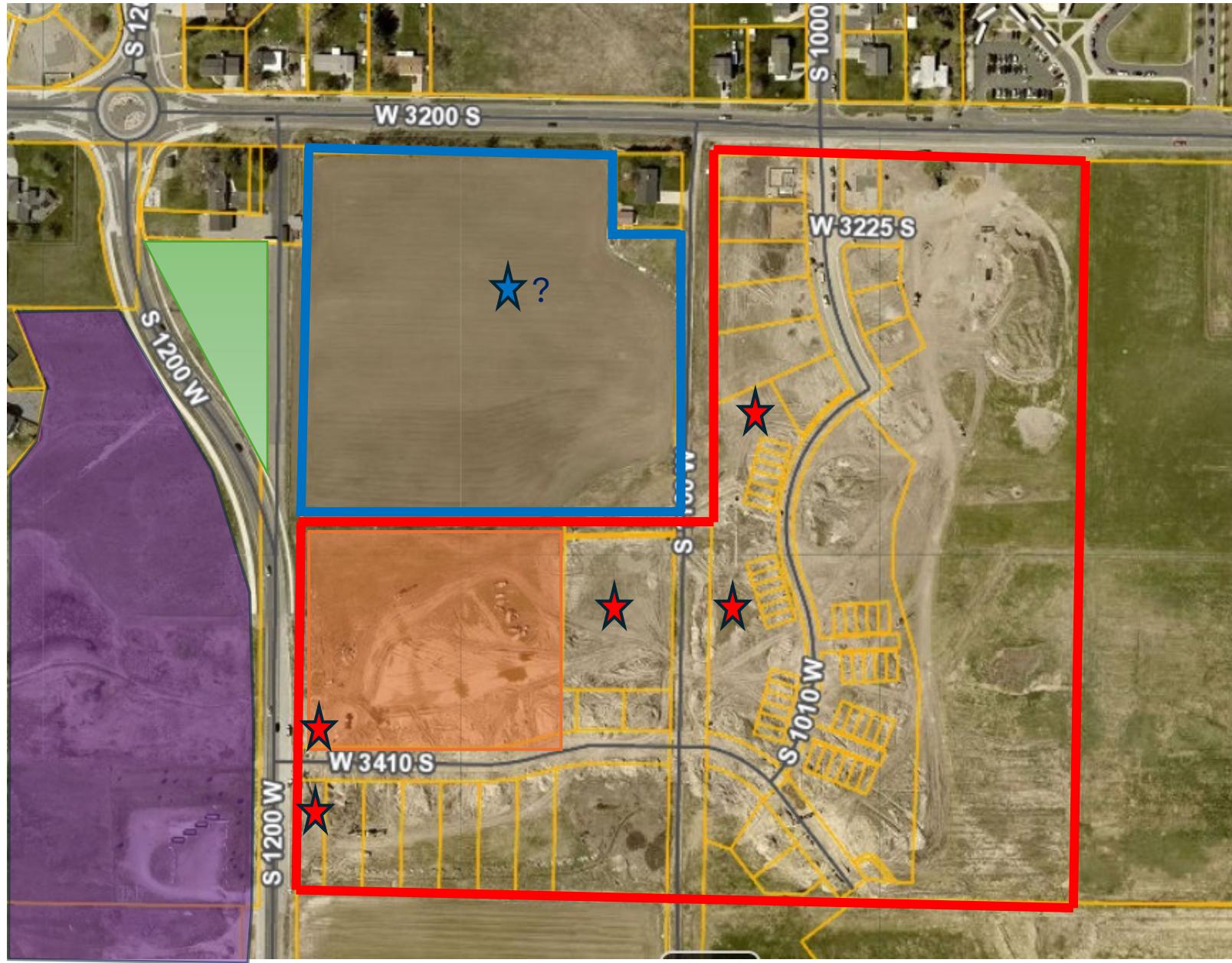
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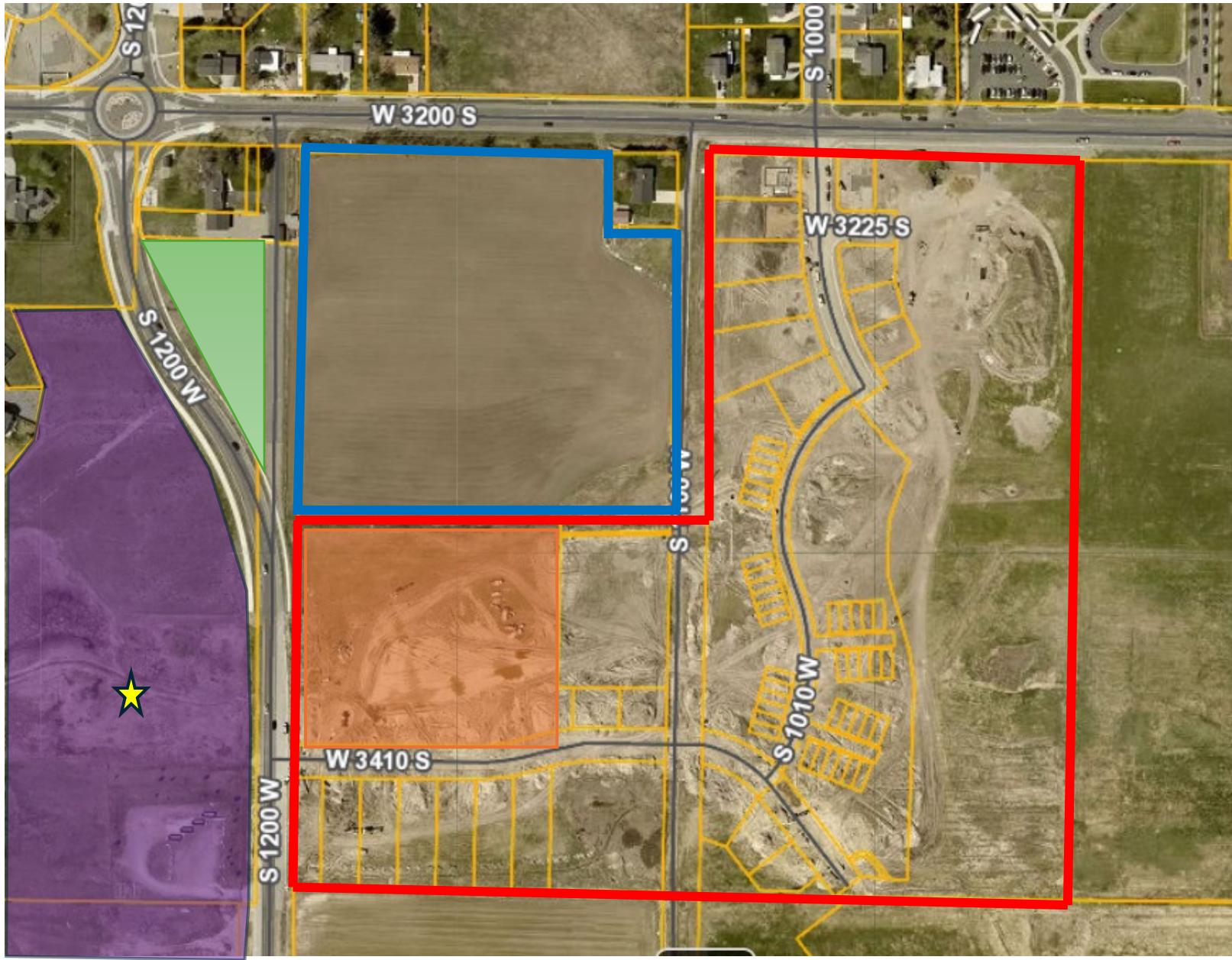
- Nibley Meadows Development
- Hawk Hollow Development



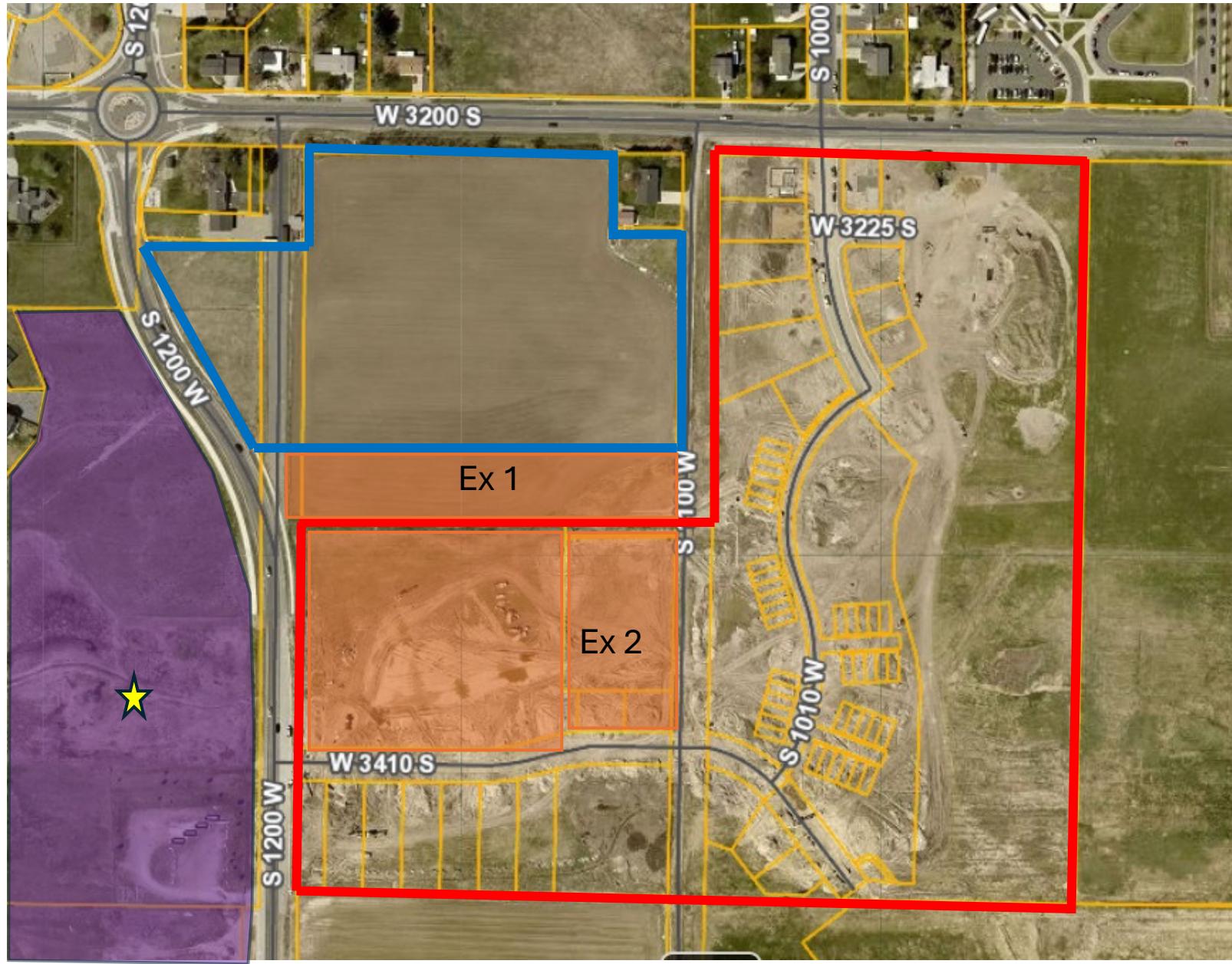
- Nibley Meadows Development
- Hawk Hollow Development
- City Owned Property 1
- City Owned Property 2
- City Owned Property 3



- Nibley Meadows Development
- Hawk Hollow Development
- City Owned Property 1
- City Owned Property 2
- City Owned Property 3
- Approved SW pond



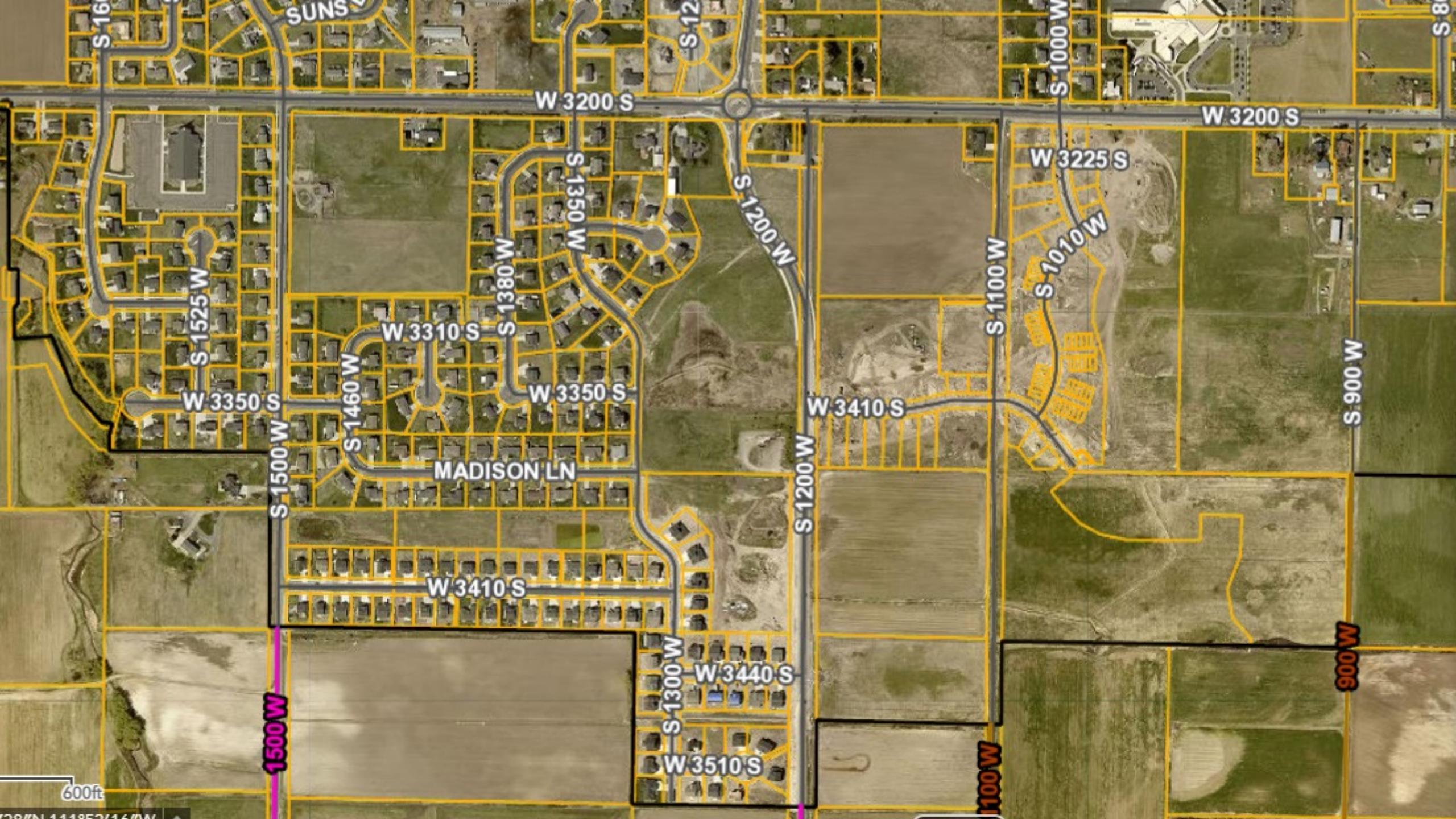
- Nibley Meadows Development
- Hawk Hollow Development
- City Owned Property 1
- City Owned Property 2
- City Owned Property 3
- Approved SW pond
- Proposed Regional SW Pond



- Nibley Meadows Development
- Hawk Hollow Development
- City Owned Property 1
- City Owned Property 2
- City Owned Property 3
- Approved SW pond
- Proposed Regional SW Pond

Request from staff:

- Does Council Support looking into this possibility further?
- Does Council Support spending \$20k budgeted money for design of Nibley Meadow's Park on engineering to determine the technical feasibility of making this all work?
 - With the \$20k we will be able to give a better estimate of hard costs and potential future problems the City may have



Pro's

- Expansion of Nibley Meadow's Park
- Utilize existing wetland
- Provide redundancy for SW

Con's

- Initial costs and recovery of those costs
- Environmental work to be completed
- Maintenance of Regional SW Pond

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Agenda Item #11

Description	Workshop: 2025 Nibley City Council Schedule
Presenter	Justin Maughan, City Manager
Staff Recommendation	
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager

Background:

The past year, Council has a Council meeting every three weeks. Prior to this year, the Council met on the second and fourth Thursdays. Staff would like to discuss how the new schedule has worked for everyone, and if they would prefer to keep it the same next year, or something different.

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